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THE
INTERIM CONSTITUTION
OF
THE ISLAMIC REPUBLIC
OF
PAKISTAN

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THE INTERIM CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allah, the Beneficent, the Merciful

Preamble

WHEREAS sovereignty over the entire Universe belongs to Allah Almighty alone, and the authority to be exercised by the people of Pakistan within the limits prescribed by Him is a sacred trust ;

WHEREAS the Founder of Pakistan, Quaid-i-Azam Mohammad Ali Jinnah, declared that Pakistan would be a democratic State based on Islamic principles of social justice ;

AND WHEREAS the National Assembly, representing the people of Pakistan, has been elected to frame for the sovereign independent State of Pakistan a Constitution ;

WHEREIN the State should exercise its powers and authority through the chosen representatives of the people ;

WHEREIN the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam, should be fully observed ;

WHEREIN the Muslims of Pakistan should be enabled individually and collectively to order their lives in accordance with the teachings and requirements of Islam, as set out in the Holy Quran and Sunnah ;

WHEREIN adequate provision should be made for the minorities freely to profess and practise their religion and develop their culture ;

WHEREIN the territories now included in or in accession with Pakistan and such other territories as may hereafter be included in or accede to Pakistan should form a Federation, wherein the Provinces would be autonomous with such limitations on their powers and authority as might be prescribed ;

WHEREIN should be guaranteed fundamental rights, including rights such as equality of status and of opportunity, equality before law, freedom of thought, expression, belief, faith, worship and association, and social, economic, and political justice, subject to law and public morality ;

WHEREIN adequate provision should be made to safeguard the legitimate interests of minorities and backward and depressed classes ;

WHEREIN the independence of the Judiciary should be fully secured ;

WHEREIN the integrity of the territories of the Federation, its independence and all its rights, including its sovereign rights over land, sea and air should be safeguarded ;

So that the people of Pakistan may prosper and attain their rightful and honoured place amongst the nations of the world and make their full contribution towards international peace and the progress and happiness of humanity ;

NOW, THEREFORE, we the people of Pakistan through our elected representatives in the National Assembly do hereby adopt, enact and give to ourselves this Interim Constitution.

PART I

Introductory

Short title
and commen-
cement.

1.—(1) This Constitution may be called the Interim Constitution of the Islamic Republic of Pakistan.

(2) It shall come into force on the twenty-first day of April, 1972, hereinafter referred to as the "commencing day".

Republic and
its territories.

2.—(1) The State of Pakistan shall be a Republic, to be known as the Islamic Republic of Pakistan.

(2) The Republic shall be a Federation wherein shall be united—

- (a) the Provinces as they existed immediately before the commencing day ;
- (b) Islamabad Capital Territory, hereinafter referred to as the Capital of the Federation ;
- (c) the Centrally Administered Tribal Areas ; and
- (d) such other States and territories as are, or may, with the consent of the Federation, be included in Pakistan, whether by accession or otherwise.

Right of in-
dividuals to
be dealt
with in ac-
cordance
with law,
etc.

3.—(1) To enjoy the protection of law, and to be treated in accordance with law and only in accordance with law, is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Pakistan.

(2) In particular—

- (a) no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law ;
- (b) no person shall be prevented from, or be hindered in doing anything not prohibited by law ; and

- (c) no person shall be compelled to do anything the law does not require him to do.

4. Loyalty to the Republic is the basic duty of every citizen. Loyalty to the Republic.

5. Obedience to law is the basic obligation of every citizen, wherever he may be, and of every other person for the time being within Pakistan. Obedience to law.

PART II

Fundamental Rights and Principles of Policy

6. In this Part, unless the context otherwise requires, "the State" includes the Federal Government, the Federal Legislature, the Provincial Governments, the Provincial Legislatures, and such local or other authorities as are empowered by law to impose any tax or cess. Definition of the State.

CHAPTER I.—FUNDAMENTAL RIGHTS

7.—(1) Any law, or any custom or usage having the force of law, in so far as it is inconsistent with the rights conferred by this Chapter, shall, to the extent of such inconsistency, be void. Laws inconsistent with or in derogation of fundamental rights to be void.

(2) The State shall not make any law which takes away or abridges the rights so conferred, and any law made in contravention of this clause shall, to the extent of such contravention, be void.

(3) The provisions of this Article shall not apply to—

(a) any law relating to members of the Defence Services, or of the Police or of such other forces as are charged with the maintenance of public order, for the purpose of ensuring the proper discharge of their duties or the maintenance of discipline among them; or

(b) any of the laws specified in the First Schedule as in force immediately before the commencing day; 4

and no such law nor any provision thereof shall be void on the ground that such law or provision is inconsistent with, or repugnant to, any provision of this Chapter. as amended by any of the laws specified in that schedule

(4) The right to move the Supreme Court by appropriate proceedings for the enforcement of rights conferred by this Chapter is guaranteed.

8. No person shall be deprived of life or liberty save in accordance with law. Security of person.

9.—(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice. Safeguards as to arrest and detention.

(2) Every person who is arrested and detained in custody shall be produced before a magistrate within a period of twenty-four hours of such arrest, excluding the time necessary for the journey from the place of arrest to the court of the nearest magistrate, and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

*Approved and signed by the President always to have been
P.O. No. 70, 1970-5-2.*

(3) Nothing in clauses (1) and (2) shall apply to any person who is arrested or detained under any law providing for preventive detention.

(4) No law providing for preventive detention shall be made except to deal with persons acting in a manner prejudicial to the integrity, security or defence of Pakistan or any part thereof, or the external affairs of Pakistan, or public order, or the maintenance of supplies or services, and no such law shall authorise the detention of a person for a period exceeding one month unless the appropriate Advisory Board has reviewed his case and reported, before the expiration of the said period, that there is, in its opinion, sufficient cause for such detention, and if the detention is continued after the said period of one month, unless the appropriate Board has reviewed his case and reported, before the expiration of each period of three months, that there is, in its opinion, sufficient cause for such detention.

Explanation.—In this clause, “the appropriate Advisory Board” means—

- (i) in the case of a person detained under a Federal law, a Board consisting of a Judge of the Supreme Court, who shall be nominated by the Chief Justice of Pakistan, and a senior officer in the service of Pakistan, who shall be nominated by the President; and
- (ii) in the case of a person detained under a Provincial law, a Board consisting of a Judge of the High Court of the Province concerned, who shall be nominated by the Chief Justice of that Court, and a senior officer in the service of Pakistan, who shall be nominated by the Governor of that Province.

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, but not later than one week from such detention, communicate to such person the grounds on which the order has been made, and shall afford him the earliest opportunity of making a representation against the order :

Provided that the authority making any such order may refuse to disclose facts which such authority considers it to be against the public interest to disclose.

(6) The authority making the order shall furnish to the Advisory Board all documents relevant to the case, unless a certificate, signed by a Secretary to the Government concerned, to the effect that it is not in the public interest to furnish any such document, is produced.

(7) Within a period of twenty-four months no person shall be detained under any such order as aforesaid for more than a total period of twelve months.

Provided that nothing in this clause shall apply to any person arrested or detained, at any time before the commencing day, under any law providing for preventive detention.

10.—(1) No person shall be held in slavery, and no law shall permit or in any way facilitate the introduction into Pakistan of slavery in any form. Slavery and forced labour prohibited.

(2) All forms of forced labour are prohibited.

(3) Nothing in this Article shall be deemed to affect compulsory service—

- (a) by persons undergoing punishment for offences against any law; or
- (b) required by any law for public purposes.

11. No law shall authorize the punishment of a person—

- (a) for an act or omission which was not punishable by law at the time of the act or omission; or
- (b) for an offence by a penalty greater than, or of a kind different from, the penalty prescribed by law for that offence at the time the offence was committed. Protection against retrospective punishment.

12. Subject to any reasonable restrictions imposed by law in the public interest, every citizen shall have the right to move freely throughout Pakistan and to reside and settle in any part thereof. Freedom of movement.

13. Every citizen shall have the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of public order. Freedom of assembly.

14. Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of morality or public order. Freedom of association.

15. Every citizen, possessing such qualifications, if any, as may be prescribed by law in relation to his profession or occupation, shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business : Freedom of trade, business or profession.

Provided that nothing in this Article shall prevent—

- (a) the regulation of any trade or profession by a licensing system;
- (b) the regulation of trade, commerce or industry in the interest of free competition therein; or
- (c) the carrying on, by the Federal or a Provincial Government, or by a corporation controlled by any such Government, of any trade, business, industry or service, to the exclusion, complete or partial, of other persons.

16. Every citizen shall have the right to freedom of speech and expression, subject to any reasonable restrictions imposed by law in the interest of the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence. Freedom of speech.

Freedom to profess religion and to manage religious institutions.

17. Subject to law, public order and morality—

- (a) every citizen has the right to profess, practise and propagate any religion; and
- (b) every religious denomination and every sect thereof has the right to establish, maintain and manage its religious institutions.

Safeguard against taxation for purposes of any particular religion.

18. No person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion other than his own.

Safeguards as to educational institutions in respect of religion, etc.

19.—(1) No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own.

(2) In respect of any religious institution, there shall be no discrimination against any community in the granting of exemption or concession in relation to taxation.

(3) Subject to law,—

- (a) no religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination;
- (b) no citizen shall be denied admission to any educational institution receiving aid from public revenues on the ground only of race, religion, caste or place of birth;
- (c) every religious community or denomination shall have the right to establish and maintain educational institutions of its own choice, and the State shall not deny recognition to any such institution on the ground only that the management of such institution vests in that community or denomination.

(4) Nothing in this Article shall prevent any public authority from making provision for the advancement of any socially or educationally backward class of citizens.

Provision as to property.

20. Subject to any reasonable restrictions imposed by law in the public interest, every citizen shall have the right to acquire, hold and dispose of property.

Protection of property rights.

21.—(1) No person shall be deprived of his property save in accordance with law.

(2) No property shall be compulsorily acquired or taken possession of save for a public purpose, and save by the authority of law which provides for compensation therefor and either fixes the amount of compensation or specifies the principles on and the manner in which compensation is to be determined and given.

(3) Nothing in this Article shall affect the validity of—

- (a) any law permitting the compulsory acquisition or taking possession of any property for preventing danger to life, property or public health ; or
- (b) any law relating to the acquisition, administration, or disposal of any property which is or is deemed to be evacuee property or enemy property under any law ; or
- (c) any law providing for the taking over by the State for a limited period the management of any property for the benefit of its owner ; or
- (d) any law for the acquisition of any property or means of production for the purpose of—
 - (i) providing free education and free medical aid to all or any specified class of citizens ; or
 - (ii) providing housing facilities to all or any specified class of citizens ; or
 - (iii) providing maintenance to those who, on account of unemployment, sickness, infirmity or old age, are unable to maintain themselves ; or
- (e) any existing law.

(4) The adequacy or otherwise of any compensation provided for by any such law as is referred to in clause (2) or clause (3), or determined in pursuance thereof, shall not be called in question in any court.

(5) In clauses (2) and (3), “property” means immovable property, or any commercial or industrial undertaking, or any interest in any such undertaking.

22.—(1) All citizens are equal before law and are entitled to equal protection of law. Equality of citizens.

(2) There shall be no discrimination on the basis of sex alone.

(3) Nothing in this Article shall prevent the State from enacting any special provision for the protection of women.

23. In respect of access to places of public entertainment or resort, not intended for religious purposes only, there shall be no discrimination against any citizen on the ground only of race, religion, caste, sex or place of birth, but nothing herein shall be deemed to prevent the making of special provision for women. Non-discrimination in respect of access to public places.

24.—(1) No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth : Safeguard against discrimination in services and elective offices.

Provided that for a period of ten years from the commencing day, posts may be reserved for persons belonging to any class or area to secure their adequate representation in the service of Pakistan :

Provided further that in the interest of the said service, specified posts or services may be reserved for members of either sex if such posts or services entail the performance of duties and functions which cannot be adequately performed by members of the other sex.

(2) Nothing in this Article shall prevent any Provincial Government, or any local or other authority in a Province, from prescribing, in relation to any class of service under that Government or authority, conditions as to residence in the Province prior to appointment under that Government or authority.

Preservation
of culture,
script and
language.

25. Any section of citizens having a distinct language, script or culture shall have the right to preserve the same.

Abolition of
untouchability.

26. Untouchability is abolished, and its practice in any form is forbidden and shall be declared by law to be an offence.

CHAPTER 2.—PRINCIPLES OF POLICY

Principles
of Policy.

27.—(1) The Principles set out in this Chapter shall be known as the Principles of Policy, and it is the responsibility of each organ and authority of the State, and of each person performing functions on behalf of an organ or authority of the State, to act in accordance with those Principles in so far as they relate to the functions of the organ or authority.

(2) In so far as the observance of any particular Principle of Policy may be dependent upon resources being available for the purpose, the Principle shall be regarded as being subject to the availability of resources.

(3) In respect of each year, the President in relation to the affairs of the Federation, and the Governor of each Province in relation to the affairs of his Province, shall cause to be prepared and laid before the National Assembly or, as the case may be, the Provincial Assembly, a report on the observance and implementation of the Principles of Policy, and provision shall be made in the rules of procedure of the National Assembly or, as the case may be, the Provincial Assembly, for discussion of such report.

Responsibility
with
respect to
Principles of
Policy.

28.—(1) The responsibility of deciding whether any action of an organ or authority of the State, or of a person performing functions on behalf of an organ or authority of the State, is in accordance with the Principles of Policy is that of the organ or authority of the State, or of the person, concerned.

(2) The validity of an action or of a law shall not be called in question on the ground that it is not in accordance with the Principles of Policy, and no action shall lie against the State, any organ or authority of the State or any person on such ground.

(3) The National Assembly, a Provincial Assembly, the President or a Governor, may refer to the Advisory Council of Islamic Ideology for advice any question as to whether a proposed law is or is not repugnant to the teachings and requirements of Islam as set out in the Holy Quran and Sunnah.

Islam.

29. No law shall be repugnant to the teachings and requirements of Islam as set out in the Holy Quran and Sunnah, and all existing laws shall be brought in conformity with the Holy Quran and Sunnah.

Explanation.—In the application of this Principle to the personal law of any Muslim, the expression "Quran and Sunnah" shall mean the Quran and Sunnah as interpreted by the school of law to which he belongs.

30.—(1) The Muslims of Pakistan should be enabled, individually and collectively, to order their lives in accordance with the fundamental principles and basic concepts of Islam, and should be provided with facilities whereby they may be enabled to understand the meaning of life according to those principles and concepts. Islamic way of life.

(2) The teaching of the Holy Quran and Islamiat to the Muslims of Pakistan should be compulsory.

(3) Unity and the observance of Islamic moral standards should be promoted among the Muslims of Pakistan.

(4) The proper organization of *zakat*, *auqaf* and mosques should be ensured.

31. Parochial, racial, tribal, sectarian and provincial prejudices among the citizens should be discouraged. National solidarity.

32. Special steps should be taken to ensure full participation of women in all spheres of national life. Full participation of women in national life.

33. The legitimate rights and interests of the minorities should be safeguarded, and the members of minorities should be given due opportunity to enter the service of Pakistan. Fair treatment to minorities.

34. Special care should be taken to promote the educational and economic interests of people of backward classes or in backward areas. Promotion of interests of backward people.

35. Steps should be taken to bring on terms of equality with other persons the members of under-privileged castes, races, tribes and groups and, to this end, the under-privileged castes, races, tribes and groups within a Province should be identified by the Government of the Province and entered in a schedule of under-privileged classes. Advancement of under-privileged castes, etc.

36. The people of different areas and classes, through education, training, industrial development and other methods, should be enabled to participate fully in all forms of national activities, including employment in the service of Pakistan. Opportunities to participate in national life, etc.

37. Illiteracy should be eliminated, and free education up to the secondary level should be provided for all, as soon as practicable. Education.

38. Just and humane conditions of work should be provided, and children and women should not be employed in vocations unsuited to their age or sex, and maternity benefits should be provided for women in employment. Humane conditions of work.

39. The well-being of the people, irrespective of caste, creed or race, should be secured— Well-being of the people.

(a) by raising the standard of living of the common man ;

(b) by preventing the undue concentration of wealth and means of production and distribution in the hands of a few, to the detriment of the interest of the common man ;
and

- (c) by ensuring an equitable adjustment of rights between employers and employees and between landlords and tenants.

Opportunity
to gain ad-
equade live-
lihood.

40. All citizens should have the opportunity to work and earn an adequate livelihood, and also to enjoy reasonable rest and leisure.

Social
security.

41. All persons in the service of Pakistan or otherwise employed should be provided with social security by means of compulsory social insurance or otherwise.

Provision
of basic
necessities.

42. The basic necessities of life, such as food, clothing, housing, education and medical treatment, should be provided for citizens who, irrespective of caste, creed or race, are permanently or temporarily unable to earn their livelihood on account of infirmity, disability, sickness or unemployment.

Administra-
tive offices
to be pro-
vided for
public con-
venience.

43. Administrative offices and other services should, as far as practicable, be provided in places where they will best meet the convenience and requirements of the public.

Reduction
of disparity
in remunera-
tion for
public ser-
vices.

44. Disparity in the remuneration of persons in the various classes of the service of Pakistan should, within reasonable and practicable limits, be reduced

Service in
the Defence
Services.

45. Persons from all parts of Pakistan should be enabled to serve in the Defence Services of Pakistan.

Elimination
of Riba.

46. *Riba* (usury) should be eliminated.

Prostitution,
gambling
and drug-
taking to be
discouraged,
etc.

47. Prostitution, gambling and the taking of injurious drugs should be discouraged, and printing, publication and circulation of obscene literature should be prohibited.

Consump-
tion of alco-
hol to be
discouraged.

48. The consumption of alcoholic liquor (except for medicinal purposes, and in the case of non-Muslims for religious purposes) should be discouraged.

Strengthen-
ing bonds
with the
Muslim
world and
promoting
international
peace.

49. The bonds of unity among Muslim countries should be preserved and strengthened, international peace and security should be promoted, goodwill and friendly relations among all nations should be fostered, and the settlement of international disputes by peaceful means should be encouraged.

PART III

The Federation of Pakistan

CHAPTER I.—THE FEDERAL EXECUTIVE

The President

50. (1) There shall be a President of Pakistan, who shall be elected in accordance with the provisions of this Constitution. President of Pakistan.

(2) The President shall make before the Chief Justice of Pakistan an oath in such form set out in the Second Schedule as is applicable to his office.

(3) A person shall not be elected as President unless—

- (a) he is a Muslim ;
- (b) he has attained the age of forty years ;
- (c) he is qualified to be elected as a member of the National Assembly.

51. If at any time the office of President falls vacant, the members of the National Assembly shall elect a President in accordance with the provisions of the Third Schedule. Election of President

52. (1) Subject to this Constitution, a President shall hold office for a term of five years from the date he enters upon his office : Term of office of President.

Provided that the President shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) A President may, by writing under his hand addressed to the Speaker of the National Assembly, resign his office.

53.—(1) A President may be impeached on a charge of violating the Constitution or gross misconduct. Impeachment of the President.

(2) No such charge shall be preferred unless not less than forty members of the National Assembly give to the Speaker of that Assembly notice of their intention to move a resolution for the impeachment of a President, and no such resolution shall be moved in the Assembly unless fourteen days have expired from the date on which notice of such resolution is communicated to the President.

(3) The President shall have the right to appear and be represented during the consideration of the charge.

(4) If, after the consideration of the charge, a resolution is passed by the National Assembly, by a majority of votes of the members present and voting, declaring that the charge has been substantiated, the President shall vacate his office on the date on which the resolution is passed :

Provided that the number of members constituting the majority is not less than seventy-five.

(5) Where the Vice-President is exercising the functions of the President under Article 60, the provisions of this Article shall apply subject to the modification that the reference in clause (4) to the removal from office of President shall be construed as a reference to the removal of the Vice-President from his office as Vice-President ;

and on the passing of a resolution such as is referred to in clause (4), the Vice-President shall cease to exercise the functions of President.

Functions of President.

54. (1) Subject to this Constitution, the executive authority of the Federation shall be exercised by the President either directly or through officers subordinate to him, but nothing in this Article shall prevent the Federal Legislature from conferring functions upon subordinate authorities, or be deemed to transfer to the President any functions conferred by any existing law on any court, judge or officer or any local or other authority.

(2) References in this Constitution to the functions of the President shall be construed as references to his powers and duties in the exercise of the executive authority of the Federation and to any other powers and duties conferred or imposed on him as President by or under this Constitution.

(3) The salary, allowances and privileges of the President shall be such as may from time to time be defined by Act of the Federal Legislature, and until so defined, the President shall be entitled to the salary, allowances and privileges to which he was entitled immediately before the commencing day.

President to have supreme command of Defence Services.

55. The Supreme Command of the Defence Services of Pakistan is vested in the President, to be exercised by him subject to law.

President to appoint Chief Commanding Officers.

56. (1) The President shall appoint—

- (a) a person to be the Chief of Staff of the Pakistan Army;
- (b) a person to be the Chief of Staff of the Pakistan Navy; and
- (c) a person to be the Chief of Staff of the Pakistan Air Force.

(2) The President may require that appointments to such other offices connected with Defence as he may specify shall be made by him or in such manner as he may direct.

(3) The pay and allowances of the Chief of Staff of the Pakistan Army, the Chief of Staff of the Pakistan Navy, and the Chief of Staff of the Pakistan Air Force, appointed under clause (1), shall be such as the President may determine.

The Vice-President

Vice-President of Pakistan.

57. (1) There shall be a Vice-President of Pakistan, who shall be elected in accordance with the provisions of this Constitution.

(2) The Vice-President shall make before the President an oath in such form set out in the Second Schedule as is applicable to his office.

(3) A person shall not be elected as Vice-President unless—

- (a) he is a Muslim;
- (b) he has attained the age of forty years;
- (c) he is a member of the National Assembly.

58. (1) If at any time the office of Vice-President falls vacant, the members of the National Assembly shall elect a Vice-President in accordance with the provisions of the Third Schedule, and until the Vice-President so elected enters upon his office, the President may appoint a person qualified under clause (3) of the last preceding Article to be the Vice-President.

Election of Vice-President, etc.

(2) The Vice-President shall be deemed to be a member of the President's Council of Ministers, and shall take precedence next after the President.

59. (1) Subject to this Constitution, the Vice-President shall hold office for a term of five years from the date of his election :

Term of office of Vice-President.

Provided that the Vice-President shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The Vice-President may, by writing under his hand addressed to the President, resign his office.

(3) The provisions of Article 53, except clause (5) thereof, shall *mutatis mutandis* apply in relation to a Vice-President as they apply in relation to a President.

60. (1) The functions of the Vice-President shall be such as may from time to time be assigned to him by the President ; and whenever the President is absent from Pakistan, or is unable to perform his functions due to illness or any other cause, the Vice-President shall perform the functions of the President, until the President resumes his duties.

Functions of Vice-President.

(2) Save as otherwise provided, the salary, allowances and privileges of the Vice-President shall be such as may from time to time be defined by Act of the Federal Legislature, and until so defined, the Vice-President shall be entitled to the salary, allowances and privileges to which he was entitled immediately before the commencing day.

(3) If the office of President becomes vacant, by reason of death or resignation, the Vice-President shall act as President until such time as a President is elected and enters upon his office.

(4) The Vice-President, during and in respect of the period he acts as President, or performs the functions of the President, shall have all the powers of the President other than the power to dissolve the National Assembly or to remove a Governor, a Minister or a Minister of State.

Extent of Executive Authority

61. Subject to the provisions of this Constitution, the executive authority of the Federation extends to the matters with respect to which the Federal Legislature has power to make laws, including the exercise of rights, authority and jurisdiction in and in relation to areas outside Pakistan :

Extent of executive authority of the Federation.

Provided that the said authority does not, save as expressly provided in this Constitution, extend in any Province to matters with respect to which the Provincial Legislature has power to make laws.

See in my hand

20 Jan 1973 P.O. No. 16/7/73, Art 2.

Administration of Federal Affairs

Council of
Ministers.

62. There shall be a Council of Ministers, to aid and advise the President in the exercise of his functions.

Other provis-
ions as to
Ministers.

63. (1) The President's Ministers shall be chosen and summoned by him, shall make before the President oath in such form set out in the Second Schedule as is applicable to their office, and shall hold office during the pleasure of the President.

(2) A Minister who is not a member of the National Assembly shall cease to be a Minister on the fourteenth day of August, 1973."

(3) The salaries, allowances and privileges of Ministers shall be such as may from time to time be defined by Act of the Federal Legislature, and until so defined, Ministers shall be entitled to the salaries, allowances and privileges to which Ministers were entitled immediately before the commencing day.

(4) The question whether any, and if so what, advice was tendered by Ministers to the President shall not be inquired into in any court.

(5) A Minister may, by writing under his hand addressed to the President, resign his office.

Ministers of
State.

64. (1) The President may choose and summon one or more Ministers of State to perform such functions as he may determine, and they shall make before the President oath in such form set out in the Second Schedule as is applicable to their office, and hold office during the pleasure of the President.

(2) A Minister of State shall not be a member of the President's Council of Ministers, but it shall be his duty to attend the Council in respect of such matters and upon such occasions as the President may require.

(3) The provisions of clauses (2), (4) and (5) of the last preceding Article shall apply to Ministers of State as they apply to Ministers.

(4) The salaries, allowances and privileges of Ministers of State shall be such as may from time to time be defined by Act of the Federal Legislature, and until so defined, as may be determined by the President.

Attorney-
General for
Pakistan.

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

(2) 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 President, and in the performance of his duties he shall have right of audience in all courts and tribunals in Pakistan.

(3) The Attorney-General shall hold office during the pleasure of the President, and shall receive such remuneration as the President may determine.

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

In Subs. by P.O. No. 2 of 1973

Administration of Federal Affairs

Council of
Ministers.

62. There shall be a Council of Ministers, to aid and advise the President in the exercise of his functions.

Other provis-
ions as to
Ministers.

63. (1) The President's Ministers shall be chosen and summoned by him, shall make before the President oath in such form set out in the Second Schedule as is applicable to their office, and shall hold office during the pleasure of the President.

~~(2) A Minister who, for any period of twelve consecutive months, is not a member of the National Assembly, shall, at the expiration of that period, cease to be a Minister.]~~

(3) The salaries, allowances and privileges of Ministers shall be such as may from time to time be defined by Act of the Federal Legislature, and until so defined, Ministers shall be entitled to the salaries, allowances and privileges to which Ministers were entitled immediately before the commencing day.

(4) The question whether any, and if so what, advice was tendered by Ministers to the President shall not be inquired into in any court.

(5) A Minister may, by writing under his hand addressed to the President, resign his office.

Ministers of
State.

64. (1) The President may choose and summon one or more Ministers of State to perform such functions as he may determine, and they shall make before the President oath in such form set out in the Second Schedule as is applicable to their office, and hold office during the pleasure of the President.

(2) A Minister of State shall not be a member of the President's Council of Ministers, but it shall be his duty to attend the Council in respect of such matters and upon such occasions as the President may require.

(3) The provisions of clauses (2), (4) and (5) of the last preceding Article shall apply to Ministers of State as they apply to Ministers.

(4) The salaries, allowances and privileges of Ministers of State shall be such as may from time to time be defined by Act of the Federal Legislature, and until so defined, as may be determined by the President.

Attorney-
General for
Pakistan.

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

(2) 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 President, and in the performance of his duties he shall have right of audience in all courts and tribunals in Pakistan.

(3) The Attorney-General shall hold office during the pleasure of the President, and shall receive such remuneration as the President may determine.

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

1. Section 65 P.F.A. 1973 Act-2

66. (1) All executive actions of the Federal Government shall be expressed to be taken in the name of the President. Conduct of
business of
Federal
Government.

(2) Orders and other instruments made and executed in the name of the President shall be authenticated in such manner as may be specified in rules to be made by the President, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the President.

(3) The President shall make rules for the more convenient transaction of the business of the Federal Government, and for the allocation among Ministers and Ministers of State of the said business.

(4) The rules shall include provisions requiring Ministers, Ministers of State and Secretaries to Government to transmit to the President all such information with respect to the business of the Federal Government as may be specified in the rules, or as the President may otherwise require to be so transmitted.

CHAPTER 2.—THE FEDERAL LEGISLATURE

General

67. (1) There shall be a Federal Legislature, which shall consist of the President and the National Assembly. Constitution
of the Federa
Legislature,
etc.

P.O.
No. 11
of
1972. (2) The National Assembly summoned to meet under the National Assembly (Short Session) Order, 1972, shall be the first National Assembly under this Constitution.

(3) The National Assembly, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting under this Constitution and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly.

68. (1) The National Assembly shall be summoned to meet at least twice in every year, and six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session. Summoning
of National
Assembly,
its proroga-
tion and
dissolution.

(2) Subject to the provisions of clause (1), the President may from time to time—

(a) summon the National Assembly to meet at such time and place as he thinks fit ; and

(b) except when it has been summoned by the Speaker under clause (4), prorogue the National Assembly :

Provided that the National Assembly shall for the first time be summoned to meet on the fifteenth day of August, 1972.

(3) After a general election, the National Assembly shall be summoned to meet within thirty days of the declaration of the results of the election.

(4) The Speaker of the National Assembly may, at the request of not less than forty members of the Assembly, summon the Assembly within fourteen days of such request, and when the Speaker has summoned it, he may prorogue it.

(5) Nothing in clauses (1), (2) and (3) shall apply to the summoning of the National Assembly for the making of the Constitution.

(6) The President may at any time dissolve the National Assembly, but the first National Assembly under this Constitution shall not be dissolved before the fourteenth day of August, 1973.

Right of
President
to address
and send
messages to
National
Assembly.

69. (1) The President may address the National Assembly, and for that purpose require the attendance of its members.

(2) The President may send messages to the National Assembly, whether with respect to a Bill then pending in the Assembly or otherwise, and the Assembly shall with all convenient dispatch consider any matter which it is required by the message to take into consideration.

Rights of
Ministers and
Attorney-
General as
respects
National
Assembly.

70. Every Minister, Minister of State, and the Attorney-General shall have the right to speak in, and otherwise take part in the proceedings of, the National Assembly, or any committee thereof of which he may be named a member, but shall not, by virtue of this Article, be entitled to vote.

Speaker and
Deputy
Speaker of
National
Assembly.

71. (1) As soon as may be after the commencing day, the National Assembly shall, at its first meeting, choose two of its members to be respectively Speaker and Deputy Speaker thereof and, so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall choose another member to be Speaker or, as the case be, Deputy Speaker.

(2) Before he enters upon his office, the person chosen as Speaker or as Deputy Speaker shall make before the President and Speaker, respectively, an oath in such form set out in the Second Schedule as is applicable to his office.

(3) At any time when the office of Speaker is vacant, or the Speaker is absent or is unable to perform the functions of his office due to illness or any other cause, the Deputy Speaker shall act as Speaker, except that, if at that time, the Deputy Speaker is also absent or is unable to act as Speaker due to illness or other cause, such member as may be determined by the rules of procedure of the Assembly shall act as Speaker.

(4) The Speaker may, by writing under his hand addressed to the President, resign his office.

(5) The Deputy Speaker may, by writing under his hand addressed to the Speaker, resign his office.

(6) The office of Speaker or Deputy Speaker shall become vacant if—

- (a) he ceases to be a member of the Assembly; or
- (b) he is removed from office by a resolution of the Assembly, of which not less than fourteen days' notice has been given, and which is passed by a majority of votes of the members of the Assembly present and voting:

Provided that the number of members constituting the majority is not less than seventy-five.

(7) Whenever the Assembly is dissolved, the Speaker shall not vacate his office until the person chosen to fill the office by the next Assembly has entered upon his office.

(8) The salaries, allowances and privileges of the Speaker and Deputy Speaker shall be such as may from time to time be defined by Act of the Federal Legislature, and until so defined, as may be determined by the President.

72. (1) Save as in this Constitution otherwise expressly provided, all questions in the National Assembly shall be determined by a majority of votes of the members present and voting, other than the Speaker, or the person acting as such, who shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

Voting in
Assembly,
power of
Assembly
to act not-
withstanding
vacancies,
and quorum.

(2) The National Assembly shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Assembly shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled to do so, sat or voted or otherwise took part in the proceedings.

(3) If at any time during a meeting of the National Assembly less than forty members are present, it shall be the duty of the Speaker, or the person acting as such, either to adjourn the Assembly, or to suspend the meeting until at least forty members are present.

73. The provisions of the last preceding Article shall have effect notwithstanding that all or a majority of the members of the National Assembly from a Province fail to participate in the proceedings of the Assembly, and any proceedings in the Assembly shall be valid notwithstanding the absence of such members.

Validity of
proceedings
of Assembly
notwithstand-
ing absence of
certain
members.

Provisions as to Members of the National Assembly

74. A person who is a member of the National Assembly shall not sit or vote in the Assembly until he makes before the President an oath in such form set out in the Second Schedule as is applicable to his office.

Oath of
members.

75.—(1) If a member of the National Assembly—

(a) becomes subject to any of the disqualifications mentioned in the next succeeding Article, or

Vacation of
seats.

(b) by writing under his hand addressed to the President resigns his seat,

his seat shall become vacant.

(2) If for sixty days a member of the National Assembly is, without permission of the Assembly, absent from all meetings thereof, the Assembly may declare his seat vacant :

Provided that in computing the said period of sixty days, no account shall be taken of any period during which the Assembly is prorogued, or is adjourned for more than four consecutive days.

76.—(1) A person shall be disqualified from being elected as, and from being, a member of the National Assembly if—

Disqualifica-
tions for
membership.

(a) he is of unsound mind and has been so declared by a competent court ; or

- (b) he is an undischarged insolvent ; or
- (c) he has been, after the twentieth day of December, 1971, on conviction for any offence, sentenced to transportation for any term or to imprisonment for a term of not less than two years, unless a period of five years, or such less period as the President may allow in any particular case, has elapsed since his release ; or
- (d) he has been dismissed for misconduct from the service of Pakistan, unless a period of five years, or such less period as the President may allow in any particular case, has elapsed since his dismissal ; or
- (e) he, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account or as a member of a Hindu undivided family, has any share or interest in a contract, not being a contract between a co-operative society and Government, for the supply of goods to, or for the execution of any work or the performance of any service undertaken by, Government :

Provided that the disqualification under this paragraph shall not apply to a person—

- (i) where the share or interest in the contract devolves on him by inheritance or succession or as a legatee, executor or administrator, until the expiration of six months after it has so devolved on him, or such longer period as the President may in any particular case allow ; or
- (ii) where the contract has been entered into by or on behalf of a public company as defined in the Companies Act, 1913, of which he is a share-holder but is neither a director nor a person holding an office of profit under the company nor a managing agent ; or
- (iii) where he is a member of a Hindu undivided family and the contract has been entered into by any other member of that family in the course of carrying on a separate business in which he has no share or interest ; or
- (f) he holds any office of profit in the service of Pakistan other than an office which is not a whole time office remunerated either by salary or by fee :

Provided that for the purpose of this paragraph an office of profit in the service of Pakistan does not include—

- (i) the office of President ;
- (ii) the office of Vice-President ;
- (iii) the office of Governor ;
- (iv) the office of member of the President's Council of Ministers ;
- (v) the office of Minister of State ;

- (vi) the office of Adviser to the President ;
- (vii) the office of member of a Governor's Council of Ministers ;
- (viii) the office of Adviser to a Governor ;
- (ix) the office of Special Assistant to the President, when held by a person who is not a member of a regular service ;
- (x) the office of Ambassador of Pakistan in a foreign country, when held by a person who is not a member of a regular service ;
- (xi) the offices of Lambardar, Inamdar, Sufedposh and Zaildar, whether called by this or any other title ;
- (xii) Reserves of the Armed Forces, howsoever described ;
- (xiii) the Razakars ;
- (xiv) any office the holder whereof, by virtue of holding such office, is liable to be called up for military training or military service under any law providing for the constitution or raising of a force ;
- (xv) any other office which is declared by Act of the Federal Legislature not to disqualify its holder from being elected as, or from being, a member of the National Assembly or a Provincial Assembly.

(2) For the avoidance of doubt, it is hereby declared that a Judge of the Supreme Court or a High Court, the Auditor-General, the Attorney-General and an Advocate-General are persons holding office of profit in the service of Pakistan.

(3) If any question arises whether a member of the National Assembly has, after his election, become disqualified from being a member of the Assembly, the Speaker of the Assembly shall refer the question to the Chief Election Commissioner, and if the Chief Election Commissioner is of the opinion that the member has become disqualified, the member shall cease to be a member.

(4) A person shall be disqualified from being elected as a member of the National Assembly while he is serving a sentence of transportation or of imprisonment of more than two years for a criminal offence.

77. If a person sits or votes as a member of the National Assembly when he is not qualified or is disqualified for membership thereof, he shall be liable, on being sued by any citizen, in respect of each day on which he so sits or votes, to a penalty of five hundred rupees, to be recovered as a debt due to the Federation. Penalty for sitting and voting when not qualified, or when disqualified.

78. (1) Subject to the provisions of this Constitution and to the rules of procedure of the National Assembly, there shall be freedom of speech in the Assembly, and no member of the Assembly shall be liable to any proceedings in any court in respect of anything said or done by him in the Assembly. Privileges of members, etc.

~~Assembly" the words and comma [powers, immunities of, and~~
~~and privileges of the National Assembly and a committee under~~
~~thereof and the immunities and privileges of members proceed-~~
~~of the National Assembly and a committee thereof]~~

~~the words [by the National Assembly and a committee] shall be substituted, and~~
~~thereof and members of the National Assembly and a committee thereof] shall be substituted, and~~
~~immediately before the commencing day, enjoyed by members of the National Assembly.]~~

Subs. by Post-Constitution P.O. No. 6 of 1972, Art. 2.

~~(3) Nothing in any existing law, and notwithstanding anything in the foregoing provisions of this Article, nothing in this Constitution shall be construed as conferring, or empowering the Federal Legislature to confer, on the National Assembly or any committee or officer of the Assembly, the status of a court, or any punitive or disciplinary powers other than the power to remove or exclude persons infringing the rules or otherwise behaving in a disorderly manner.~~

~~(4) Provision may be made by Act of the Federal Legislature for the punishment, on conviction before a court, of persons who refuse to give evidence or produce documents before a committee of the National Assembly when duly required by the chairman of the committee so to do:~~

Provided that any such Act shall have effect for regulating the attendance before such committee, or have been, in the service of Pakistan ~~confidential matter from disclosure, as may be~~ ch rule
who
of

Clause 5 stet

(5) The provisions of this Article have the right to speak in, and otherwise of, the National Assembly or any members of the Assembly.

Salaries and allowances of members.

79. The salaries and allowances of members of the National Assembly shall be such as may be determined by the National Assembly, subject to the approval of the National Assembly, and shall be payable to members of the Assembly from the commencing day.

Provision as to pending Bills.

80. (1) A Bill pending in the National Assembly shall not lapse by reason of the dissolution of the Assembly.

(2) A Bill pending in the National Assembly shall not lapse on the dissolution of the Assembly.

President's assent to Bills.

81. (1) The President shall be present at the sittings of the National Assembly, either that he assent to the Bill or that he withhold assent therefrom.

Provided that the President may, with a message requesting any specified provisions the desirability of introducing any Bill, in his message.

(2) When the President has declared that he withholds assent from a Bill, the National Assembly shall be competent to reconsider the Bill, and if it is again passed, with or without amendment, by the Assembly, by a majority of votes of the members present and voting, it shall be again presented to the President, and the President shall assent thereto:

Provided that the number of members constituting the majority is not less than seventy-five.

(3) When the President has returned a Bill to the National Assembly, it shall be reconsidered by the Assembly, and if it is again passed, with or without amendment, by the Assembly, by such majority of votes as is required under clause (2), it shall be again presented to the President, and the President shall assent thereto.

Procedure in Financial Matters

82. (1) All revenues received and all loans raised by the Federal Government, and all moneys received by the Federal Government in repayment of any loan, shall form part of one consolidated fund, to be known as the Federal Consolidated Fund.

Federal Consolidated Fund and Public Account.

(2) All other moneys received by or on behalf of the Federal Government shall be credited to the Public Account of the Federation.

(3) All moneys received by or deposited with the Supreme Court, or any other court established under the authority of the Federation, shall also be credited to the Public Account of the Federation.

83. The custody of the Federal Consolidated Fund, the payment of moneys into, and the withdrawal of moneys from, that Fund, and the custody of other moneys received or deposited under clause (2) or clause (3) of the last preceding Article, their payment into the Public Account of the Federation, and the withdrawal of such moneys from such Account, and all matters connected with or ancillary to the aforesaid matters, shall be regulated by or under Act of the Federal Legislature, or until provision in that behalf is so made, by rules made by the President.

Custody, etc. of public moneys of Federal Government.

84. (1) The President shall, in respect of every financial year, cause to be laid before the National Assembly, a statement of the estimated receipts and expenditure of the Federation for that year, hereafter in this Chapter referred to as the Annual Budget Statement.

Annual Budget Statement.

(2) The estimates of expenditure embodied in the Annual Budget Statement shall show separately—

- (a) the sums required to meet expenditure described by this Constitution as expenditure charged upon the Federal Consolidated Fund, and
- (b) the sums required to meet other expenditure proposed to be made from the Federal Consolidated Fund,

and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be expenditure charged on the Federal Consolidated Fund :—

- (a) the salary, allowances and pension of the President and other expenditure relating to his office ;
- (b) the salary and allowances of the Vice-President and other expenditure relating to his office ;
- (c) the salaries and allowances of the President of the National Assembly, and the Speaker and Deputy Speaker of the National Assembly ;
- (d) the salaries, allowances and pensions payable to or in respect of Judges of the Supreme Court ;
- (e) the salary and allowances of the Attorney-General ;
- (f) the salaries and allowances of members of the Election Commission, members of the Federal Public Service Commission, and the Auditor-General ;

- (g) debt charges for which the Federation is liable, including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;
- (h) any sums required to satisfy any judgment, decree or award of any court or tribunal against the Federation;
- (i) any other expenditure declared by this Constitution or any Act of the Federal Legislature to be so charged.

Procedure
in Assembly
with respect
to estimates.

85. (1) So much of the estimates of expenditure as relates to expenditure charged upon the Federal Consolidated Fund shall not be submitted to the vote of the National Assembly, but nothing in this clause shall be construed as preventing the discussion in the Assembly of any of those estimates.

(2) So much of the said estimates as relates to other expenditure shall be submitted, in the form of demands for grants, to the National Assembly, which shall have power to assent to or to refuse to assent to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the President.

Authentica-
tion of
schedule of
authorized
expenditure.

86. (1) The President shall authenticate by his signature a schedule specifying—

- (a) the grants made by the National Assembly under the last preceding Article;
- (b) the several sums required to meet the expenditure charged upon the Federal Consolidated Fund but not exceeding, in the case of any sum, the sum shown in the statement previously laid before the Assembly.

(2) The schedule so authenticated shall be laid before the National Assembly but shall not be open to discussion or vote therein.

(3) Subject to the provisions of the next succeeding Article, no expenditure from the Federal Consolidated Fund shall be deemed to be duly authorized unless it is specified in the schedule so authenticated.

Supple-
mentary
and excess
statements of
expenditure.

87. (1) If in respect of any financial year, further expenditure from the Federal Consolidated Fund becomes necessary over and above the expenditure theretofore authorized for that year, the President shall cause to be laid before the National Assembly a supplementary statement showing the estimated amount of that expenditure and the provisions of the last three preceding Articles shall have effect in relation to that statement and that expenditure as they have effect in relation to the Annual Budget Statement and the expenditure mentioned therein.

(2) If in respect of any financial year, money is found to have been expended from the Federal Consolidated Fund for a particular purpose and that expenditure is in excess of the amount authorized to be expended for that purpose for that year, the President shall cause to be laid before the National Assembly an excess statement showing the excess amount of that expenditure, and the provisions of

the last three preceding Articles shall have effect in relation to that statement and that expenditure as they have effect in relation to the Annual Budget Statement and the expenditure mentioned therein.

88. (1) Except on the recommendation of the President, no Bill or amendment shall be introduced or moved in the National Assembly if—

Special provisions as to Money Bills.

- (a) it would, if enacted and brought into operation, involve expenditure from the revenues or other moneys of the Federal Government; or
- (b) it makes provision for any of the matters, or any matter incidental to any of the matters, specified below :—
 - (i) the imposition, abolition, remission, alteration or regulation of any tax ;
 - (ii) the borrowing of money, or the giving of any guarantee, by the Federal Government, or the amendment of the law relating to the financial obligations of the Federal Government ;
 - (iii) the imposition of a charge upon the Federal Consolidated Fund, or the abolition or alteration of any such charge ;
 - (iv) the custody of the Federal Consolidated Fund, the payment of moneys into, or the issue of moneys from, that Fund ;
 - (v) the custody, receipt or issue of any other moneys of the Federal Government ;
 - (vi) the audit of the accounts of the Federal Government or of a Provincial Government.

(2) Clause (1) does not apply to a Bill or amendment by reason only that it provides—

- (a) for the imposition or alteration of any fine or other pecuniary penalty, or for the demand or payment of a licence fee or a fee or charge for any service rendered ; or
- (b) for the imposition, abolition, remission, alteration or regulation of any tax by any local authority for local purposes.

(3) A Bill to which clause (1) relates shall be referred to as a "Money Bill".

89. No tax shall be levied for the purposes of the Federal Government except by or under the authority of an Act of the Federal Legislature.

Tax to be imposed only by law.

90. Notwithstanding anything contained in the foregoing provisions relating to financial matters, the National Assembly shall have power to make any grant in advance in respect of the estimated expenditure for a part of any financial year, not exceeding three months, pending the completion of the procedure prescribed in Article 83 for the voting of such grant and the authentication of the schedule of expenditure in accordance with the provisions of Article 84 in relation to that expenditure.

Votes on account.

Procedure Generally

Rules of
procedure.

91. (1) The National Assembly may, subject to the provisions of this Constitution, make rules for regulating its procedure and the conduct of its business.

(2) Until rules are made under this Article, the procedure and conduct of business in the National Assembly shall be regulated by the rules of procedure made by the President.

Restrictions
on discussion
in the Na-
tional
Assembly.

92. No discussion shall take place in the National Assembly with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties.

Courts not
to inquire
into pro-
ceedings
of National
Assembly.

93. (1) The validity of any proceedings in the National Assembly shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or other member of the Assembly in whom powers are vested by or under this Constitution or any law for regulating procedure or the conduct of business, or for maintaining order, in the Assembly, shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

CHAPTER 3.—LEGISLATIVE POWERS OF PRESIDENT

Power of
President to
promulgate
Ordinances.

94. (1) The President may, at a time when the National Assembly stands dissolved or is not in session, make and promulgate Ordinances for the peace and good Government of Pakistan or any part thereof, and any Ordinance so made shall have the like force of law as an Act of the Federal Legislature, but the power of making Ordinances under this Article is subject to the like restrictions as the power of the Federal Legislature to make laws, and any Ordinance made under this Article may be controlled or superseded by any such Act.

(2) Notwithstanding any restrictions imposed by the preceding clause, an Ordinance made under this Article may authorize expenditure from the Federal Consolidated Fund.

(3) An Ordinance promulgated under this Article—

(a) shall be laid before the National Assembly and shall cease to operate at the expiration of six weeks from the reassembly thereof, or if before the expiration of that period, a resolution disapproving it is passed by the Assembly, upon the passing of that resolution;

(b) may be withdrawn at any time by the President.

(4) In clauses (1) and (3), references to the time when the National Assembly is not in session and to the reassembly thereof shall be deemed to include references respectively—

(a) to the time following immediately upon the dissolution of the Assembly; and

(b) to the first assembly of the next.

CHAPTER 4.—ENACTMENT OF CONSTITUTION

95. (1) The principal function of the National Assembly shall be to enact a Constitution for Pakistan. National Assembly to enact Constitution.

(2) The National Assembly shall cease to exercise its function under clause (1) at the expiration of a period of one year from the fourteenth day of August, 1972, or on such earlier date on which the enactment of the Constitution is completed.

P.O. No. 11 of 1972. 96. (1) The President of the National Assembly elected under Article 6 of the National Assembly (Short Session) Order, 1972, shall be the President of the National Assembly whenever it functions under this Chapter. Sessions of National Assembly for making Constitution.

(2) If at any time the office of President of the National Assembly falls vacant, the Assembly, shall choose from amongst its members a President of the Assembly, and the President so chosen shall, before he enters upon his office, make an oath in such form set out in the Second Schedule ~~at~~ is applicable to his office.

(3) At any time when the office of President of the National Assembly is vacant, or the President of the National Assembly is absent or is unable to perform the functions of his office due to illness or any other cause, the Speaker of the National Assembly shall act as President of the Assembly, and if neither of them is present, the Deputy Speaker of the National Assembly shall act as President of the Assembly.

(4) The President of the National Assembly may from time to time—

(a) summon the National Assembly to meet at such time and place as he thinks fit ;

(b) prorogue the National Assembly :

Provided that the National Assembly shall for the first time be summoned to meet on the fourteenth day of August, 1972.

(5) The Constitution enacted by the National Assembly, or a Bill amending this Constitution passed by the Assembly, shall not require the assent of the President of Pakistan, and its authentication by the President of the National Assembly shall be sufficient for its enforcement.

(6) Whenever the National Assembly sits under this Chapter, no business other than the business with respect to the making of the Constitution, or an amendment of this Constitution, shall be transacted.

(7) All questions at any such sitting as aforesaid shall be determined by a majority of votes of the members present and voting:

Provided that the number of members constituting the majority is not less than seventy-five.

Salary, allowances and privileges of President of National Assembly. **97.** Unless he holds any other office under this Constitution, the President of the National Assembly shall be entitled to such salary, allowances and privileges as may be defined by Act of the Federal Legislature, and until so defined, as the President may determine.

Rules of procedure. **98.** The National Assembly functioning under this Chapter may, subject to the provisions of this Constitution, make rules for regulating its procedure and the conduct of its business, and until such rules are made, the President of the National Assembly may make rules to regulate its procedure and the conduct of its business.

Provisions to take effect notwithstanding Chapter 2. **99.** The provisions of this Chapter shall have effect notwithstanding anything to the contrary contained in Chapter 2 of this Part.

PART IV

The Provinces

CHAPTER 1.—THE GOVERNORS

Appointment of Governor. **100.** (1) There shall be a Governor for each Province, who shall be appointed by the President and shall hold office during the pleasure of the President.

(2) A person shall not be appointed to be the Governor of a Province unless he is qualified to be elected as a member of the National Assembly.

(3) The salary, allowances and privileges of the Governor shall be such as may be determined by the President.

(4) Every person appointed to be the Governor of a Province shall, before he enters upon his office, make before the President an oath in such form set out in the Second Schedule as is applicable to his office.

(5) A Governor may, by writing under his hand addressed to the President, resign his office.

Acting Governor. **101.** At any time when a Governor is absent from Pakistan, or is unable to perform the functions of his office due to illness or any other cause, such other person as the President may direct shall act as Governor and perform the functions of that office.

Executive authority of Province. **102.** (1) The executive authority of a Province shall be exercised by the Governor, either directly or through officers subordinate to him, but nothing in this Article shall prevent the Federal or the Provincial Legislature from conferring functions upon subordinate authorities, or be deemed to transfer to the Governor any functions conferred by any existing law on any court, judge, or officer or any local or other authority.

(2) Subject to the provisions of this Constitution, the executive authority of each Province extends to the matters with respect to which the Legislature of the Province has power to make laws.

Administration of Provincial Affairs

103. (1) There shall be a Council of Ministers, with the Chief Minister at its head, to aid and advise the Governor in the exercise of his functions. Governor's Council of Ministers.

(2) The question whether any and, if so what, advice has been tendered by the Council of Ministers or a Minister shall not be inquired into in any court or tribunal whatsoever.

(3) A Minister shall before entering upon his office make before the Governor an oath in such form set out in the Second Schedule as is applicable to his office.

104. (1) The Governor shall appoint as Chief Minister a person as to whom he is satisfied that he commands the confidence of the majority of the total number of members of the Assembly. In case of doubt, the Governor shall proceed as provided in clause (8) for the purpose of being so satisfied. Other provisions as to Ministers.

(2) Other Ministers shall be appointed and removed from office by the Governor on the advice of the Chief Minister.

(3) The Council of Ministers shall be collectively responsible to the Provincial Assembly.

(4) In the exercise of his functions, the Governor shall act in accordance with the advice of the Council of Ministers or, as the case may be, the appropriate Minister, except as otherwise provided in this Constitution.

(5) (a) The Chief Minister shall hold office during the pleasure of the Governor, but the Governor shall not remove a Chief Minister from office unless he is satisfied that the Chief Minister does not command the confidence of the majority of the total number of members of the Provincial Assembly.

(b) A vote of no-confidence in a Chief Minister shall not be moved in the Provincial Assembly, unless by the same resolution, the name of another member of that Assembly is put forward as the successor, and a request is made to the Governor to dismiss the Chief Minister. In the event that a resolution is passed by a majority of votes of the members present and voting, the Governor shall dismiss the Chief Minister and appoint, in his place, the person named in the resolution as the Chief Minister.

~~For a Minister who for any period of twelve consecutive months~~
(6) A Minister who is not a member of the Provincial Assembly shall cease to be a Minister on the fourteenth day of August, 1973.] dissolution of that Assembly, or he is elected a member of that Assembly. During the term of office first mentioned in this clause, such a Minister shall have the right to speak, and otherwise take part, in the proceedings of the Assembly or any of its committees but shall not be entitled to vote.]

1 Subs. by P.O. No. 1 of 1973 Act - 3.

(7) Nothing in this Article shall be construed as disqualifying the Chief Minister or any other Minister from 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.

(8) For the purpose of being satisfied, as required by clause (1) or (5), the Governor shall summon a special session of the Assembly, or if the Assembly is in session, shall direct that a special meeting shall be held, at which no business shall be transacted otherwise than discussion and determination—

(a) where the matter relates to clause (1), of a vote of confidence moved by, or on behalf of, any member that he commands the confidence of a majority of the total number of members of the Assembly; or

(b) where the matter relates to paragraph (a) of clause (5), of a vote of confidence moved by, or on behalf of, the Chief Minister, or of a vote of no-confidence moved as provided in paragraph (b) of clause (5);

and the special session or special meeting shall not be adjourned until such business has been concluded by the taking of a vote or votes.

(9) The salaries, allowances and privileges of Ministers shall be such as the Provincial Legislature may from time to time by Act determine, and until the Provincial Legislature so determines, shall be determined by the Governor.

(10) A Minister may, by writing under his hand addressed to the Governor, resign his office.

(11) For the purposes of this Article, Minister includes Chief Minister.

Advocate-
General for
Province.

105.—(1) The Governor of each Province shall appoint a person, being a person qualified to be appointed a Judge of a High Court, to be 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 from time to time be referred or assigned to him by the Governor.

(3) The Advocate-General shall hold office during the pleasure of the Governor, and shall receive such remuneration as the Governor may determine.

(4) The Advocate-General may, by writing under his hand addressed to the Governor, resign his office.

Conduct of
business of
Provincial
Government.

106.—(1) All executive action of a Provincial Government shall be expressed to be taken in the name of the Governor.

(2) Orders and other instruments made and executed in the name of the Governor shall be authenticated in such manner as may be specified in rules to be made by the Governor, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Governor.

(2) Subject to the provisions of this Constitution, the executive authority of each Province extends to the matters with respect to which the Legislature of the Province has power to make laws.

Administration of Provincial Affairs

103. (1) There shall be a Council of Ministers, with the Chief Minister at its head, to aid and advise the Governor in the exercise of his functions. Governor's Council of Ministers.

(2) The question whether any and, if so what, advice has been tendered by the Council of Ministers or a Minister shall not be inquired into in any court or tribunal whatsoever.

(3) A Minister shall before entering upon his office make before the Governor an oath in such form set out in the Second Schedule as is applicable to his office.

104. (1) The Governor shall appoint as Chief Minister a person as to whom he is satisfied that he commands the confidence of the majority of the total number of members of the Assembly. In case of doubt, the Governor shall proceed as provided in clause (8) for the purpose of being so satisfied. Other provisions as to Ministers.

(2) Other Ministers shall be appointed and removed from office by the Governor on the advice of the Chief Minister.

(3) The Council of Ministers shall be collectively responsible to the Provincial Assembly.

(4) In the exercise of his functions, the Governor shall act in accordance with the advice of the Council of Ministers or, as the case may be, the appropriate Minister, except as otherwise provided in this Constitution.

(5) (a) The Chief Minister shall hold office during the pleasure of the Governor, but the Governor shall not remove a Chief Minister from office unless he is satisfied that the Chief Minister does not command the confidence of the majority of the total number of members of the Provincial Assembly.

(b) A vote of no-confidence in a Chief Minister shall not be moved in the Provincial Assembly, unless by the same resolution, the name of another member of that Assembly is put forward as the successor, and a request is made to the Governor to dismiss the Chief Minister. In the event that a resolution is passed by a majority of votes of the members present and voting, the Governor shall dismiss the Chief Minister and appoint, in his place, the person named in the resolution as the Chief Minister.

~~(6) A Minister who for any period of twelve 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. During the term of office first mentioned in this clause, such a Minister shall have the right to speak, and otherwise take part, in the proceedings of the Assembly or any of its committees but shall not be entitled to vote.~~

L Subs. by P.O. 40.1 8/27/73 Act - 3.

(3) The Governor shall make rules for the more convenient transaction of the business of the Provincial Government, and for the allocation among Ministers of the said business.

(4) The rules shall include provisions requiring Ministers and Secretaries to Government to transmit to the Governor all such information with respect to the business of the Provincial Government as may be specified in the rules, or as the Governor may otherwise require to be so transmitted.

CHAPTER 2.—THE PROVINCIAL LEGISLATURE

General

107. There shall, for every Province, be a Provincial Legislature, which shall consist of the Governor and the Provincial Assembly.

Constitution
of Provincial
Legislatures.

P.O.
No. 12
of
1972. 108. (1) The Provincial Assemblies required to be summoned under the Provincial Assemblies (Summons and Powers) Order, 1972, shall be the first Provincial Assemblies under this Constitution.

Composition
of Provincial
Assemblies,
etc.

(2) Every Provincial Assembly, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting under this Constitution and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly.

109. (1) The Provincial Assembly of each Province shall be summoned to meet at least twice in every year, and six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

Summoning
of the Assem-
bly, its proro-
gation and
dissolution.

(2) Subject to the provisions of this Article, the Governor may from time to time—

- (a) summon the Provincial Assembly to meet at such time and place as he thinks fit ;
- (b) prorogue the Provincial Assembly ;
- (c) dissolve the Provincial Assembly .

(3) After a general election, the Provincial Assembly shall be summoned to meet within thirty days of the declaration of the results of the election.

110. (1) The Governor may address the Provincial Assembly, and may for that purpose require the attendance of its members.

Right of Go-
vernor to
address and
send messages
to Assembly.

(2) The Governor may send messages to the Provincial Assembly, whether with respect to a Bill then pending in the Assembly or otherwise, and the Assembly shall with all convenient dispatch consider any matter which it is required by the message to take into consideration.

111. Every Minister and the Advocate-General shall have the right to speak in and otherwise take part in the proceedings of the Provincial Assembly, or any committee thereof of which he may be named a member, but shall not, by virtue of this Article, be entitled to vote.

Rights of
Ministers and
Advocate-
General as
respects As-
sembly.

Speaker and
Deputy Speaker
of Provincial
Assembly.

112. (1) Every Provincial Assembly shall, as soon as may be, choose two of its members to be respectively Speaker and Deputy Speaker thereof and, so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall choose another member to be Speaker or, as the case may be, Deputy Speaker.

(2) Before he enters upon his office, a person chosen as Speaker or as Deputy Speaker shall make before the Governor and Speaker, respectively, an oath in such form set out in the Second Schedule as is applicable to his office.

(3) At any time when the office of Speaker is vacant, or the Speaker is absent or is unable to perform the functions of his office due to illness or any other cause, the Deputy Speaker shall act as Speaker, except that, if at that time, the Deputy Speaker is also absent or is unable to act as Speaker due to illness or other cause, such member as may be determined by the rules of procedure of the Assembly shall act as Speaker.

(4) The Speaker may, by writing under his hand addressed to the Governor, resign his office.

(5) The Deputy Speaker may, by writing under his hand addressed to the Speaker, resign his office.

(6) The office of Speaker or Deputy Speaker shall become vacant if—

- (a) he ceases to be a member of the Assembly ; or
- (b) he is removed from office by a resolution of the Assembly of which not less than fourteen days' notice has been given and which is passed by a majority of the votes of the total number of members of the Assembly.

(7) Whenever the Assembly is dissolved, the Speaker shall not vacate his office until the person chosen to fill the office by the next Assembly has entered upon his office.

(8) The salaries, allowances and privileges of the Speaker and Deputy Speaker shall be such as may from time to time be defined by an Act of the Provincial Legislature, and until so defined, as may be determined by the Governor.

Voting in
Assembly,
power of Assembly
to act notwithstanding
vacancies,
and quorum.

113. (1) Save as in this Constitution otherwise expressly provided, all questions in a Provincial Assembly shall be determined by a majority of votes of the members present and voting, other than the Speaker, or the person acting as such, who shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(2) A Provincial Assembly shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Assembly shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled to do so, sat or voted or otherwise took part in the proceedings.

(3) If at any time during a meeting of a Provincial Assembly less than one-third of the total number of members of the Assembly are present, it shall be the duty of the Speaker, or the person acting as such, either to adjourn the Assembly, or to suspend the meeting until at least one-third of the members are present.

Provisions as to Members of Provincial Assemblies

114. A person who is a member of a Provincial Assembly shall not sit or vote in the Assembly until he makes before the Governor an oath in such form set out in the Second Schedule as is applicable to his office. Oath of members.

115.—(1) If a member of a Provincial Assembly—

- (a) becomes subject to any of the disqualifications mentioned in the next succeeding Article ; or
- (b) by writing under his hand addressed to the Governor resigns his seat,

Vacation of seats.

his seat shall thereupon become vacant.

(2) If for sixty days a member of a Provincial Assembly is, without permission of the Assembly, absent from all meetings thereof, the Assembly may declare his seat vacant :

Provided that in computing the said period of sixty days no account shall be taken of any period during which the Assembly is prorogued, or is adjourned for more than four consecutive days.

116.—(1) A person shall be disqualified from being elected as, and for being, a member of a Provincial Assembly if—

Disqualifications for membership.

- (a) he is of unsound mind and has been so declared by a competent court ; or
- (b) he is an undischarged insolvent ; or
- (c) he has been, after the twentieth day of December, 1971, on conviction for any offence, sentenced to transportation for any term or to imprisonment for a term of not less than two years, unless a period of five years, or such less period as the President may allow in any particular case, has elapsed since his release ; or
- (d) he has been dismissed for misconduct from the service of Pakistan, unless a period of five years, or such less period as the President may allow in any particular case, has elapsed since his dismissal; or
- (e) he, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account or as a member of a Hindu undivided family, has any share or interest in a contract, not being a contract between a co-operative society and Government, for the supply of goods to, or for the execution of any work or the performance of any service undertaken by, Government :

Provided that the disqualification under this paragraph shall not apply to a person—

- (i) where the share or interest in the contract devolves on him by inheritance or succession or as a legatee, executor or administrator, until the expiration of six months after it has so devolved on him, or such longer period as the President may in any particular case allow; or
- (ii) where the contract has been entered into by or on behalf of a public company, as defined in the Companies Act, 1913, of which he is a shareholder but is neither a

director nor a person holding an office of profit under the company nor a managing agent ; or

- (iii) where he is a member of a Hindu undivided family and the contract has been entered into by any other member of that family in the course of carrying on a separate business in which he has no share or interest; or
- (f) he holds any office of profit in the service of Pakistan other than an office which is not a whole time office remunerated either by salary or by fee:

Provided that for the purpose of this paragraph an office of profit in the service of Pakistan shall not include—

- (i) the office of President ;
- (ii) the office of Vice-President of Pakistan ;
- (iii) the office of Governor ;
- (iv) the office of a member of the President's Council of Ministers ;
- (v) the office of Minister of State ;
- (vi) the office of Adviser to the President ;
- (vii) the office of member of a Governor's Council of Ministers;
- (viii) the office of Adviser to a Governor ;
- (ix) the office of Special Assistant to the President, when held by a person who is not a member of a regular service ;
- (x) the office of Ambassador of Pakistan in a foreign country, when held by a person who is not a member of a regular service ;
- (xi) the offices of Lambardar, Inamdar, Sufedposh and Zail-dar, whether called by this or any other title ;
- (xii) Reserves of the Armed Forces howsoever described ;
- (xiii) the Razakars ;
- (xiv) any office the holder whereof, by virtue of holding such office, is liable to be called up for military training or military service under any law providing for the constitution or raising of a force ;
- (xv) any other office which is declared by Act of the Federal Legislature not to disqualify its holder from being elected as, or from being, a member of the National Assembly or a Provincial Assembly.

(2) For the avoidance of doubt, it is hereby declared that a Judge of the Supreme Court or a High Court, the Auditor-General, the Attorney-General and an Advocate-General are persons holding office of profit in the service of Pakistan.

(3) If any question arises whether a member of a Provincial Assembly has, after his election, become disqualified from being a member of the Assembly, the Speaker of the Provincial Assembly shall refer the question to the Chief Election Commissioner, and if the Chief Election Commissioner is of the opinion that the member has become disqualified, the member shall cease to be a member..

(4) A person shall be disqualified from being elected as a member of a Provincial Assembly while he is serving a sentence of transportation or of imprisonment of more than two years for a criminal offence.

117. If a person sits or votes as a member of a Provincial Assembly when he is not qualified or is disqualified for membership thereof, he shall be liable, on being sued by any citizen, in respect of each day on which he so sits or votes, to a penalty of five hundred rupees to be recovered as a debt due to the Province.

Penalty for sitting and voting when not qualified, or when disqualified.

118.—(1) Subject to the provisions of this Constitution and to the rules of procedure of a Provincial Assembly, there shall be freedom of speech in the Assembly, and no member of the Assembly shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Assembly or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of the Assembly of any report, paper, votes or proceedings.

Privileges, etc., of members.

(2) In other respects, the privileges of members of a Provincial Assembly shall be such as may from time to time be defined by Act of the Provincial Legislature, and until so defined, shall be such as were, immediately before the commencing day, enjoyed by members of that Assembly.

(3) Nothing in any existing law, and notwithstanding anything in the foregoing provisions of this Article, nothing in this Constitution shall be construed as conferring, or empowering any Provincial Legislature to confer on the Assembly or any committee or officer of the Assembly the status of a court, or any punitive or disciplinary powers other than the power to remove or exclude persons infringing the rules or otherwise behaving in a disorderly manner.

(4) Provision may be made by Act of the Provincial Legislature for the punishment, on conviction before a court, of persons who refuse to give evidence or produce documents before a committee of a Provincial Assembly when duly required by the chairman of the committee so to do :

Provided that any such Act shall have effect subject to such rules for regulating the attendance before such committees of persons who are, or have been, in the service of Pakistan, and safeguarding confidential matter from disclosure, as may be made by the Governor.

(5) The provisions of clauses (1) and (2) shall apply in relation to persons who by virtue of this Constitution have the right to speak in and otherwise take part in the proceedings of a Provincial Assembly as they apply in relation to members of the Assembly.

119. The salaries and allowances of members of each Provincial Assembly shall be such as may from time to time be defined by Act of the Provincial Legislature, and until so defined, shall be such as were admissible to members of the Assembly immediately before the commencing day.

Salaries and allowances of members.

Legislative Procedure

Introduction of bills, etc. 120.—(1) A Bill pending in a Provincial Assembly shall not lapse by reason of the prorogation of the Assembly.

(2) A Bill which is pending in a Provincial Assembly shall lapse on the dissolution of the Assembly.

Governor's assent to Bills.

121.—(1) When a Bill has been passed by a Provincial Assembly, it shall be presented to the Governor, and the Governor shall declare either that he assents to the Bill, or that he withholds assent therefrom, or that he reserves the Bill for the consideration of the President :

Provided that the Governor may return the Bill to the Assembly with a message requesting that the Provincial Assembly will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message.

(2) When the Governor has declared that he withholds assent from a Bill, the Provincial Assembly shall be competent to reconsider the Bill, and if it is again passed, with or without amendment, by the Assembly, by a majority of votes of the total number of members of the Assembly, it shall be again presented to the Governor, and the Governor shall assent thereto.

(3) When the Governor has returned a Bill to the Provincial Assembly, it shall be reconsidered by the Assembly, and if it is again passed, with or without amendment, by the Assembly, by a majority of votes of the total number of members of the Assembly, it shall be again presented to the Governor, and the Governor shall assent thereto.

Bills reserved for consideration.

122. When a Bill is reserved by a Governor for the consideration of the President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom :

Provided that the President may, if he thinks fit, direct the Governor to return the Bill to the Provincial Assembly together with such a message as is mentioned in the proviso to clause (1) of the last preceding Article, and when a Bill is so returned, the Assembly shall reconsider it accordingly, and if it is again passed, with or without amendment, by the Assembly, by a majority of votes of the total number of members of the Assembly, it shall be presented again to the President for his consideration.

Procedure in Financial Matters

Provincial Consolidated Fund and Public Account.

123.—(1) All revenues received and all loans raised by a Provincial Government, and all moneys received by a Provincial Government in repayment of any loan, shall form part of one consolidated fund, to be known as the Provincial Consolidated Fund.

(2) All other moneys received by or on behalf of a Provincial Government shall be credited to the Public Account of the Province.

(3) All moneys received by or deposited with the High Court, or any other court established under the authority of the Province, shall also be credited to the Public Account of the Province.

124. The custody of the Provincial Consolidated Fund, the payment of moneys into, and the withdrawal of moneys from, that Fund, and the custody of other moneys received or deposited under clause (2) or clause (3) of the last preceding Article, their payment into the Public Account of the Province, and the withdrawal of such moneys from such Account, and all matters connected with or ancillary to the aforesaid matters, shall be regulated by or under Act of the Provincial Legislature, or until provision in that behalf is so made, by rules made by the Governor.

Custody, etc.
of public mo-
neys of Pro-
vincial Go-
vernments.

125. (1) The Governor shall in respect of every financial year cause to be laid before the Provincial Assembly, a statement of the estimated receipts and expenditure of the Province for that year, hereafter in this Chapter referred to as the Annual Budget Statement.

Annual Bud-
get State-
ment.

(2) The estimates of expenditure embodied in the Annual Budget Statement shall show separately—

- (a) the sums required to meet expenditure described by this Constitution as expenditure charged upon the Provincial Consolidated Fund, and
- (b) the sums required to meet other expenditure proposed to be made from the Provincial Consolidated Fund,

and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be expenditure charged on the Provincial Consolidated Fund :—

- (a) the salary and allowances of the Governor and other expenditure relating to his office ;
- (b) the salaries and allowances of the Speaker and Deputy Speaker of the Provincial Assembly ;
- (c) the salaries, allowances and pensions payable to or in respect of Judges of the High Court ;
- (d) the salary and allowances of the Advocate-General ;
- (e) the salaries and allowances of members of the Provincial Public Service Commission ;
- (f) debt charges for which the Province is liable, including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt ;
- (g) any sums required to satisfy any judgement, decree or award of any court or tribunal against the Province ;
- (h) any other expenditure declared by this Constitution or any Act of the Provincial Legislature to be so charged.

Procedure
in Assembly
with respect
to estimates.

126. (1) So much of the estimates of expenditure as relates to expenditure charged upon the Provincial Consolidated Fund shall not be submitted to the vote of the Provincial Assembly, but nothing in this clause shall be construed as preventing the discussion in the Assembly of any of those estimates.

(2) So much of the said estimates as relates to other expenditure shall be submitted, in the form of demands for grants, to the Provincial Assembly, which shall have power to assent to or to refuse to assent to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the Governor.

Authentic-
ation of sche-
dule of
authorized
expenditure.

127. (1) The Governor shall authenticate by his signature a schedule specifying—

(a) the grants made by the Provincial Assembly under the last preceding Article ;

(b) the several sums required to meet the expenditure charged upon the Provincial Consolidated Fund but not exceeding, in the case of any sum, the sum shown in the statement previously laid before the Assembly.

(2) The schedule so authenticated shall be laid before the Assembly but shall not be open to discussion or vote therein.

(3) Subject to the provisions of the next succeeding Article, no expenditure from the Provincial Consolidated Fund shall be deemed to be duly authorized unless it is specified in the schedule so authenticated.

Supplement-
ary and ex-
cess state-
ments of ex-
penditure.

128. (1) If in respect of any financial year, further expenditure from the Provincial Consolidated Fund becomes necessary over and above the expenditure theretofore authorized for that year, the Governor shall cause to be laid before the Provincial Assembly a supplementary statement showing the estimated amount of that expenditure, and the provisions of the preceding Articles shall have effect in relation to that statement and that expenditure as they have effect in relation to the Annual Budget Statement and the expenditure mentioned therein.

(2) If in respect of any financial year money is found to have been expended from the Provincial Consolidated Fund for a particular purpose and that expenditure is in excess of the amount authorized to be expended for that purpose for that year the Governor shall cause to be laid before the Provincial Assembly an excess statement showing the excess amount of that expenditure and the provisions of the three preceding Articles shall have effect in relation to that statement and that expenditure as they have effect in relation to Annual Budget Statement and the expenditure mentioned therein.

Special
provisions as
to Money
Bills.

129. (1) Except on the recommendation of the Governor, no Bill or amendment shall be introduced or moved in the Provincial Assembly if—

(a) it would, if enacted and brought into operation, involve expenditure from the revenues or other moneys of the Provincial Government; or

(b) it makes provision for any of the matters, or any matter incidental to any of the matters, specified below :—

- (i) the imposition, abolition, remission, alteration or regulation of any tax ;
- (ii) the borrowing of money, or the giving of any guarantee, by the Provincial Government, or the amendment of the law relating to the financial obligations of the Provincial Government ;
- (iii) the imposition of a charge upon the Provincial Consolidated Fund, or the abolition or alteration of any such charge ;
- (iv) the custody of the Provincial Consolidated Fund, the payment of moneys into, or the issue of moneys from, that Fund ;
- (v) the custody, receipt or issue of any other moneys of the Provincial Government ;
- (vi) the audit of the accounts of the Provincial Government.

(2) Clause (1) does not apply to a Bill or amendment by reason only that it provides—

- (a) for the imposition or alteration of any fine or other pecuniary penalty, or for the demand or payment of a licence fee or a fee or charge for any service rendered ; or
- (b) for the imposition, abolition, remission, alteration or regulation of any tax by any local authority for local purposes.

(3) A Bill to which clause (1) relates shall be referred to as a "Money Bill".

130. No tax shall be levied for the purposes of a Provincial Government except by or under the authority of Act of the Provincial Legislature. Tax to be imposed only by law.

131. Notwithstanding anything contained in the foregoing provisions relating to financial matters, the Provincial Assembly shall have power to make any grant in advance in respect of the estimated expenditure for a part of any financial year, not exceeding three months, pending the completion of the procedure prescribed in Article 126 for the voting of such grant and the authentication of the schedule of expenditure in accordance with the provisions of Article 127 in relation to that expenditure. Votes on account.

THE CONSTITUTION TENTH AMENDMENT ORDER 1973

No. F. 24 (1)/73-Pub.—The following Order made by the President on the 28th June, 1973, is hereby published for general information :—

Islamabad, the 28th June, 1973

(Law Division)

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

GOVERNMENT OF PAKISTAN

Acts, Ordinances, Presidents Orders and Regulations

Courts not to inquire into proceedings of the Assembly.

134. (1) The validity of any proceedings in a Provincial Assembly shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or other member of a Provincial Assembly in whom powers are vested by or under this Constitution or any law for regulating procedure or the conduct of business, or for maintaining order, in the Assembly, shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

CHAPTER 3.—LEGISLATIVE POWERS OF GOVERNOR

Power of Governor to promulgate Ordinances.

135. (1) If at any time when the Provincial Assembly stands dissolved or is not in session, the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may make and promulgate such Ordinances as the circumstances appear to him to require :

Provided that the Governor shall not, without instructions from the President, promulgate any such Ordinance if an Act of the Provincial Legislature containing the same provisions would, under this Constitution, have been invalid unless, having been reserved for the consideration of the President, it had received assent of the President.

(2) An Ordinance promulgated under this Article shall have the same force and effect as an Act of the Provincial Legislature assented to by the Governor but every such Ordinance—

- (a) shall be laid before the Provincial Assembly and shall cease to operate at the expiration of six weeks from the reassembly thereof, or if before the expiration of that period a resolution disapproving it is passed by the Provincial Assembly, upon the passing of that resolution ;
- (b) may be withdrawn at any time by the Governor.

(3) In clauses (1) and (2), references to the time when the Provincial Assembly is not in session and to the reassembly thereof shall be deemed to include references respectively—

- (a) to the time following immediately upon the dissolution of the Assembly ; and
- (b) to the first assembly of the next.

(4) If and so far as an Ordinance under this Article makes any provision which would not be valid if enacted in an Act of the Provincial Legislature assented to by the Governor, it shall be void :

Provided that, for the purposes of the provisions of this Constitution relating to the effect of an Act of a Provincial Legislature which is repugnant to an Act of the Federal Legislature or an existing law with respect to a matter enumerated in the Concurrent Legislative List, an Ordinance promulgated under this Article in pursuance of instructions from the President shall be deemed to be an Act of the Provincial Legislature which has been reserved for the consideration of the President and assented to by him.

CHAPTER 4.—PROVISIONS IN CASE OF FAILURE OF CONSTITUTIONAL MACHINERY

Power of President to issue Proclamations.

136. (1) If the President, on receipt of a report from the Governor of a Province, or information from any other source, is satisfied that a situation has arisen in which the Government of a Province cannot

be carried on in accordance with the provisions of this Constitution, the President may by Proclamation—

- (a) assume to himself, or direct the Governor of the Province to assume on behalf of the President, all or any of the functions of the Government of the Province, and all or any of the powers vested in or exercisable by any body or authority in the Province, other than the Provincial Legislature ;
- (b) declare that the powers of the Provincial Legislature to make laws shall be exercisable by or under the authority of the Federal Legislature ;
- (c) make such incidental and consequential provisions as appear to the President to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Constitution relating to any body or authority in the Province :

Provided that nothing in this Article shall authorize the President to assume to himself, or direct the Governor of the Province to assume on his behalf, any of the powers vested in or exercisable by a High Court, or to suspend either in whole or in part the operation of any provisions of this Constitution relating to High Courts.

(2) Every Proclamation under this Article, not being a Proclamation revoking a previous Proclamation, shall be laid before the National Assembly, and shall cease to operate on the expiration of two months, unless before the expiration of that period it has been approved by a resolution of the Assembly, or if before the expiration of that period a resolution disapproving it is passed by the Assembly, upon the passing of that resolution :

Provided that if any such Proclamation, not being a Proclamation revoking a previous Proclamation, is issued at a time when the National Assembly is dissolved, or if the dissolution of the Assembly takes place during the period of two months referred to in this clause, the Proclamation shall cease to operate on the expiry of thirty days from the date on which the Assembly first sits after its reconstitution, unless before the expiration of the said period of thirty days a resolution approving that Proclamation has been passed by the Assembly.

(3) A Proclamation approved by resolution in accordance with clause (2) shall, unless sooner revoked, cease to operate on the expiration of a period of six months from the date of its promulgation.

(4) Where by a Proclamation issued under this Article it has been declared that the powers of the Provincial Legislature shall be exercisable by or under the authority of the Federal Legislature, it shall be competent—

- (a) for the National Assembly to confer on the President the power of the Provincial Legislature to make laws ;
- (b) for the Federal Legislature or for the President to make laws conferring powers and imposing duties, or authorizing the conferring of powers and the imposition of duties, upon the Federation or officers and authorities thereof ; and
- (c) for the President, when the National Assembly is not in session, to authorize expenditure from the Provincial Consolidated Fund, whether the expenditure is charged by this Constitution upon that Fund or not, pending the sanction of such expenditure by the National Assembly.

(5) Any law made in exercise of the powers of the Provincial Legislature by the Federal Legislature or the President which the Federal Legislature, or the President, would not, but for the issue of a Proclamation under this Article, have been competent to make shall, to the extent of the incompetency, cease to have effect on the expiration of a period of one year after the Proclamation under this Article has ceased to operate, **except** as to things done or omitted to be done before the expiration of the said period, unless the provisions which shall so cease to have effect are sooner repealed or re-enacted, with or without modification, by Act of the appropriate Legislature.

(6) A Proclamation issued under this Article shall not be called in question in any court.

PART V

Legislative Powers

CHAPTER 1.—DISTRIBUTION OF POWERS

Extent of
Federal and
Provincial
laws.

137. Subject to the provisions of this Constitution, the Federal Legislature may make laws (including laws having extra-territorial operation) for the whole or any part of Pakistan, and a Provincial Legislature may make laws for the Province or for any part thereof.

Subject-
matter of
Federal and
Provincial
laws.

138. (1) Notwithstanding anything in the two next succeeding clauses, the Federal Legislature has, and a Provincial Legislature has not, power to make laws with respect to any of the matters enumerated in List I in the Fourth Schedule (hereinafter called the "Federal Legislative List").

(2) Notwithstanding anything in the next succeeding clause, the Federal Legislature, and, subject to the preceding clause, a Provincial Legislature also, have power to make laws with respect to any of the matters enumerated in List III in the said Schedule (hereinafter called the "Concurrent Legislative List").

(3) Subject to the two preceding clauses, the Provincial Legislature has, and the Federal Legislature has not, power to make laws for a Province or any part thereof with respect to any of the matters enumerated in List II in the said Schedule (hereinafter called the "Provincial Legislative List").

(4) The Federal Legislature has power to make laws with respect to matters enumerated in the Provincial Legislative List except for a Province or any part thereof.

Power of
Federal
Legislature
to legislate
if an emer-
gency is
proclaimed.

139.—(1) Notwithstanding anything in the last two preceding Articles, the Federal Legislature shall, if the President has declared by Proclamation (in this Constitution referred to as a "Proclamation of Emergency") that a grave emergency exists whereby the security or economic life of Pakistan or any part thereof is threatened by war or internal disturbance or circumstances arising out of any mass movement of population from or into Pakistan, have power to make laws for a Province or any part thereof with respect to any of the matters enumerated in the Provincial Legislative List, or to make laws, whether or not for a Province or any part thereof, with respect to any matter not enumerated in any of the Lists in the Fourth Schedule or to make laws, notwithstanding anything in any other provision of this

Constitution, relating to the custody, management and disposal of the property of any person concerned in any mass movement as aforesaid :

Provided that no Bill or amendment for the purposes aforesaid shall be introduced or moved without the previous sanction of the President, and the President shall not give his sanction unless it appears to him that the provision proposed to be made is a proper provision in view of the nature of the emergency.

(2) Nothing contained in Articles 12, 13, 14, 15, 16 and 20 shall, while a Proclamation of Emergency is in force, restrict the power of the State as defined in Article 6 to make any law or to take any executive action which it would, but for the provisions contained in the said Articles, be competent to make or to take, but any law so made shall, to the extent of the incompetency, cease to have effect, and shall be deemed to have been repealed, at the time when the Proclamation is revoked.

(3) While a Proclamation of Emergency is in force, the President may, by Order, declare that the right to move any court for the enforcement of such of the fundamental rights conferred by Chapter 1 of Part II as may be specified in the Order, and any proceeding in any court which is for the enforcement, or involves the determination of any question as to the infringement, of any of the rights so specified, shall remain suspended for the period during which the Proclamation is in force, and any such Order may be made in respect of the whole or any part of Pakistan.

(4) Nothing in this Article shall restrict the power of a Provincial Legislature to make any law which under this Constitution it has power to make, but if any provision of a Provincial law is repugnant to any provision of a Federal law which the Federal Legislature has under this Article power to make, the Federal law, whether passed before or after the Provincial law, shall prevail, and the Provincial law shall, to the extent of the repugnancy, but so long only as the Federal law continues to have effect, be void.

(5) A Proclamation of Emergency may be revoked by a subsequent Proclamation by the President.

(6) A law made by the Federal Legislature which that Legislature would not but for the issue of a Proclamation of Emergency have been competent to make shall, to the extent of the incompetency, cease to have effect on the expiration of a period of six months after the Proclamation has ceased to operate, except as respects things done or omitted to be done before the expiration of the said period.

(7) A Proclamation of Emergency declaring that the security or economic life of Pakistan or any part thereof is threatened by war or internal disturbance or circumstances arising out of any mass movement of population from or into Pakistan may be made before the actual occurrence of war or disturbance or circumstances if the President is satisfied that there is imminent danger thereof.

(8) The Proclamation of Emergency issued on the twenty-third day of November, 1971, shall be deemed to be a Proclamation of Emergency issued under this Article, and any law, rule or order made or purported to have been made in pursuance of that Proclamation shall be deemed to have been validly made.

(9) A Proclamation of Emergency issued or deemed to have been issued under this Article shall not be called in question in any court.

Power of Federal Legislature to legislate for two or more Provinces by consent.

140. If it appears to the Assemblies of two or more Provinces to be desirable that any of the matters enumerated in the Provincial Legislative List should be regulated in those Provinces by Act of the Federal Legislature, and if resolutions to that effect are passed by all those Provincial Assemblies, it shall be lawful for the Federal Legislature to pass an Act for regulating that matter accordingly, but any Act so passed may, as respects any Province to which it applies, be amended or repealed by an Act of the Legislature of that Province.

Residual powers of legislation.

141. The President may, by public notification, empower either the Federal Legislature or a Provincial Legislature to enact a law with respect to any matter not enumerated in any of the Lists in the Fourth Schedule, including a law imposing a tax not mentioned in any such List, and the executive authority of the Federation or of the Province, as the case may be, shall extend to the administration of any law so made, unless the President otherwise directs.

Provisions as to legislation for giving effect to international agreements.

142.—(1) The Federal Legislature shall not, by reason only of the entry in the Federal Legislative List relating to the implementing of treaties and agreements with other countries, have power to make any law for any Province except with the previous consent of the Governor.

(2) So much of any law as is valid only by virtue of any such entry as aforesaid may be repealed by the Federal Legislature and may, on the treaty or agreement in question ceasing to have effect, be repealed as respects any Province by a law of that Province.

(3) Nothing in this Article applies in relation to any law which the Federal Legislature has power to make for a Province by virtue of any other entry in the Federal or the Concurrent Legislative List as well as by virtue of the said entry.

Inconsistency between Federal laws and Provincial laws.

143.—(1) If any provision of a Provincial law is repugnant to any provision of a Federal law which the Federal Legislature is competent to enact, or to any provision of an existing law with respect to any of the matters enumerated in the Concurrent Legislative List, then, subject to the provisions of this Article, the Federal law, whether passed before or after the Provincial law, or, as the case may be, the existing law, shall prevail, and the Provincial law shall, to the extent of the repugnancy, be void.

(2) Where a Provincial law with respect to any of the matters enumerated in the Concurrent Legislative List contains any provision repugnant to the provisions of an earlier Federal law or an existing law with respect to that matter, then, if the Provincial law, having been reserved for the consideration of the President, has received the assent of the President, the Provincial law shall in that Province prevail, but nevertheless the Federal Legislature may at any time enact further legislation with respect to the same matter :

Provided that no Bill or amendment for making any provision repugnant to any Provincial law, which, having been so reserved, has received the assent of the President, shall be introduced or moved in the National Assembly without the previous sanction of the President.

*For such matter see S.R.O. 430 (I) / 72 (1972 P. 205).
... 5. 11. 66.)*

CHAPTER 2.—RESTRICTIONS ON LEGISLATIVE POWERS

144.—(1) Where under any provision of this Constitution the previous sanction or recommendation of the President or of a Governor is required to the introduction or passing of a Bill or the moving of an amendment, the giving of the sanction or recommendation shall not be construed as precluding him from exercising subsequently in regard to the Bill in question any powers conferred upon him by this Constitution with respect to the withholding of assent to, or the reservation of, Bills.

Requirements as to sanctions and recommendations to be regarded as matters of procedure only.

(2) No Act of the Federal Legislature or a Provincial Legislature, and no provision in any such Act, shall be invalid by reason only that some previous sanction or recommendation was not given, if assent to that Act was given—

- (a) where the previous sanction or recommendation required was that of the Governor, either by the Governor or by the President ;
- (b) where the previous sanction or recommendation required was that of the President, by the President.

PART VI

Administrative relations between Federation and Provinces

General

145.—(1) The executive authority of every Province shall be so exercised as to secure respect for the laws of the Federal Legislature which apply in that Province.

Obligation of Provinces and Federation.

(2) The reference in clause (1) to laws of the Federal Legislature shall, in relation to any Province, include a reference to any existing law applying in that Province.

(3) Without prejudice to any of the other provisions of this Part, in the exercise of the executive authority of the Federation in any Province regard shall be had to the interests of that Province.

146. The President may direct the Governor of any Province to discharge as his Agent, either generally or in any particular case, such functions in, and in relation to, such portion of the areas in the Federation which are not included in any of the Provinces as may be specified in the direction.

Power of President to direct Governors to discharge certain functions as his Agents.

147.—(1) Notwithstanding anything in this Constitution, the President may, with the consent of the Government of a Province, entrust either conditionally or unconditionally to that Government, or to its officers, functions in relation to any matter to which the executive authority of the Federation extends.

Power of Federation to confer powers, etc., on Provinces in certain cases.

(2) An Act of the Federal Legislature may, notwithstanding that it relates to a matter with respect to which a Provincial Legislature has no power to make laws, confer powers and impose duties or authorize the conferring of powers and the imposition of duties upon a Province or officers and authorities thereof.

(3) Where by virtue of this Article powers and duties have been conferred or imposed upon a Province or officers or authorities thereof, there shall be paid by the Federation to the Province such sum as may be agreed, or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of Pakistan, in respect of any extra costs of administration incurred by the Province in connection with the exercise of those powers and duties.

Control of
Federation
over Pro-
vinces in
certain cases.

148.—(1) The executive authority of every Province shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation, and the executive authority of the Federation shall extend to the giving of such directions to a Province as may appear to the Federal Government to be necessary for that purpose.

(2) The executive authority of the Federation shall also extend to the giving of directions to a Province as to the carrying into execution therein of any Act of the Federal Legislature which relates to a matter specified in Part II of the Concurrent Legislative List and authorizes the giving of such directions :

Provided that a Bill or amendment which proposes to authorize the giving of any such directions as aforesaid shall not be introduced or moved in the National Assembly without the previous sanction of the President.

(3) The executive authority of the Federation shall also extend to the giving of directions to a Province as to the construction and maintenance of means of communication declared in the direction to be of national or military importance :

Provided that nothing in this clause shall be construed as restricting the power of the Federation to construct and maintain means of communication as part of its functions with respect to naval, military and air force works.

(4) The executive authority of the Federation shall also extend to the giving of directions to a Province as to the manner in which the executive authority thereof is to be exercised for the purpose of preventing any grave menace to the peace or tranquillity or economic life of Pakistan or of any part thereof.

Executive
authority of
the Federa-
tion in state
of emergency.

149. Where a Proclamation of Emergency is in operation whereby the President has declared that the security or economic life of Pakistan or any part thereof is threatened by war or internal disturbance or circumstances arising out of any mass movement of population from or into Pakistan—

(a) the executive authority of the Federation shall extend to the giving of directions to a Province as to the manner in which the executive authority thereof is to be exercised ;

(b) any power of the Federal Legislature to make laws for a Province with respect to any matter shall include power to make laws as respects a Province conferring powers and imposing duties, or authorizing the conferring of powers and the imposition of duties, upon the Federation or officers and authorities of the Federation as respects that matter, notwithstanding that it is one with respect to which the Provincial Legislature also has power to make laws :

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Provided that no Bill or amendment which, as respects a Province, confers powers or imposes duties, or authorizes the conferring of powers or the imposition of duties, upon the Federation or upon officers or authorities of the Federation in relation to such a matter as aforesaid shall be introduced or moved without the previous sanction of the President, and the President shall not give his sanction unless it appears to him that the provision proposed to be made is a proper provision in view of the nature of the emergency.

150. The Federation may, if it deems it necessary to acquire any land situate in a Province for any purpose connected with a matter with respect to which the Federal Legislature has power to make laws, require the Province to acquire the land on behalf, and at the expense, of the Federation or, if the land belongs to the Province, to transfer it to the Federation on such terms as may be agreed or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of Pakistan.

Acquisition
of land for
Federal
purposes.

National Economic Council

151.—(1) As soon as is practicable after the commencing day, the President shall constitute a Council, to be known as the National Economic Council.

National
Economic
Council.

(2) The Council shall consist of such persons as are appointed to the Council by the President, who shall be members of the Council during the pleasure of the President.

(3) The Council shall, from time to time, and whenever so directed by the President, review the overall economic position of Pakistan, formulate plans with respect to financial, commercial and economic policies and the economic development of Pakistan and inform the Federal and the Provincial Governments of those plans.

(4) A primary object of the Council in formulating the plans referred to in clause (3) shall be to ensure that disparities between the Provinces, and between different areas within a Province, in relation to income *per capita*, are removed and that the resources of Pakistan (including resources in foreign exchange) are used and allocated in such manner as to achieve that object in the shortest possible time, and it shall be the duty of each Government to make the utmost endeavour to achieve that object.

(5) The plans formulated by the Council in pursuance of clause (3) in relation to the economic development of Pakistan shall be formulated with respect to periods specified by the Council.

(6) The Council may, from time to time, appoint such committees or bodies of experts as it considers necessary to assist it in the performance of its functions.

(7) Nothing in this Article shall affect the exercise of the executive authority of the Federal Government or of a Provincial Government.

(8) The Council shall submit every year to the National Assembly a report on the results obtained and the progress made in the achievement of the object referred to in clause (4), and a copy of the report shall also be laid before each Provincial Assembly.

Broadcasting

Broad-
casting.

152.—(1) The Federal Government shall not unreasonably refuse to entrust to a Provincial Government such functions with respect to broadcasting as may be necessary to enable that Government—

- (a) to construct and use transmitters in the Province ;
- (b) to regulate, and impose fees in respect of, the construction and use of transmitters and the use of receiving apparatus in the Province :

Provided that nothing in this clause shall be construed as requiring the Federal Government to entrust to any such Government any control over the use of transmitters constructed or maintained by the Federal Government or by persons authorized by the Federal Government, or over the use of receiving apparatus by persons so authorized.

(2) Any functions so entrusted to a Provincial Government shall be exercised subject to such conditions as may be imposed by the Federal Government, including, notwithstanding anything in this Constitution, any conditions with respect to finance, but it shall not be lawful for the Federal Government so to impose any conditions regulating the matter broadcast by, or by authority of, the Provincial Government.

(3) Any Federal law which [may be passed with respect to broadcasting shall be such as to secure that effect can be given to the foregoing provisions of this Article.

(4) If any question arises under this Article whether any conditions imposed on any Provincial Government are lawfully imposed, or whether any refusal by the Federal Government to entrust functions is unreasonable, the question shall be determined by an arbitrator appointed by the Chief Justice of Pakistan.

(5) Nothing in this Article shall be construed as restricting the powers conferred on the President by this Constitution for the prevention of any grave menace to the peace or tranquillity of Pakistan or any part thereof.

Interference with Water Supplies

Complaints
as to inter-
ference with
water sup-
plies.

153. If it appears to the Government of any Province that the interests of that Province or of any of the inhabitants thereof, in the water from any natural source of supply in any Province, have been, or are likely to be, affected prejudicially by—

- (a) any executive action or legislation taken or passed, or proposed to be taken or passed, or

(b) the failure of any authority to exercise any of their powers, with respect to the use, distribution or control of water from that source, the Government may complain to the President.

Decision on
complaints.

154.—(1) If the President receives such a complaint as aforesaid, he shall, unless he is of opinion that the issues involved are not of sufficient importance to warrant such action, appoint a Commission consisting of such persons having special knowledge and experience in irrigation, engineering, administration, finance or law, as he thinks fit,

and request that Commission to investigate, in accordance with such instructions as he may give to them, and to report to him on, the matters to which the complaint relates, or such of those matters as he may refer to them.

(2) A Commission so appointed shall investigate the matters referred to them and present to the President a report setting out the facts as found by them and making such recommendations as they think proper.

(3) If it appears to the President upon consideration of the Commission's report that anything therein contained requires explanation, or that he needs guidance upon any point not originally referred by him to the Commission, he may again refer the matter to the Commission for further investigation and a further report.

(4) For the purpose of assisting a Commission appointed under this Article in investigating any matters referred to them, the Supreme Court, if requested by the Commission so to do, shall make such orders and issue such letters of request for the purposes of the proceedings of the Commission as they may make or issue in the exercise of the jurisdiction of the Court.

(5) After considering any report made to him by the Commission, the President shall give such decision and make such order, if any, in the matter of the complaint as he may deem proper.

(6) Effect shall be given in any Province affected to any order made under this Article by the President, and any Act of a Provincial Legislature which is repugnant to the order shall, to the extent of the repugnancy, be void.

(7) The President, on application made to him by the Government of any Province affected, may at any time, if after a reference to, and report from, a Commission appointed as aforesaid, he considers it proper so to do, vary any decision or order given or made under this Article.

(8) An order made by the President under this Article may contain directions as to the Government or persons by whom the expenses of the Commission and any costs incurred by any Province or persons in appearing before the Commission are to be paid, and may fix the amount of any expenses or costs to be so paid, and so far as it relates to expenses or costs, may be enforced as if it were an order made by the Supreme Court.

155. If it appears to the President that the interests of the Capital of the Federation or of any of the inhabitants thereof, in the water from any natural source of supply in any Province have been or are likely to be affected prejudicially by—

Interference with water supplies of the Capital of the Federation.

- (a) any executive action or legislation taken or passed, or proposed to be taken or passed, or
- (b) the failure of any authority to exercise any of their powers,

with respect to the use, distribution or control of water from that source, he may, if he thinks fit, refer the matter to a Commission appointed in accordance with the provisions of the last preceding Article, and thereupon those provisions shall apply as if the Capital were a Province and

as if a complaint with respect to the matter had been made by the Government of that Province to the President.

Jurisdiction
of courts
excluded.

156. Notwithstanding anything in this Constitution, neither the Supreme Court nor a High Court nor any other court, shall have jurisdiction to entertain any action or suit in respect of any matter if action in respect of that matter might have been taken under any of the last three preceding Articles by the Government of a Province, or the President.

Inter-Provincial Co-ordination

Provisions
with respect
to Inter-
Provincial
co-ordina-
tion.

157. If at any time it appears to the President that the public interests would be served by the establishment of an Inter-Provincial or a Federal Council charged with the duty of—

- (a) inquiring into and advising upon disputes which may have arisen between Provinces, or between one or more Provinces and the Federation,
- (b) investigating and discussing subjects in which some or all of the Provinces, or the Federation and one or more of the Provinces, have a common interest, or
- (c) making recommendations upon any such subject and, in particular, recommendations for the better co-ordination and uniformity of policy and action with respect to that subject.

it shall be lawful for the President to establish such a Council, and to define the nature of the duties to be performed by it, and its organization and procedure.

PART VII

Finance, Property, Contracts and Suits

CHAPTER I.—FINANCE

Distribution of Revenues between the Federation and the Provinces

Taxes on
income.

158. (1) Taxes on income other than agricultural income shall be levied and collected by the Federation, but such percentage of the net proceeds in any financial year of any such tax, except in so far as those proceeds represent proceeds attributable to taxes payable in respect of Federal emoluments, as may be prescribed by Order of the President, shall not form part of the Federal Consolidated Fund, but shall be assigned to and distributed among the Provinces in such manner as may be prescribed by the Order.

(2) In this Article,—

- (a) "taxes on income" includes a corporation tax; and
- (b) "Federal emoluments" includes all emoluments and pensions payable out of the Federal Consolidated Fund in respect of which income-tax is chargeable.

Federal du-
ties of excise
(including
duties on
salt) and ex-
port duties.

159. Federal duties of excise (including duties on salt) and export duties shall be levied and collected by the Federation, but, if an Order of the President so provides, there shall be paid out of the Federal Consolidated Fund to the Provinces sums equivalent to the whole or any part of the net proceeds in any financial year of those

In Ins. by P.O. No. 2 of 1973, Art. 2.

157-A. Inter-provincial trade, etc.— (1) Subject to clause (2), a Provincial legislature or a Provincial Government shall not have power to —

(a) make any law, or take any executive action, prohibiting or restricting the entry into, or the export from, the Province of goods of any class or description, or

(b) impose a tax which, as between goods manufactured or produced in the Province and similar goods not so manufactured or produced, discriminates in favour of the former, or which, in the case of goods manufactured or produced in Pakistan but outside the Province, discriminates between goods manufactured or produced in any locality and similar goods produced in any other locality.

(2) No Provincial law which imposes any reasonable restriction in the interest of public health, public order or morality or for the purpose of protecting animals or plants from disease or of preventing or alleviating any serious shortage in the Province of an essential commodity shall, if it was made with the prior approval of the President, be invalid by reason of this Article.7.

duties, and those sums shall be distributed among the Provinces in such manner as may be so prescribed.

160. Taxes on the sale and purchase of goods shall be levied and collected by the Federation, but such portion of the net proceeds in any financial year of any such tax as may be prescribed by Order of the President shall not form part of the Federal Consolidated Fund, but shall be assigned to and distributed among the Provinces in such manner as may be so prescribed. Taxes on sale and purchase of goods.

161. (1) No Bill or amendment which imposes or varies any tax or duty in which Provinces are interested, or which varies the meaning of the expression "agricultural income" as defined for the purposes of the enactments relating to income-tax, or which affects the principles on which under any of the foregoing provisions of this Chapter moneys are or may be distributable to Provinces shall be introduced or moved in the National Assembly except with the previous sanction of the President. Prior sanction of President required to Bills affecting taxation in which Provinces are interested.

(2) In this Article, the expression "tax or duty in which Provinces are interested" means—

- (a) a tax or duty the whole or part of the net proceeds whereof are assigned to any Province; or
- (b) a tax or duty by reference to the net proceeds whereof sums are for the time being payable out of the Federal Consolidated Fund to any Province.

162. In the foregoing provisions of this Chapter, "net proceeds" means, in relation to any tax or duty, the proceeds thereof reduced by the cost of collection, and for the purposes of those provisions the net proceeds of any tax or duty, or of any part of any tax or duty, in or attributable to any area shall be ascertained and certified by the Auditor-General of Pakistan, whose certificate shall be final. Calculation of "net proceeds", etc.

163. Such sums as may be prescribed by Order of the President shall be charged on the Federal Consolidated Fund in each year as grants-in-aid of the Provincial Consolidated Funds of such Provinces as the President may determine to be in need of assistance, and different sums may be prescribed for different Provinces. Grants from Federation to certain Provinces.

164. A Provincial law may impose taxes, not exceeding such limits as may from time to time be fixed by Act of the Federal Legislature, on persons engaged in professions, trades, callings or employments, and no such Provincial law shall be regarded as imposing a tax on income. Provincial taxes in respect of professions, etc.

Miscellaneous Financial Provisions

165. The Federation or a Province may make grants for any purpose, notwithstanding that the purpose is not one with respect to which the Federal or the Provincial Legislature, as the case may be, may make laws. Grants out of Consolidated Funds.

Previous sanction of President to legislation with respect to State Bank, currency and coinage.

166. No Bill or amendment which affects the coinage or currency of the Federation, or the constitution or functions of the State Bank of Pakistan, shall be introduced or moved in the National Assembly without the previous sanction of the President.

Exemption of certain public property from taxation.

167. (1) The Federal Government shall not, in respect of its property or income, be liable to taxation under any Provincial law, and, subject to clause (2), a Provincial Government shall not, in respect of its property or income, be liable to taxation under a Federal law or under a Provincial law of any other Province.

(2) If a trade or business of any kind is carried on by or on behalf of the Government of a Province outside that Province, that Government may, in respect of any property used in connection with that trade or business or any income arising from that trade or business, be taxed under a Federal law or under a Provincial law of the Province in which that trade or business is carried on.

(3) Nothing in this Article shall prevent the imposition of fees for services rendered.

CHAPTER 2.—BORROWING AND AUDIT

Borrowing

Borrowing by Federal Government.

168. The executive authority of the Federation extends to borrowing upon the security of the Federal Consolidated Fund within such limits, if any, as may from time to time be fixed by Act of the Federal Legislature, and to the giving of guarantees within such limits, if any, as may be so fixed.

Borrowing by Provincial Governments.

169. (1) Subject to the provisions of this Article, the executive authority of a Province extends to borrowing upon the security of the Provincial Consolidated Fund within such limits, if any, as may from time to time be fixed by Act of the Provincial Legislature, and to the giving of guarantees within such limits, if any, as may be so fixed.

(2) The Federation may, subject to such conditions, if any, as it may think fit to impose, make loans to, or, so long as any limits fixed under the last preceding Article are not exceeded, give guarantees in respect of loans raised by, any Province, and any sums required for the purpose of making loans to a Province shall be charged on the Federal Consolidated Fund.

(3) A Province may not, without the consent of the Federation, borrow outside Pakistan, nor without the like consent raise any loan if there is still outstanding any part of a loan made to the Province by the Federation, or in respect of which guarantee has been given

by the Federation ; and a consent under this clause may be granted subject to such conditions, if any, as the Federation may think fit to impose.

(4) A consent required by the last preceding clause shall not be unreasonably withheld, nor shall the Federation refuse, if sufficient cause is shown, to make a loan to, or to give a guarantee in respect of a loan raised by, a Province, or seek to impose in respect of any of the matters aforesaid any condition which is unreasonable, and, if any dispute arises whether a refusal of consent, or a refusal to make a loan or to give a guarantee, or any condition insisted upon, is or is not justifiable, the matter shall be referred to an arbitrator appointed by the Chief Justice of Pakistan whose decision shall be final.

Audit and Accounts

170. (1) There shall be an Auditor-General of Pakistan, who shall be appointed by the President, and shall only be removed from office in like manner and on the like grounds as a Judge of the Supreme Court. Auditor-General of Pakistan.

(2) Before he enters upon his office, the Auditor-General shall make before the Chief Justice of Pakistan an oath in such form set out in the Second Schedule as is applicable to his office.

(3) The conditions of service of the Auditor-General shall be such as may be prescribed by Order of the President, and he shall not hold any office of profit in the service of Pakistan before the expiration of two years after he has ceased to hold that office.

(4) The Auditor-General shall perform such duties and exercise such powers in relation to the accounts of the Federation and of the Provinces as may be prescribed by, or by rules made under, an Order of the President, or by any subsequent Act of the Federal Legislature varying or extending such Order :

Provided that no Bill or amendment for the purpose aforesaid shall be introduced or moved in the National Assembly without the previous sanction of the President.

171. (1) If a Provincial Legislature passes an Act charging the salary of an Auditor-General for that Province on the Provincial Consolidated Fund, an Auditor-General of the Province may be appointed by the Governor to perform the same duties and to exercise the same powers in relation to the audit of the accounts of the Province as would be performed and exercised by the Auditor-General of Pakistan, if an Auditor-General of the Province had not been appointed : Provincial Auditor-General.

Provided that no appointment of an Auditor-General in a Province shall be made until the expiration of at least three years from the date of the Act of the Provincial Legislature by which provision is made for an Auditor-General of that Province.

(2) The provisions of the last preceding Article shall apply in relation to the Auditor-General of a Province as they apply in relation to the Auditor-General of Pakistan, subject to the following modifications, that is to say—

- (a) a person who is, or has been, Auditor-General of a Province shall be eligible for appointment as Auditor-General of Pakistan; and
- (b) in clause (3) and (4) of the said Article, for the reference to the President there shall be substituted a reference to the Governor, and for the reference to the Federal Legislature there shall be substituted a reference to the Provincial Legislature.

(3) Nothing in this Article shall derogate from the power of the Auditor-General of Pakistan to give such directions in respect to the accounts of Provinces as are mentioned in the next succeeding Article.

Power of Auditor-General of Pakistan to give directions as to accounts.

172. The accounts of the Federation shall be kept in such form as the Auditor-General of Pakistan may, with the approval of the President, prescribe and, in so far as the Auditor-General may, with the like approval, give any directions with regard to the methods or principles in accordance with which any accounts of Provinces ought to be kept, it shall be the duty of every Provincial Government to cause accounts to be kept accordingly.

Audit reports.

173. The reports of the Auditor-General of Pakistan relating to the accounts of the Federation shall be submitted to the President, who shall cause them to be laid before the National Assembly, and the reports of the Auditor-General of Pakistan or of the Auditor-General of the Province, as the case may be, relating to the accounts of a Province, shall be submitted to the Governor of the Province, who shall cause them to be laid before the Provincial Assembly, and provision shall be made in the rules of procedure of the National Assembly or, as the case may be, the Provincial Assembly, for discussion of such report or reports.

CHAPTER 3.—PROPERTY, CONTRACTS, LIABILITIES AND SUITS

Ownerless property.

174. Any property which has no rightful owner shall, if located in a Province, vest in the Government of that Province, and in every other case, in the Federal Government.

Power to acquire property and to make contracts, etc.

175.—(1) The executive authority of the Federation and of a Province shall extend, subject to any Act of the appropriate Legislature, to the grant, sale, disposition or mortgage of any property vested in, and to the purchase or acquisition of property on behalf of, the Federal Government or the Provincial Government, as the case may be, and to the making of contracts.

(2) All property acquired for the purposes of the Federation or of a Province shall vest in the Federal Government or, as the case may be, in the Provincial Government.

(3) All contracts made in the exercise of the executive authority of the Federation or of a Province shall be expressed to be made by the President, or by the Governor of the Province, as the case may be, and all such contracts and all assurances of property made in the

exercise of that authority shall be executed on behalf of the President or Governor by such persons and in such manner as he may direct or authorize.

(4) Neither the President, nor the Governor of a Province, shall be personally liable in respect of any contract or assurance made or executed for the purposes of this Constitution, nor shall any person making or executing any such contract or assurance on behalf of any of them be personally liable in respect thereof.

176. The Federation may sue or be sued by the name of the Suits and Federation of Pakistan, and a Provincial Government may sue or be proceedings, sued by the name of the Province.

PART VIII

The Judicature

CHAPTER 1.—The SUPREME COURT OF PAKISTAN

177. (1) There shall be a Supreme Court of Pakistan.

(2) The Supreme Court shall consist of a Chief Justice of Pakistan and so many other Judges as may be determined by law or, until so determined, as may be fixed by the President. Establishment and constitution of Supreme Court.

178. (1) The Chief Justice of Pakistan shall be appointed by the President, and the other Judges shall be appointed by the President after consultation with the Chief Justice. Appointment of Supreme Court Judges.

(2) A person shall not be appointed as a Judge of the Supreme Court unless he is a citizen of Pakistan and—

- (a) he has for a period of, or for periods aggregating, not less than five years been a Judge of a High Court (including a High Court which existed in Pakistan at any time before the commencing day); or
- (b) he has for a period of, or for periods aggregating, not less than fifteen years been an advocate of a High Court, (including a High Court which existed in Pakistan at any time before the commencing day).

179. Before he enters upon his office, the Chief Justice of Pakistan shall make before the President, and any other Judge of the Supreme Court shall make before the Chief Justice, oath in such form set out in the Second Schedule as is applicable to his office. Oath of office.

180. A Judge of the Supreme Court shall hold office until he attains the age of sixty-five years, unless he sooner resigns or is removed from office in accordance with this Constitution. Retiring age.

181. At any time when—

- (a) the office of Chief Justice of Pakistan is vacant; or
- (b) the Chief Justice of Pakistan is absent or is unable to perform the functions of his office due to illness or any other cause,

Acting Chief Justice.

such other Judge of the Supreme Court as the President may appoint shall act as Chief Justice.

Acting
Judges.

182. (1) If at any time—

- (a) the office of a Judge of the Supreme Court is vacant; or
- (b) a Judge of the Supreme Court is absent or is unable to perform the functions of his office due to illness or any other cause,

the President may appoint a Judge of a High Court who is qualified for appointment as a Judge of the Supreme Court to act temporarily as a Judge of the Supreme Court.

(2) An appointment under this Article shall continue in force until it is revoked by the President.

Appointment
of *ad hoc*
Judges.

183. If at any time it is not possible for want of a quorum of Judges of the Supreme Court to hold or continue any sittings of the Court, or for any other reason it is necessary to increase temporarily the number of Judges of the Supreme Court, the Chief Justice of Pakistan may, in writing, with the approval of the President and the consent of the Chief Justice of the High Court concerned, require a Judge of a High Court qualified for appointment as a Judge of the Supreme Court to attend sittings of the Supreme Court as an *ad hoc* Judge for such period as may be necessary, and while so sitting, such *ad hoc* Judge shall have the same power and jurisdiction as a Judge of the Supreme Court.

Seat of the
Supreme
Court.

184. (1) The permanent seat of the Supreme Court shall, subject to clause (3), be at Islamabad.

(2) The Supreme Court may from time to time sit in such other places as the Chief Justice of Pakistan, with the approval of the President, may appoint.

(3) Until provision is made for establishing the Supreme Court at Islamabad, the seat of the Court shall be at such place as the President may appoint.

Original
jurisdiction
of Supreme
Court.

185. (1) The Supreme Court shall, to the exclusion of every other court, have original jurisdiction in any dispute between any two or more Governments.

(2) In the exercise of the jurisdiction conferred on it by this Article, the Supreme Court shall pronounce declaratory judgments only.

(3) In this Article, "the Governments" means the Federal Government and the Provincial Governments.

Appellate
jurisdiction
of Supreme
Court.

186. (1) Subject to this Article, the Supreme Court shall have jurisdiction to hear and determine appeals from judgments, decrees, orders or sentences of a High Court.

- (c) he has, for a period of not less than ten years, held a judicial office in Pakistan.

(3) In this Article, "District Judge" means Judge of a principal civil court of original jurisdiction.

196. Before he enters upon his office, the Chief Justice of a High Court shall make before the Governor concerned, and any other Judge of the Court shall make before the Chief Justice, oath in such form set out in the Second Schedule as is applicable to his office. Oath of office.

197. A Judge of a High Court shall hold office until he attains the age of sixty-two years, unless he sooner resigns or is removed from office in accordance with this Constitution. Retiring age.

198. At any time when—

- (a) the office of Chief Justice of a High Court is vacant, or
 - (b) the Chief Justice of a High Court is absent or is unable to perform the functions of his office due to illness or any other cause,
- Acting Chief Justice.

such other Judge of the High Court as the President may appoint shall act as Chief Justice.

199. If at any time—

- (a) the office of a Judge of a High Court is vacant, or
 - (b) a Judge of a High Court is absent or is unable to perform the functions of his office due to illness or any other cause, or
 - (c) for any reason it is necessary to increase the number of Judges of a High Court,
- Additional Judges.

the President may appoint a person qualified for appointment as a Judge of the High Court to be an Additional Judge of the Court for such period as the President may determine, being a period not exceeding such period, if any, as may be prescribed by law.

200. Each High Court in existence immediately before the commencing day shall continue to have its principal seat at the place where it had such seat before that day. Seats of the High Courts.

201. (1) A High Court shall have such jurisdiction as conferred on it by this Constitution or by law. Jurisdiction of High Courts.

(2) Subject to this Constitution, a High Court may, if it is satisfied that no other adequate remedy is provided by law—

- (a) on the application of any aggrieved party, make an order—
 - (i) directing a person performing, within the territorial jurisdiction of the Court, functions in connection with the affairs of the Federation, a Province or a local authority, to refrain from doing anything he is not permitted by law to do, or to do anything he is required by law to do; or
 - (ii) declaring that any act done or proceeding taken within the territorial jurisdiction of the Court by a person performing functions in connection with the affairs

of the Federation, a Province or a local authority, has been done or taken without lawful authority, and is of no legal effect; or

(b) on the application of any person, make an order —

(i) directing that a person in custody within the territorial jurisdiction of the Court be brought before it so that the Court may satisfy itself that he is not being held in custody without lawful authority or in an unlawful manner; or

(ii) requiring a person within the territorial jurisdiction of the Court holding or purporting to hold a public office to show under what authority of law he claims to hold that office; or

(c) on the application of any aggrieved person, make an order giving such directions to any person or authority, including any Government, exercising any power or performing any function in, or in relation to, any territory within the jurisdiction of that Court as may be appropriate for the enforcement of any of the fundamental rights conferred by Chapter 1 of Part II.

(3) An order shall not be made under clause (2) —

(a) on application made by or in relation to a person in the Defence Services of Pakistan, in respect of his terms and conditions of service, in respect of any matter arising out of his service or in respect of any action taken in relation to him as a member of the Defence Services of Pakistan; or

(b) on application made by or in relation to any other person in the service of Pakistan in respect of his terms and conditions of service, except a term or condition of service specified in this Constitution.

(4) Where —

(a) application is made to a High Court for an order under paragraph (a) or paragraph (c) of clause (2), and

(b) the Court has any reason to believe that the making of an interim order would have the effect of prejudicing or interfering with the carrying out of a public work or of otherwise being harmful to the public interest,

the Court shall not make an interim order unless the prescribed law officer has been given notice of the application and the Court, after the law officer or any person authorized by him in this behalf has been given an opportunity of being heard, is satisfied that the making of the interim order would not have such effect as aforesaid.

(5) In this Article, unless the context otherwise requires, —

“person” includes any body politic or corporate, any authority of or under the control of the Federal Government or of a Provincial Government, and any court or tribunal, other than the Supreme Court, a High Court or a court or tribunal established under a law relating to the Defence Services of Pakistan;

For as a person subject to such law

of the Federation, a Province or a local authority, has been done or taken without lawful authority, and is of no legal effect; or

- (b) on the application of any person, make an order —
 - (i) directing that a person in custody within the territorial jurisdiction of the Court be brought before it so that the Court may satisfy itself that he is not being held in custody without lawful authority or in an unlawful manner; or
 - (ii) requiring a person within the territorial jurisdiction of the Court holding or purporting to hold a public office to show under what authority of law he claims to hold that office; or
- (c) on the application of any aggrieved person, make an order giving such directions to any person or authority, including any Government, exercising any power or performing any function in, or in relation to, any territory within the jurisdiction of that Court as may be appropriate for the enforcement of any of the fundamental rights conferred by Chapter 1 of Part II.

(3) An order shall not be made under clause (2)—

(a) on application made by or in relation to a person in the
[who is, or has at any time been a member of the
Defence Services of Pakistan, or who is for the
time being subject to the law relating to any of
those Services.

in the service of Pakistan in respect of his terms and conditions of service, except a term or condition of service specified in this Constitution.

(4) Where —

- (a) application is made to a High Court for an order under paragraph (a) or paragraph (c) of clause (2), and
- (b) the Court has any reason to believe that the making of an interim order would have the effect of prejudicing or interfering with the carrying out of a public work or of otherwise being harmful to the public interest,

the Court shall not make an interim order unless the prescribed law officer has been given notice of the application and the Court, after the law officer or any person authorized by him in this behalf has been given an opportunity of being heard, is satisfied that the making of the interim order would not have such effect as aforesaid.

(5) In this Article, unless the context otherwise requires,—

“person” includes any body politic or corporate, any authority of or under the control of the Federal Government or of a Provincial Government, and any court or tribunal, other than the Supreme Court, a High Court or a court or tribunal established under a law relating to the Defence Services of Pakistan :

[Handwritten signature]

“prescribed law officer” means —

- (a) in relation to an application affecting the Federal Government or an authority of or under the control of the Federal Government, the Attorney-General, and
- (b) in any other case, the Advocate-General of the Province in which the application is made.

202.—(1) The President may transfer a Judge of a High Court from one High Court to another High Court, but no Judge shall be so transferred except with his consent and after consultation by the President with the Chief Justice of Pakistan and the Chief Justices of both High Courts. Transfer of High Court Judges.

(2) When a Judge is so transferred, he shall, during the period for which he serves as a Judge of the High Court to which he is transferred, be entitled to such compensatory allowance, in addition to his salary, as the President may, by Order, determine.

203. Subject to Article 191, any decision of a High Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other courts which are subordinate to it. Decision of High Court binding on subordinate courts.

204. Subject to this Constitution and the law, a High Court may, with the approval of the Governor concerned, make rules regulating the practice and procedure of the Court or of any other court subordinate to it. Rules of procedure.

205. Each High Court shall supervise and control all other courts subordinate to it. High Court to superintend subordinate courts.

CHAPTER 3.—THE FEDERAL AND PROVINCIAL JUDICATURES

206.—(1) In this Article and in Article 210, “Court” means the Supreme Court or a High Court. Contempt of Court.

(2) A Court shall have power to punish any person who—

- (a) abuses, interferes with or obstructs the process of the Court in any way or disobeys any order of the Court; or
- (b) scandalizes the Court or otherwise does anything which tends to bring the Court or a Judge of the Court into hatred, ridicule or contempt; or
- (c) does anything which tends to prejudice the determination of a matter pending before the Court; or
- (d) does any other thing which, by law, constitutes contempt of the Court.

(3) The exercise of the power conferred on a Court by this Article may be regulated by law and, subject to law, by rules made by the Court.

207. The remuneration and other terms and conditions of service of a Judge of the Supreme Court or of a High Court shall be as provided in the Fifth Schedule. Remuneration, etc. of Judges.

Resignation. 208. A Judge of the Supreme Court or of a High Court may resign his office by writing under his hand addressed to the President.

Judge not to hold office of profit, etc. 209. (1) A Judge of the Supreme Court or of a High Court shall not—

- (a) hold any other office of profit in the service of Pakistan if his remuneration is thereby increased, or
- (b) occupy any other position carrying the right to remuneration for the rendering of services,

but this clause shall not be construed as preventing a Judge from holding or managing his private property, or a Judge of a High Court from being appointed as a Judge of the Supreme Court.

(2) A person who has held office as a Judge of the Supreme Court or of a High Court shall not hold any office of profit in the service of Pakistan, not being a judicial or quasi-judicial office or the office of Chief Election Commissioner or of Chairman or member of Law Commission, before the expiration of two years after he has ceased to hold that office.

(3) A person who has held office as a permanent Judge—

- (a) of the Supreme Court shall not plead or act before any court or authority in Pakistan;
- (b) of a High Court shall not plead or act before any court or authority within its jurisdiction; and
- (c) of the High Court of West Pakistan as it existed immediately before the coming into force of the Province of West Pakistan (Dissolution) Order, 1970, shall not plead or act before a court or authority within the jurisdiction of the principal seat of that High Court or, as the case may be, the permanent bench of that High Court, to which he was assigned.

Officers and servants of Courts.

210. A Court may, with the approval of the President in the case of the Supreme Court, and of the Governor concerned in the case of a High Court, make rules providing for the appointment by the Court of officers and servants of the Court, and for their terms and conditions of employment.

Supreme Judicial Council.

211.—(1) There shall be a Supreme Judicial Council of Pakistan, hereafter in this Chapter referred to as the Council.

(2) The Council shall consist of—

- (a) the Chief Justice of Pakistan;
- (b) the two next most senior Judges of the Supreme Court; and
- (c) the two most senior Chief Justices of High Courts.

Explanation.—For the purpose of this clause, the *inter se* seniority of the Chief Justices of the High Courts shall be determined with reference to their dates of appointment as Chief Justice, and in case the dates of such appointment are the same, with reference to their dates of appointment as Judges of any of the High Courts.

(3) If at any time the Council is inquiring into the capacity or conduct of a Judge who is a member of the Council, or a member of the Council is absent or is unable to act due to illness or any other cause, then—

- (a) if such member is a Judge of the Supreme Court, the Judge of the Supreme Court who is next in seniority below the Judges referred to in paragraph (b) of clause (2), and
- (b) if such member is the Chief Justice of a High Court, the Chief Justice of another High Court who is next in seniority among the Chief Justices of the remaining High Courts, shall act as a member of the Council in his place.

(4) If, upon any matter inquired into by the Council, there is a difference of opinion among its members, the opinion of the majority shall prevail, and the report of the Council to the President shall be expressed in terms of the view of the majority.

(5) If, on information received from the Council or from any other source, the President is of the opinion that a Judge of the Supreme Court or of a High Court—

- (a) may be incapable of properly performing the duties of his office by reason of physical or mental incapacity, or
- (b) may have been guilty of misconduct,

the President shall direct the Council to inquire into the matter.

(6) If, after inquiring into the matter, the Council reports to the President that it is of the opinion—

- (a) that the Judge is incapable of performing the duties of his office or has been guilty of misconduct, and
- (b) that he should be removed from office,

the President may remove the Judge from office.

(7) A Judge of the Supreme Court or of a High Court shall not be removed from office except as provided by this Article.

(8) The Council shall issue a code of conduct to be observed by Judges of the Supreme Court and of the High Courts.

212. For the purpose of inquiring into any matter which the President has directed it to inquire into, the Council shall have the same power as the Supreme Court has to issue directions or orders for securing the attendance of any person or the discovery or production of any document; and any such direction or order shall be enforceable as if it had been issued by the Supreme Court.

213. The Council shall have the same power as the Supreme Court has to punish any person who—

- (a) abuses, interferes with or obstructs the process of the Council in any way or disobeys any of its orders; or
- (b) scandalizes the Council or otherwise does anything which tends to bring the Council or a member of the Council into hatred, ridicule or contempt; or

Power of Council to enforce attendance of persons, etc.

Power of Council to punish for its contempt.

- (c) does anything which tends to prejudice the determination of a matter pending before the Council;

and any sentence passed by the Council shall be executed as if it had been passed by the Supreme Court.

Bar of jurisdiction. **214.** The proceedings before the Council, its report to the President and the President's order thereon shall not be called in question in any court.

Establishment of other courts. **215.** (1) There shall, in addition to the Supreme Court and the High Courts, be such other courts as are established by law.

(2) A court so established shall have such jurisdiction as is conferred on it by law.

Administrative Courts and Tribunals. **216.** (1) Notwithstanding anything hereinbefore contained, the Federal Legislature may by Act establish one or more Administrative Courts or Tribunals to exercise exclusive jurisdiction in respect of—

- (a) matters relating to the terms and conditions of persons in the service of Pakistan, including the award of penalties and punishments;
- (b) matters relating to the imposition, levy and collection of any tax, duty, cess or impost;
- (c) matters relating to claims arising from tortious action of Government, any person in the service of Pakistan, any local or other authority empowered by law to levy any tax or cess and any servant of such authority acting in the discharge of his duties as such servant;
- (d) matters relating to industrial and labour disputes; and
- (e) matters relating to the acquisition, administration and disposal of any property which is deemed to be evacuee property or enemy property under any law.

(2) Where any Administrative Court or Tribunal is established under clause (1), no other Court, including the Supreme Court and the High Courts, shall grant an injunction, make any order or entertain any proceedings in respect of any matter to which the jurisdiction of such Administrative Court or Tribunal extends.

PART IX

The Service of Pakistan

CHAPTER 1.—TERMS AND CONDITIONS OF SERVICE, ETC.

Terms and conditions of service to be regulated by law.

217. Subject to this Constitution, the appointment of persons to, and the terms and conditions of service of persons in, the service of Pakistan may be regulated by law.

Persons in public service to be citizens.

218. (1) A person who is not a citizen of Pakistan shall not, except as provided in clause (2), be eligible to hold any office in the service of Pakistan.

(2) A person who, immediately before the commencing day, was in the service of Pakistan shall not be disqualified from continuing in the service of Pakistan by reason only that he is not a citizen of Pakistan.

219. Subject to this Constitution,—

- (a) a person who is a member of an All-Pakistan Service, of any of the Defence Services of Pakistan, or of a civil service of the Federation, or who holds a post connected with defence or a civil post in connection with the affairs of the Federation, shall hold office during the pleasure of the President ; and
- (b) a person who is a member of a civil service of a Province, or who, except as a member of an All-Pakistan Service, holds a civil post in connection with the affairs of a Province, shall hold office during the pleasure of the Governor of the Province.

Tenure of office of persons in services, etc.

220.—(1) Subject to this Constitution, a person who is a member of an All-Pakistan Service or of a civil service of the Federation or of a Province, or who holds a civil post in connection with the affairs of the Federation or of a Province—

Removal from office, etc.

- (a) shall not be dismissed or removed from service, or reduced in rank, by an authority subordinate to that by which he was appointed unless that subordinate authority has been expressly empowered to do so by an authority not so subordinate ; and
- (b) subject to clause (2), shall not be dismissed or removed from service, or be reduced in rank, unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken with respect to him.

(2) Paragraph (b) of clause (1) shall not apply—

- (a) where a person is dismissed or removed from service, or reduced in rank, on the ground of conduct which has led to his conviction, entailing imprisonment, on a criminal charge; or
- (b) where an authority empowered to dismiss or remove a person from service, or to reduce a person in rank, considers that, in the circumstances of the case, it is not practicable to give to the person an opportunity of showing cause or it would be prejudicial to the security of Pakistan for the person to be given such an opportunity.

221.—(1) Subject to this Constitution and law,—

- (a) appointments to an All-Pakistan Service or to a civil service of the Federation, or to a civil post in connection with the affairs of the Federation, shall be made by the President or a person authorized by the President in that behalf ; and
- (b) appointments to a civil service of a Province, or to a civil post in connection with the affairs of a Province, shall be made by the Governor of the Province or a person authorized by the Governor in that behalf.

Appointments to civil posts, etc.

(2) Subject to this Constitution and law, the terms and conditions of service of persons serving in a civil capacity in the service of Pakistan

(other than persons whose terms and conditions of service are specified in this Constitution) shall be as prescribed—

(a) in the case of a person who is a member of an All-Pakistan Service or who is serving in connection with the affairs of the Federation, by rules made by the President or by a person authorized by the President in that behalf; and

(b) in the case of a person, not being a member of an All-Pakistan Service, who is serving in connection with the affairs of a Province, by rules made by the Governor of the Province or by a person authorized by the Governor in that behalf.

(3) Rules made for the purposes of clause (2) shall be so framed as to ensure—

(a) that the terms and conditions of service of a person (in so far as those terms and conditions relate to remuneration or age fixed for superannuation) are not varied to his disadvantage, and

(b) that where an order is made which—

(i) punishes or formally censures a Person,

(ii) alters or interprets to the disadvantage of a person any rule affecting his terms or conditions of service, or

(iii) terminates the employment of a person otherwise than upon his reaching the age fixed for superannuation,

he shall, except where the order is made by the President or a Governor, have at least one appeal against the order and, where the order is made by the President or a Governor, he shall have the right to apply to the President or the Governor for a review of the order.

(4) Unless the Federal Legislature by Act otherwise provides, a person whose terms and conditions of service are governed by Article 210 or Article 219 or Article 243 (not being a member of the armed forces of Pakistan) or paragraph (b) of Article 224 shall, notwithstanding anything contained in this Constitution or in the terms and conditions of his service, retire from service—

(a) on such date after he has completed twenty-five years of service qualifying for pension or other retirement benefits as the competent authority may, in the public interest and subject to the provisions of Article 228 or, as the case may be, Article 229 direct; or

(b) in any other case, on the completion of the fifty-eighth year of his age.

Explanation.—In this Article, “competent authority” means,—

(a) in relation to a person who is a member of an All-Pakistan Service or of a civil service of the Federation or a Province, wherever he may, for the time being, be serving, the authority competent to make appointments to such service; and

(b) in relation to any other person—

(i) who holds a post otherwise than on deputation, the authority competent to make appointment to such post; and

(ii) who holds a post on deputation, the authority which sent him on deputation for appointment to such post.

222.—(1) Subject to this Constitution and law, the President in relation to the affairs of the Federation, and the Governor of a Province in relation to the affairs of a Province, may authorize the temporary employment of persons in the service of Pakistan and may make rules for regulating such temporary employment.

Temporary employees.

217

(2) The preceding Articles of this Chapter (other than Article 215) do not apply to or in relation to the temporary employment of persons in the service of Pakistan.

CHAPTER 2.—THE PUBLIC SERVICE COMMISSIONS

223.—(1) There shall be a Federal Public Service Commission for the Federation, and a Provincial Public Service Commission for each Province :

Public Service Com-missions.

Provided that any two Provinces may agree that there shall be one Public Service Commission (hereinafter referred to as Joint Public Service Commission) to serve the needs of both Provinces.

(2) The agreement referred to in clause (1) shall contain such incidental and consequential provisions, including provisions relating to sharing of expenditure connected with the Joint Public Service Commission, as may appear necessary or desirable for giving effect to the purposes of the agreement and shall specify by which Governor or Chief Justice any function which is to be discharged by a Governor of a Province or a Chief Justice under this Chapter shall be discharged in respect of the Joint Public Service Commission, and the Governor or the Chief Justice so specified shall have the power to discharge those function.

That

224. In the case of the Federal Public Service Commission, the President, in the case of a Provincial Public Service Commission, the Governor of the Province, and in the case of a Joint Public Service Commission, the Governor concerned, may, by Order, determine—

Composition of Public Service Com-missions.

- (a) the number of members of the Commission (including its Chairman) and their terms and conditions of service ; and
- (b) the number of members of the staff of the Commission and their terms and conditions of service.

225.—(1) The Chairman and other members of the Federal Public Service Commission shall be appointed by the President, the Chairman and other members of a Provincial Public Service Commission shall be appointed by the Governor of the Province, and the Chairman and other members of a Joint Public Service Commission shall be appointed by the Governor concerned.

Appointment, etc., of members of Public Service Com-missions.

(2) Not less than one-half of the members of a Commission shall be persons who are at the time of appointment, or who have been at some time before appointment, in the service of Pakistan.

(3) Where a person appointed as member of a Commission was, immediately before his appointment, in the service of Pakistan, his rights as a person in the service of Pakistan shall not, subject to his appointment and service as such member, be affected.

226.—(1) Before entering upon his office, a member of a Commission shall make an oath in such form set out in the Second Schedule as is applicable to his office.

Oath of office.

(2) The oath shall be made—

- (a) in the case of a member of the Federal Public Service Commission, before the Chief Justice of Pakistan ;
- (b) in the case of a member of a Provincial Public Service Commission, before the Chief Justice of the High Court of the Province ; and
- (c) in the case of a member of a Joint Public Service Commission, before the Chief Justice of the High Court concerned.

Term of
office.

227.—(1) A member of a Commission shall, subject to this Article, hold office for a term of three years from the date on which he enters upon his office.

(2) A member of a Commission shall not be removed from ²¹¹office except in the manner prescribed in clauses (5) and (6) of Article 209 for the removal from office of a Judge, and in the application of those clauses for the purposes of this clause, any reference in those clauses to a Judge shall be construed as a reference to a member of the Commission.

(3) A member of a Commission may resign his office by writing under his hand addressed—

- (a) in the case of the Federal Public Service Commission, to the President ;
- (b) in the case of a Provincial Public Service Commission, to the Governor of the Province ; and
- (c) in the case of a Joint Public Service Commission, to the Governor concerned.

Functions
of Fe-
deral Pub-
lic Service
Com-
mission.

228.—(1) The functions of the Federal Public Service Commission shall be—

- (a) to conduct tests and examinations for the selection of suitable persons for appointment to the All-Pakistan Services, the civil services of the Federation and civil posts connected with the affairs of the Federation ;
- (b) to advise the President on any matter on which the Commission is consulted under clause (2) or which is referred to the Commission by the President ; and
- (c) such other functions as may be prescribed by law.

(2) Except to the extent that the President, after consulting the Commission, may provide otherwise by Order, the President shall, in relation to the All-Pakistan Services, the civil services of the Federation and civil posts connected with the affairs of the Federation, consult the Federal Public Service Commission with respect to—

- (a) matters relating to qualifications for, and methods of recruitment to, services and posts ;
- (b) the principles on which appointments and promotions should be made ;
- (c) the principles on which persons belonging to one service should be transferred to another ;
- (d) matters affecting terms and conditions of service and proposals adversely affecting pension rights ;
- (e) disciplinary matters ; and

- (f) the retirement of a person under paragraph (a) of clause (4) of Article 221 :

Provided that any Order providing for exception to the requirement of consultation with the Federal Public Service Commission on the matter specified in paragraph (f) shall provide for consultation on that matter with such authority as may be specified in the Order.

229. (1) The functions of a Provincial Public Service Commission and a Joint Public Service Commission shall be—

Functions
of Provincial
Public
Service Com-
missions.

- (a) to conduct tests and examinations for the selection of suitable persons for appointment to the civil services and civil posts connected with the affairs of the Province or Provinces concerned ;
- (b) to advise the Governor concerned on any matter on which the Commission is consulted under clause (2) or which is referred to the Commission by such Governor ; and
- (c) such other functions as may be prescribed by law.

(2) Except to the extent that the Governor of a Province, after consulting the Provincial Public Service Commission or, as the case may be, the Joint Public Service Commission which serves the needs of that Province, may provide otherwise by Order, the Governor shall, in relation to the civil services of the Province and civil posts connected with the affairs of the Province, consult the Commission with respect to—

- (a) matters relating to qualifications for, and methods of recruitment to, services and posts ;
- (b) the principles on which appointments and promotions should be made ;
- (c) the principles on which persons belonging to one service should be transferred to another ;
- (d) matters affecting terms and conditions of service and proposals adversely affecting pension rights ;
- (e) disciplinary matters ; and
- (f) the retirement of a person under paragraph (a) of clause (4) of Article 221 :

Provided that any Order providing for exception to the requirement of consultation with the Provincial Public Service Commission or, as the case may be, the Joint Public Service Commission, on the matter specified in paragraph (f) shall provide for consultation on that matter with such authority as may be specified in the Order.

230. The Governor of a Province may, with the approval of the President, refer to the Federal Public Service Commission a matter relating to the services of the Province or posts connected with the affairs of the Province.

Reference
by Province
to the
Federal
Com-
mission.

231. Where the President or a Governor does not accept the advice of a Commission, he shall inform the Commission accordingly.

Commission
to be advised
when advice
not accept-
able.

Annual
Report.

232. (1) Each Commission shall, not later than the fifteenth day of January in each year, prepare a report on its activities during the year ending on the previous thirty-first day of December and submit the report—

- (a) in the case of the Federal Public Service Commission, to the President ;
- (b) in the case of a Provincial Public Service Commission, to the Governor of the Province ; and
- (c) in the case of a Joint Public Service Commission, to the Governor of each of the Provinces concerned.

(2) The report shall be accompanied by a memorandum setting out, so far as is known to the Commission,—

- (a) the cases, if any, in which its advice was not accepted, and the reasons why the advice was not accepted; and
- (b) the cases where the Commission ought to have been consulted but was not consulted, and the reasons why it was not consulted.

(3) The President or the Governor, as the case may be, shall cause the report and memorandum to be laid before the National Assembly or the Provincial Assembly, as the case requires, at the first meeting of the Assembly held after the thirty-first day of January in the year in which the report was submitted, and provision shall be made in the rules of procedure of the National Assembly or, as the case may be, the Provincial Assembly, for discussion of such report.

Defini-
tion.

233. In this Chapter, " Commission " means the Federal Public Service Commission or a Provincial Public Service Commission or a Joint Public Service Commission, as the context may require.

PART X

Elections

CHAPTER 1.—CHIEF ELECTION COMMISSIONER AND ELECTION COMMISSIONS

Chief Elec-
tion Com-
missioner.

234. (1) There shall be a Chief Election Commissioner (in this Part referred to as the Commissioner), who shall be appointed by the President.

(2) No person shall be appointed to be a Commissioner unless he is or has been a Judge of the Supreme Court.

(3) The Commissioner shall have such powers and functions as are conferred on him by this Constitution and law.

Commis-
sioner's oath
of office.

235. Before he enters upon his office, a Commissioner shall make before the Chief Justice of Pakistan an oath in such form set out in the Second Schedule as is applicable to his office.

Salary and
allowances
of Commis-
sioner.

236. The Commissioner shall be entitled to the same salary and allowances as a Judge of the Supreme Court, and his other terms and conditions of service shall be defined by Act of the Federal Legislature and until so defined, by rules made by the President.

237. (1) The Commissioner shall, subject to this Article, hold office for a term of three years from the date on which he enters upon his office.

Term of
office of
Commis-
sioner.

(2) The Commissioner shall not be removed from office except in the manner prescribed in clauses (5) and (6) of Article 211 for the removal from office of a Judge, and in the application of those clauses for the purposes of this clause, any reference in those clauses to a Judge shall be construed as a reference to the Commissioner.

(3) The National Assembly or a Provincial Assembly may, through the Speaker of the Assembly, request the President to cause the conduct of the Commissioner to be inquired into by the Supreme Judicial Council.

(4) The Commissioner may, by writing under his hand addressed to the President, resign his office.

238. (1) A Commissioner shall not—

- (a) hold any other office of profit in the service of Pakistan; or
- (b) occupy any other position carrying the right to remuneration for the rendering of services,

Commission-
er not to
hold office
of profit,
etc.

but this clause shall not be construed as preventing the Commissioner from holding or managing his private property.

(2) A person who has held office as Commissioner shall not hold any office of profit in the service of Pakistan before the expiration of two years after he has ceased to hold that office.

(3) Notwithstanding clause (2), a person who has held office as Commissioner may, with the concurrence of the National Assembly, be re-appointed to that office before the expiration of two years after he has ceased to hold that office.

239. At any time when—

- (a) the office of Commissioner is vacant, or
- (b) the Commissioner is absent or is unable to perform the functions of his office due to illness or any other cause,

Acting
Commis-
sioner.

a Judge of the Supreme Court nominated by the Chief Justice of Pakistan shall act as Chief Election Commissioner and perform the functions of that office.

240. (1) For the purposes of each general election [of the members of the National Assembly or a Provincial Assembly, an Election Commission shall be constituted in accordance with this Article.

Election
Com-
mission.

(2) An Election Commission shall consist of—

- (a) the Commissioner, who shall be Chairman of the Commission; and

- (b) two members, each of whom shall be a Judge of a High Court, appointed by the President after consultation with the Chief Justice of the High Court concerned and with the Commissioner.

(3) It shall be the duty of an Election Commission constituted in relation to an election to organize and conduct the election, and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with the law, and that corrupt practices are guarded against.

Preparation of electoral rolls.

241. The Commissioner shall be charged with the duty of preparing electoral rolls for elections to the National Assembly and the Provincial Assemblies, and revising such rolls annually.

Executive authorities to assist Commission, etc.

242. It shall be the duty of all executive authorities in the Federation and in the Provinces to assist the Commissioner and any Election Commission in the discharge of his or its functions.

Officers and servants.

243. The Commissioner may, with the approval of the President, make rules providing for the appointment by the Commissioner of officers and servants to be employed in connection with the functions of the Commissioner or any Election Commission, and for their terms and conditions of employment.

CHAPTER 2.—ELECTORAL LAWS AND CONDUCT OF ELECTIONS

Electoral laws.

244. Subject to this Constitution, the Federal Legislature may by Act provide for—

- (a) the preparation of electoral rolls, the determination of objections and the commencement of electoral rolls ;
- (b) the conduct of elections and election petitions ;
- (c) the decision of doubts and disputes arising in connection with elections ;
- (d) matters relating to corrupt practices and other offences in connection with elections ; and
- (e) all other matters pertaining to elections to the National Assembly and Provincial Assemblies ;

but no such law shall have the effect of taking away or abridging any of the powers of the Commissioner or an Election Commission under this Part.

Principle of election.

245. Elections to fill the seats in the National Assembly or a Provincial Assembly shall be held by direct election on the basis of adult franchise in accordance with law ~~77:74~~

Bar against double membership.

246.—(1) Save as otherwise expressly provided in this Article, no person shall, at the same time, be a member of—

- (a) the ~~National~~ National Assembly and a Provincial Assembly ;
- (b) the Assemblies of two or more Provinces ; or

Subs. and Added by Part Constitution P.O. No. 6 of 1972

- (b) two members, each of whom shall be a Judge of a High Court, appointed by the President after consultation with the Chief Justice of the High Court concerned and with the Commissioner.

(3) It shall be the duty of an Election Commission constituted in relation to an election to **organize and** conduct the election, and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with the law, and that corrupt practices are guarded against.

Preparation of electoral rolls.

241. The Commissioner shall be charged with the duty of preparing electoral rolls for elections to the National Assembly and the Provincial Assemblies, and revising such rolls annually.

Executive authorities to assist Commission, etc.

242. It shall be the duty of all executive authorities in the Federation and in the Provinces to assist the Commissioner and any Election Commission in the discharge of his or its functions.

Officers and servants.

243. The Commissioner may, with the approval of the President, make rules providing for the appointment by the Commissioner of officers and servants to be employed in connection with the functions of the Commissioner or any Election Commission, and for their terms and conditions of employment.

CHAPTER 2.—ELECTORAL LAWS AND CONDUCT OF ELECTIONS

Electoral laws.

244. Subject to this Constitution, the Federal Legislature may by Act provide for—

- (a) the preparation of electoral rolls, the determination of objections and the commencement of electoral rolls ;
- (b) the conduct of elections and election petitions ;
- (c) the decision of doubts and disputes arising in connection with elections ;
- (d) matters relating to corrupt practices and other offences in connection with elections ; and
- (e) all other matters pertaining to elections to the National Assembly and Provincial Assemblies ;

but no such law shall have the effect of taking away or abridging any of the powers of the Commissioner or an Election Commission under this Part.

Principle of election.

245. Elections to fill the seats in the National Assembly or a Provincial Assembly shall be held by direct election on the basis of adult franchise in accordance with law ~~Article 245~~

Bar against double membership.

72 Provided that elections to fill the seats reserved for women in the National Assembly or a Provincial Assembly shall be held in such manner as may be determined—

- (a) in the case of elections to fill the seats, by the Election Commission ; and
- (b) in the case of an election to fill a casual vacancy in any such seat, by the Chief Election Commissioner. 7

Sub. and

1972, Art. 3. (W.P. 21.4.72)

- (c) the National Assembly or a Provincial Assembly in respect of more than one constituency.

(2) Nothing in clause (1) shall prevent a person from being a candidate for two or more seats at the same time, whether in the same body or in different bodies, but if he is elected to more than one seat, he shall, within a period of thirty days after the declaration of the result for the last of such seats, resign all but one of his seats, and if he does not so resign, all the seats to which he has been elected shall become vacant at the expiration of the said period of thirty days.

Explanation.—In this clause, the expression “body” means the National Assembly or a Provincial Assembly.

(3) A person to whom clause (2) applies shall not take a seat in the National Assembly or a Provincial Assembly to which he has been elected until he has resigned all but one of his seats.

(4) Notwithstanding the foregoing provisions of this Article, no person shall be disqualified from being, at the same time, a member of the National Assembly and a Provincial Assembly for a period of one year from the commencing day.

(5) A person to whom clause (4) applies shall, within a period of thirty days after the expiration of the said period of one year, resign his seat in the National Assembly or in the Provincial Assembly, and—

- (a) until he so resigns, he shall not take a seat in the National Assembly or the Provincial Assembly; and
- (b) if he does not so resign, both his seats shall become vacant at the expiration of the said period of thirty days;

247. (1) A person shall be entitled to be an elector if—

- (a) he is a citizen of Pakistan;
- (b) he is not less than twenty-one years of age on the first day of January in the year in which the preparation or revision of the electoral roll commences;
- (c) he is not declared by a competent court to be of unsound mind;
- (d) he is not subject to any disqualification imposed by this Constitution or by Act of the Federal Legislature.

Qualifica-
tions of
electors.

248. (1) A general election of members of the National Assembly or a Provincial Assembly shall be held within a period of ninety days immediately preceding the day on which the term of the Assembly is due to expire, unless the Assembly has been sooner dissolved, and the results of the election shall be declared not later than fourteen days before that day.

Time of
election and
by-election.

(2) When the National Assembly or a Provincial Assembly is dissolved, a general election of members of the Assembly shall be held within a period of ninety days after the dissolution, and the results of the election shall be declared not later than fourteen days after the conclusion of the polls.

16. 17. 74, 1773, 11-2.

(3) When, except by dissolution of the National Assembly or a Provincial Assembly, a seat in any such Assembly has become vacant not later than one hundred and twenty days before the term of that Assembly is due to expire, an election to fill the seat shall be held within sixty days from the occurrence of the vacancy.

Election
Tribunals.

249. No election to the National Assembly or a Provincial Assembly shall be called in question except by an election petition presented to such authority and in such manner as may be provided by Act of the Federal Legislature.

Special
provisions
for centrally
Administered
Tribal Areas.

250. Nothing in this Part shall apply to the Centrally Administered Tribal Areas ; but the President may, by Order, make such provision for the representation of the Centrally Administered Tribal Areas in the National Assembly as he may think fit.

PART XI

Islamic Institutions

CHAPTER 1.—ADVISORY COUNCIL OF ISLAMIC IDEOLOGY

The
Council.

251. There shall be an Advisory Council of Islamic Ideology.

Constitution
of Council.

252. The Council shall consist of such number of members, being not less than five and not more than twelve, as the President may determine.

Appoint-
ment of
members.

253. (1) Members of the Council shall be appointed by the President on such terms and conditions as the President may determine.

(2) The President shall, in selecting a person for appointment to the Council, have regard to the person's understanding and appreciation of Islam and of the economic, political, legal and administrative problems of Pakistan.

Term
of
office.

254.—(1) A member of the Council shall, subject to this Article, hold office for a period of three years from the date of his appointment.

(2) If a resolution recommending the removal of a member of the Council from office is passed by a majority of the total number of members of the Council, the President may remove that member from office, but a member shall not otherwise be removed from office.

(3) A member of the Council may, by writing under his hand addressed to the President, resign his office.

Chairman.

255. The President shall appoint one of the members of the Council to be the Chairman of the Council.

Functions of
Council.

256.—(1) The functions of the Council shall be—

- (a) to make recommendations to the Federal Government and the Provincial Governments as to means of enabling and encouraging the Muslims of Pakistan to order their lives in all respects in accordance with the principles and concepts of Islam, and to examine all laws in force immediately before the commencing day, with a view to bringing them into conformity with the teachings and requirements of Islam as set out in the Holy Quran and Sunnah ; and

- (b) to advise the National Assembly, a Provincial Assembly, the President or a Governor on any question referred to the Council under Article 28, that is to say, a question as to whether a proposed law is or is not repugnant to the teachings and requirements of Islam as set out in the Holy Quran and Sunnah.

(2) When, under Article 28, a question is referred by the National Assembly or a Provincial Assembly, the President or a Governor, to the Council for advice, the Council shall, within seven days thereafter, inform the Assembly, the President or the Governor, as the case requires, of the period within which the Council expects to be able to furnish that advice.

(3) Where the Assembly, the President or the Governor, as the case may be, considers that, in the public interest, the making of the proposed law in relation to which the question arose should not be postponed until the advice is furnished, the law may be made before the advice is furnished.

257. (1) The proceedings of the Council shall be regulated by Rules of procedure to be made by the Council with the approval of the President. Rules of procedure.

(2) The Council shall, not later than the fifteenth day of January in each year, prepare a report in regard to its proceedings during the year ending on the previous thirty-first day of December, and submit the same to the President, who shall cause it to be laid before the National Assembly.

258. In this Chapter, "the Council" means the Advisory Council of Islamic Ideology. Definition.

CHAPTER 2.—ISLAMIC RESEARCH INSTITUTE

259. (1) There shall be an organization to be known as Islamic Research Institute, which shall be established by the President.

Islamic Research Institute.

(2) The function of the Institute shall be to undertake Islamic research and instruction in Islam for the purpose of assisting in the reconstruction of Muslim society on a truly Islamic basis.

PART XII

Miscellaneous

CHAPTER 1.—TRIBAL AREAS

260. In this Constitution, the expressions "Tribal Areas", "Provincially Administered Tribal Areas" and the "Centrally Administered Tribal Areas" shall have the following meanings:—

- (a) "Tribal Areas" means the areas in Pakistan which, immediately before the commencing day, were Tribal Areas, and includes—
 - (i) the Tribal Areas of Baluchistan and the North-West Frontier; and

- (ii) the former States of Amb, Chitral, Dir and Swat ;
- (b) "Provincially Administered Tribal Areas" means—
 - (i) the districts of Chitral, Dir and Swat (which includes Kalam), Malakand Protected Area, the Tribal Area adjoining Hazara district and the former State of Amb ; and
 - (ii) Zohb district, Loralai district (excluding Duki Tehsil), Dalbandin Tehsil of Chagai district and Marri and Bugti tribal territories of Sibi district ; and
- (c) "Centrally Administered Tribal Areas" includes—
 - (i) Tribal Areas adjoining Peshawar district ;
 - (ii) Tribal Areas adjoining Kohat district ;
 - (iii) Tribal Areas adjoining Bannu district ;
 - (iv) Tribal Areas adjoining Dera Ismail Khan district ;
 - (v) Bajaur in Malakand Agency ;
 - (vi) Mohmand Agency ;
 - (vii) Khyber Agency ;
 - (viii) Kurram Agency ;
 - (ix) North Waziristan Agency ; and
 - (x) South Waziristan Agency.

Administration of Tribal Areas. **261.** (1) Subject to the provisions of this Constitution, the executive authority of the Federation shall extend to the Centrally Administered Tribal Areas, and the executive authority of a Province shall extend to the Provincially Administered Tribal Areas therein.

(2) The President may, from time to time, give such directions to the Governor of a Province relating to the whole or any part of a Tribal Area within the Province as he may deem necessary, and the Governor shall, in the exercise of his functions under this Article, comply with such directions.

(3) No Act of the Federal Legislature or a Provincial Legislature shall apply to any Centrally Administered Tribal Area or to any part thereof, unless the President so directs, and no Act of the Federal Legislature or a Provincial Legislature shall apply to a Provincially Administered Tribal Area, or to any part thereof, unless the Governor of the Province in which the Tribal Area is situated, with the approval of the President, so directs, and in giving such a direction with respect to any law, the President or, as the case may be, the Governor, may direct that the law shall, in its application to a Tribal Area, or to a specified part of a Tribal Area, have effect subject to such exceptions and modifications as may be specified in the direction.

(4) Notwithstanding anything in this Constitution, the President may, with respect to any matter within the legislative competence of the Federal Legislature, and the Governor of a Province, with the

prior approval of the President, may, with respect to any matter within the legislative competence of the Provincial Legislature, make regulations for the peace and good government of a Provincially Administered Tribal Area or any part thereof, situated in the Province.

(5) Notwithstanding anything in this Constitution, the President may, with respect to any matter, make regulations for the peace and good government of a Centrally Administered Tribal Area or any part thereof.

(6) The President may, at any time, by Order, direct that the whole or any part of a Tribal Area shall cease to be a Tribal Area, and such Order may contain such incidental and consequential provisions as appear to the President to be necessary and proper:

Provided that before making any Order under this clause, the President shall ascertain, in such manner as he considers appropriate, the views of the people of the Area concerned, as represented in *jirga*.

(7) Neither the Supreme Court nor a High Court shall exercise any jurisdiction under this Constitution in relation to a Tribal Area, unless the Federal Legislature by law otherwise provides :

Provided that nothing in this clause shall affect the jurisdiction which the Supreme Court or a High Court exercised in relation to a Tribal Area immediately before the commencing day.

CHAPTER 2.—GENERAL

262. The President has power to grant pardons, reprieves and Pardons and respites, and to remit, suspend or commute any sentence passed by reprieves. any Court, tribunal or other authority.

263. Neither the President, nor the Vice-President, nor the Governor of a Province, shall be answerable to any court for the exercise of powers and performance of duties of his office, or for any act done, or purported to have been done, in the exercise of those powers and performance of those duties. Protection to President, Vice-President and Governors.

264. Where a contract or assurance is made or executed in exercise of the executive authority of the Federation or of a Province, neither the President, nor the Vice-President, nor the Governor, nor any other person making or executing the contract or assurance in exercise of that authority, shall be personally liable in respect of it. Personal liability does not attach in relation to Government contracts.

265. (1) Any legal proceedings which, but for this Constitution, could have been brought by or against the Centre in respect of a matter which, immediately before the commencing day, was the responsibility of the Centre and has, under this Constitution, become the responsibility of a Province, shall be brought by or against the Province concerned ; and if any such legal proceedings were pending in any court immediately before the commencing day then, in those proceedings for the Centre, the Province concerned shall, as from that day, be deemed to have been substituted. Legal proceedings.

(2) Any legal proceedings which, but for this Constitution, could have been brought by or against a Province in respect of a matter which, immediately before the commencing day, was the responsibility of the Province, and has, under this Constitution, become the responsibility of the Federation, shall be brought by or against the Federation; and if any such legal proceedings were pending in any court immediately before the commencing day, then, in those proceedings for the Province, the Federation shall, as from that day, be deemed to have been substituted.

Remuneration of President, etc., not to be varied to disadvantage.

266. The remuneration and privileges of a person holding office as—

- (a) the President;
- (b) the Vice-President;
- (c) the President of the National Assembly;
- (d) a Governor;
- (e) the Speaker or a Deputy Speaker of the National Assembly or a Provincial Assembly;
- (f) a member of a Public Service Commission;
- (g) the Chief Election Commissioner;
- (h) the Auditor-General;

shall not be varied to his disadvantage during his term of office.

National languages.

267. (1) The national languages of Pakistan are Bengali and Urdu but the English language may be used for official and other purposes until arrangements for its replacement are made.

(2) Without prejudice to the status of the national languages, a Provincial Legislature may by law prescribe measures for the teaching, promotion and use of a Provincial language in addition to a national language.

Special provisions in relation to major ports and aerodromes.

268. (1) Notwithstanding anything in this Constitution or in any law, the President may, by public notification, direct that, for a period not exceeding three months from a specified date, a specified law, whether a Federal law or a Provincial law, shall not apply to a specified major port or major aerodrome, or shall apply to a specified major port or major aerodrome subject to specified exceptions or modifications.

(2) The giving of a direction under this Article in relation to any law shall not affect the operation of the law prior to the date specified in the direction.

Limitation on ownership of areas of land.

269. Any law which permits a person to own beneficially or possess beneficially an area of land greater than that which, immediately before the commencing day, he could lawfully have owned beneficially or possessed beneficially shall be invalid.

Failure to comply with requirement as to time does not render an invalid.

270. When any act or thing is required by this Constitution to be done within a particular period and it is not done within that period, the doing of the act or thing shall not be invalid or otherwise ineffective by reason only that it was not done within that period.

271. (1) An oath required to be made by a person under this Constitution shall be made in a language that is understood by that person. Oath of office.

(2) Where, under this Constitution, an oath is required to be made before a specified person and, for any reason, it is impracticable for the oath to be made before that person, it may be made before such other person as may be nominated by that person.

(3) Where, under this Constitution, a person is required to make an oath before he enters upon an office, he shall be deemed to have entered upon the office on the day on which he makes the oath.

272. No organization capable of functioning as a private army shall be formed, and any such organisation shall be illegal. Private armies forbidden.

273. When the people of the State of Jammu and Kashmir decide to accede to Pakistan, the relationship between Pakistan and that State shall be determined in accordance with the wishes of the people of that State. Provision relating to the State of Jammu and Kashmir.

274. Until the Federal Legislature by law otherwise provides, the President may, by Order, make provision for the government and administration of any part of Pakistan not forming part of a Province. Government of territories outside Provinces.

275. (1) No title, honour or decoration shall be conferred by the Federal Government or any Provincial Government on any citizen, but the President may award decorations in recognition of distinguished civil, military or public service, as provided by Federal law. Awards.

(2) No citizen shall accept any title, honour or decoration from any foreign State except with the approval of the President.

276. (1) There shall be a Federal Ombudsman, who shall be appointed by the National Assembly. Federal and Provincial Ombudsmen.

(2) The Federal Ombudsman shall exercise such powers and perform such functions as may be defined by Act of the Federal Legislature, and any such Act may also provide for the terms and conditions of service of, and for appointment of persons to assist, the Federal Ombudsman.

(3) The Federal Ombudsman shall, not later than the fifteenth day of January in each year, prepare a report in regard to his activities during the year ending on the previous thirty-first day of December, and submit the same to the National Assembly.

(4) There shall be for each Province a Provincial Ombudsman who shall be appointed by the Provincial Assembly of that Province.

(5) The provisions of clauses (2) and (3) shall apply in relation to a Provincial Ombudsman as they apply to the Federal Ombudsman, and in their application to a Provincial Ombudsman, references in those clauses to "Federal Ombudsman", "Act of the Federal Legislature" and "National Assembly" shall respectively be read as references to "Provincial Ombudsman", "Act of the Provincial Legislature" and "Provincial Assembly".

Referendum. 277. (1) If at any time the President considers it desirable that a particular matter of public importance should be referred to a referendum, the President may cause the matter to be referred to a referendum in the form of a question that is capable of being answered either by 'Yes' or 'No'.

(2) A referendum under this Article shall be conducted among the persons enrolled as electors for election of members of the National Assembly, in such manner as may be prescribed by law.

(3) A referendum under this Article shall be decided by secret ballot.

CHAPTER 3.—CONTINUANCE, REPEAL AND VALIDATION OF LAWS

Law relating to indemnity. 278. Nothing in this Constitution shall prevent the Federal Legislature from making any law indemnifying any person in the service of the Federal or a Provincial Government, or any other person, in respect of any act done in connection with the maintenance or restoration of order in any area in Pakistan where Martial Law was in force, or validating any sentence passed, punishment inflicted, forfeiture ordered or other act done under Martial Law in such area.

Transitional powers of the President. 279. (1) The President shall, by Order, make such provisions as appear to him to be necessary or expedient—

- (a) for bringing the provisions of this Constitution into effective operation;
- (b) for removing difficulties arising in connection with the enforcement of this Constitution;
- (c) for making omissions from, additions to, modifications of and amendments in this Constitution.

~~(2) No Order shall be made under this Article after the thirty-first day of March, 1973;~~

(3) Power to make any Order under this Article includes power to revoke or vary any Order previously made in the exercise of that power.

(4) Any Order made under this Article may be made so as to be retrospective to any date not earlier than the twentieth day of December, 1971.

(5) Any Order made under this Article shall be subject to alteration, modification or repeal by the National Assembly in accordance with the provisions of Chapter 4 of Part III.

Continuance in force of certain laws and repeal of other laws. 280. (1) Except as provided by this Article, all existing laws shall, subject to this Constitution, continue in force, so far as applicable and with the necessary adaptations, until altered, repealed or amended by the appropriate Legislature.

Subs. by Constituent Assembly (Amend.) Act, 1973

Referendum. 277. (1) If at any time the President considers it desirable that a particular matter of public importance should be referred to a referendum, the President may cause the matter to be referred to a referendum in the form of a question that is capable of being answered either by 'Yes' or 'No'.

(2) A referendum under this Article shall be conducted among the persons enrolled as electors for election of members of the National Assembly, in such manner as may be prescribed by law.

(3) A referendum under this Article shall be decided by secret ballot.

CHAPTER 3.—CONTINUANCE, REPEAL AND VALIDATION OF LAWS

Law relating to indemnity. **278.** Nothing in this Constitution shall prevent the Federal Legislature from making any law indemnifying any person in the service of the Federal or a Provincial Government, or any other person, in respect of any act done in connection with the maintenance or restoration of order in any area in Pakistan where Martial Law was in force, or validating any sentence passed, punishment inflicted, forfeiture ordered or other act done under Martial Law in such area.

Transitional powers of the President. 279. (1) The President shall, by Order, make such provisions as appear to him to be necessary or expedient—

- (a) for bringing the provisions of this Constitution into effective operation;
- (b) for removing difficulties arising in connection with the enforcement of this Constitution;
- (c) for making omissions from, additions to, modifications of and amendments in this Constitution.

4/5 (2) The power to make an Order under this Article may be exercised at any time before a Constitution for Pakistan enacted under Chapter 4 of Part III has come into force. 7.

to revoke or vary any order previously made in the exercise of that power.

(4) Any Order made under this Article may be made so as to be retrospective to any date not earlier than the twentieth day of December, 1971.

(5) Any Order made under this Article shall be subject to alteration, modification or repeal by the National Assembly in accordance with the provisions of Chapter 4 of Part III.

280. (1) Except as provided by this Article, all existing laws shall, subject to this Constitution, continue in force, so far as applicable and with the necessary adaptations, until altered, repealed or amended by the appropriate Legislature.

Isola di Laysan (Hawaii), 1973. 8.2.

(2) The Proclamation made on the twenty-fifth day of March, 1969, is revoked with effect as from the commencing day, and the Orders specified in the Sixth Schedule and any Orders amending those Orders are repealed with effect as from that day, but this clause shall not affect any existing laws made under those Orders.

(3) All Martial Law Regulations and Martial Law Orders, except the Martial Law Regulations and the Martial Law Orders specified in the Seventh Schedule, are repealed with effect as from the commencing day, and on that day each Martial Law Regulation and the Martial Law Orders so specified shall be deemed to have become an Act of the appropriate Legislature and shall, with the necessary adaptations, have effect as such :

Provided that no Bill to amend or to repeal any of the Martial Law Regulations or the Martial Law Orders specified as aforesaid shall be introduced or moved without the previous sanction of the President.

(4) For the purpose of bringing the provisions of any existing law into accord with the provisions of this Constitution (other than Part II of this Constitution), the President may make, by Order, such adaptations, whether by way of modification, addition or omission, as he may deem to be necessary or expedient, and any Order so made shall have effect (or be deemed to have had effect) from such date, not being a date earlier than the commencing day, as may be specified in the Order.

(5) The President may authorize the Governor of a Province to exercise, in relation to the Province, the powers conferred on the President by clause (4) in respect of laws relating to matters with respect to which the Provincial Legislature has power to make laws.

(6) The powers exercisable under clauses (4) and (5) shall be subject to the provisions of any Act of the appropriate Legislature.

(7) Any court, tribunal or authority required or empowered to enforce an existing law shall, notwithstanding that no actual adaptations have been made in such law by an Order made under clause (4) or clause (5), construe the law with all such adaptations as are necessary to bring it into accord with the provisions of this Constitution.

(8) In this Article, "existing laws" means all laws (including Ordinances, Orders-in-Council, Orders, rules, bye-laws, regulations and Letters Patent constituting a High Court, and any notifications and other legal instruments having the force of law) in force in Pakistan or any part of Pakistan, or having extra-territorial validity, immediately before the commencing day.

281. (1) All Proclamations, President's Orders, Martial Law Regulations, Martial Law Orders, and all other laws made as from the twenty-fifth day of March, 1969, are hereby declared, notwithstanding any judgment of any Court, to have been validly made by competent authority, and shall not be called in question in any court. Validation of laws and acts, etc.

(2) All orders made, proceedings taken and acts done by any authority, or by any person, which were made, taken or done, or purported to have been made, taken or done, on or after the twenty-fifth day of March, 1969, in exercise of the powers derived from any President's Orders, Martial Law Regulations, Martial Law Orders, enactments, notifications, rules, orders or bye-laws, or in execution of

any orders made or sentences passed by any authority in the exercise or purported exercise of powers as aforesaid, shall be deemed to be and always to have been validly made, taken or done.

(3) No suit or other legal proceedings shall lie in any court against any authority or any person for or on account of or in respect of any order made, proceedings taken or act done, whether in the exercise or purported exercise of powers referred to in clause (2), or in execution of or in compliance with orders made or sentences passed in exercise or purported exercise of such powers.

CHAPTER 4.—TRANSITIONAL PROVISIONS.

First
President.

282. (1) In pursuance of the vote of confidence passed by the National Assembly under Article 8 of the National Assembly (Short Session) Order, 1972, Mr. Zulfikar Ali Bhutto shall be and shall be deemed to have been elected as the first President under this Constitution. P.O. No. 1 1972.

(2) If the person referred to in clause (1) is not holding office as President of Pakistan immediately before the commencing day, the person who is so holding office for the time being shall become the first President of Pakistan under this Constitution, and shall continue to hold that office until the President is elected under Article 51.

First Vice-
President.

283. Any person holding office as Vice-President immediately before the commencing day shall, if he is a member of the National Assembly, and is otherwise qualified under clause (3) of Article 57, continue to hold that office, and shall be deemed to be the first Vice-President elected under this Constitution.

Vesting of
property,
assets, rights,
liabilities and
obligations.

284. (1) All property and assets which, immediately before the commencing day, were vested in the President or the Central Government shall, as from that day, vest in the Federal Government, unless they were used for purposes which, on that day, became purposes of the Government of a Province, in which case they shall, as from that day, vest in the Government of the Province.

(2) All property and assets which, immediately before the commencing day, were vested in the Government of a Province shall, as from that day, continue to be vested in the Government of that Province, unless they were used for purposes which, on that day, became purposes of the Federal Government, in which case they shall, as from that day, vest in the Federal Government.

(3) All rights, liabilities and obligations of the President or the Federal Government or of the Government of a Province, whether arising out of contract or otherwise, shall as from the commencing day, continue to be respectively the rights, liabilities and obligations of the President or the Federal Government or of the Government of the Province, except that—

(a) all rights, liabilities and obligations relating to any matter which, immediately before that day, was the responsibility of the President or the Federal Government, but which, under this Constitution, has become the responsibility of the Government of a Province, shall devolve upon the Government of that Province; and

282. (1) shall be deemed to have been elected as the first President under this Constitution.

- (b) all rights, liabilities and obligations relating to any matter which, immediately before that day, was the responsibility of the Government of a Province, but which, under this Constitution, has become the responsibility of the Federal Government, shall devolve upon the Federal Government.

285. (1) Subject to this Constitution and the law, any person who, immediately before the commencing day, was in the service of Pakistan shall, as from that day, continue in service of Pakistan on the same terms and conditions as were applicable to him immediately before that day. Continuance in office of persons in service of Pakistan, etc.

(2) Clause (1) shall apply in relation to a person holding office immediately before the commencing day as —

- (a) Chief Justice of the Supreme Court of Pakistan (who shall as from that day be referred to as Chief Justice of Pakistan) or other Judge of the Supreme Court of Pakistan, or Chief Justice or other Judge of a High Court ;
- (b) Governor of a Province ;
- (c) Minister of the Central or a Provincial Government ;
- (d) Chief Election Commissioner ;
- (e) Attorney-General for Pakistan or Advocate-General for a Province ;
- (f) Comptroller and Auditor-General of Pakistan (who shall as from that day be referred to as Auditor-General) ;
- (g) Chairman or other member of a Public Service Commission.

(3) A person referred to in paragraph (d) of clause (2), notwithstanding clause (1) of Article 237, or paragraph (g) of clause (2), notwithstanding clause (1) of Article 227, shall hold office, subject to the other provisions of this Constitution, only for the remainder of the term for which he was appointed.

(4) Any person who, under this Article, is continued in an office in respect of which a form of oath is set out in the Second Schedule shall, as soon as is practicable after the commencing day, make before the appropriate person an oath in that form.

(5) Subject to this Constitution and the law—

- (a) all civil, criminal and revenue courts exercising jurisdiction and functions immediately before the commencing day shall, as from that day, continue to exercise their respective jurisdictions and functions ; and
- (b) all authorities and all officers (whether judicial, executive, revenue or ministerial) throughout Pakistan exercising functions immediately before that day shall, as from that day, continue to exercise their respective functions.

286. (1) The President shall, before the commencement of the financial year beginning on the first day of July, 1972, cause to be prepared— Transitional financial provisions.

- (a) an Annual Budget Statement for the financial year ending the thirtieth day of June, 1973 ;
- (b) a schedule of authorized expenditure for the financial year ending the thirtieth day of June, 1973.

(2) The Annual Budget Statement and the schedule of authorized expenditure referred to in clause (1) shall, as far as practicable, be in the same form as an Annual Budget Statement and a schedule of authorized expenditure required to be prepared under Article 84 and Article 86 respectively.

(3) The President shall authenticate the schedule of authorized expenditure referred to in paragraph (b) of clause (1) and the schedule so authenticated shall be the schedule of authorized expenditure in respect of the financial year ending the thirtieth day of June, 1973.

(4) The schedules of authorized expenditure authenticated by the President for the financial year ending the thirtieth day of June, 1972, under the authority of which schedule moneys were withdrawn from the Central Consolidated Fund before the commencing day shall continue to remain valid authority for expenditure from the Federal Consolidated Fund for that year.

(5) The President may, in respect of expenditure rendered necessary over and above the authorized expenditure for the financial year ending the thirtieth day of June, 1972, in relation to the affairs of the Federal Government, authorize the withdrawal of moneys from the Federal Consolidated Fund.

(6) The schedule of authorized expenditure authenticated by the Governor of a Province for the financial year ending the thirtieth day of June, 1972, under the authority of which schedule moneys were withdrawn from the Provincial Consolidated Fund before the commencing day shall continue to remain valid authority for expenditure from the Provincial Consolidated Fund of that Province for that year.

Accounts not audited before commencing day.

h 173

Continuance of taxes.

Nationals of Jammu and Kashmir.

Definitions etc.

287. The Auditor-General shall perform the same functions and exercise the same powers in relation to accounts which have not been completed or audited before the commencing day as, by virtue of this Constitution, he is empowered to perform or exercise in relation to other accounts, and Article 168 shall, with the necessary modifications, apply accordingly. A +75.

288. Notwithstanding anything in this Constitution, all taxes and fees levied under any law in force immediately before the commencing day, shall continue to be levied until they are varied or abolished by Act of the appropriate Legislature.

289. For the purposes of clause (1) of Article 218, a person deriving his nationality from the State of Jammu and Kashmir shall be deemed to be a citizen of Pakistan.

CHAPTER 5.—INTERPRETATION

290. (1) In this Constitution, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say,—

“Advocate-General” means the Advocate-General for a Province ;

“agricultural income” means agricultural income as defined for the purposes of the law relating to income-tax ;

"All-Pakistan Service" means—

- (a) a service common to the Federation and the Provinces, which was an All-Pakistan Service immediately before the commencing day ; and
- (b) any other service common to the Federation and the Provinces, which is established by Act of the Federal Legislature as an All-Pakistan Service ;

"Article" means an Article of this Constitution ;

"Attorney-General" means the Attorney-General for Pakistan ;

"borrow" includes the raising of money by the grant of annuities, and "loans" shall be construed accordingly ;

"Chief Justice" in relation to the Supreme Court or a High Court, includes any person for the time being acting as Chief Justice of the Court ;

"citizen" means a citizen of Pakistan ;

"clause" means a clause of the Article in which the expression occurs ;

"corporation tax" means any tax on income, so far as that tax is payable by companies and in respect of which the following conditions apply :—

- (a) the tax is not chargeable in respect of agricultural income ;
- (b) no deduction in respect of the tax paid by companies is, by any law which may apply to the tax, authorized to be made from dividends payable by the companies to the individuals ;
- (c) no provision exists for taking the tax so paid into account in computing for the purposes of any tax the total income of individuals receiving such dividends, or in computing the income-tax payable by, or refundable to, such individuals ;

"debt" includes any liability in respect of any obligation to repay capital sums by way of annuities, and any liability under any guarantee, and "debt charges" shall be construed accordingly ;

"election" does not include the choosing of the President of the National Assembly, or of the Speaker or Deputy Speaker of an Assembly ;

"estate duty" means a duty assessed on, or by reference to, the value of property passing upon death ;

"existing law" means any such law as is referred to in clause (4) of Article 280 ;

"Federal Act" and "Federal law" mean, subject to the provisions of this Article, an Act passed or law made by the Federal Legislature ;

"Federal Government" means the executive Government of the Republic ;

“financial year” means a year commencing on the first day of July ;

“goods” includes all materials, commodities and articles ;

“Governor” means a Governor of a Province and includes any person for the time being acting as the Governor of a Province ;

“guarantee” includes any obligation undertaken before the commencing day to make payments in the event of the profits of an undertaking falling short of a specified amount ;

“High Court” means the High Court of a Province or Provinces ;

“Judge”, in relation to the Supreme Court or a High Court, includes a Chief Justice of the Court and also includes—

(a) in relation to the Supreme Court, a person who is acting as a Judge of the Court ; and

(b) in relation to the High Court, a person who is an Additional Judge of the Court ;

“National Assembly” means the National Assembly of Pakistan ;

“Part” means a Part of this Constitution ;

“pension” means a pension, whether contributory or not, of any kind whatsoever payable to, or in respect of, any person, and includes retired pay so payable, a gratuity so payable, and any sum or sums so payable by way of the return, with or without interest thereon, or any addition thereto, of subscriptions to a Provident Fund ;

“person” includes any body politic or corporate ;

“President” means the President of Pakistan ;

“property” includes any right, title or interest in property ;

“Provincial Act” and “Provincial law” mean, subject to the provisions of this Article, an Act passed or law made by a Provincial Legislature ;

“Provincial Assembly” means the Assembly of a Province ;

“Provincial Government” means the executive Government of a Province ;

“public notification” means a notification in the Gazette of Pakistan or, as the case may be, the official Gazette of a Province ;

“public office” includes any office in the service of Pakistan and membership of an Assembly ;

“remuneration” includes salary and pension ;

“Schedule” means a Schedule to this Constitution ;

“securities” include stock ;

“service of Pakistan” means any service, post or office in connection with the affairs of the Federation or of a Province, and includes an All-Pakistan Service, any Defence Service and any other service declared to be a service of Pakistan by

or under Act of the Federal Legislature or of a Provincial Legislature, but does not include service as a Speaker, Deputy Speaker or other member of an Assembly ;

"Speaker", in relation to an Assembly, includes any person for the time being acting as the Speaker of the Assembly ;

"Supreme Court" means the Supreme Court of Pakistan ;

"taxation" includes the imposition of any tax or impost, whether general, local or special, and "tax" shall be construed accordingly ;

"tax on income" includes a tax in the nature of an ~~excess~~ profits tax, or a business profits tax ;

"Vice-President" means the Vice-President of Pakistan.

(2) Any reference in this Constitution to Federal Acts or laws or Provincial Acts or laws, or to Acts or laws of the Federal or Provincial Legislatures, shall be construed as including the reference to an Ordinance made by the President or, as the case may be, to an Ordinance made by a Governor.

(3) References in this Constitution to the making of an oath include references to the making of an affirmation.

291. For the purposes of this Constitution, a person who acts in an office shall not be regarded as the successor to the person who held that office before him or as the predecessor to the person who holds that office after him.

Persons acting in office not to be regarded as successor to previous occupant of office, etc.

292. For the purposes of this Constitution, periods of time shall be reckoned according to the Gregorian calendar.

Gregorian calendar to be used.

293. In this Constitution--

(a) words importing the masculine gender shall be taken to include females ; and

Gender and number.

(b) words in the singular shall include the plural, and words in the plural shall include the singular.

294. Where by this Constitution a power is conferred to make rules or to issue orders with respect to the enforcement of any provision thereof, or with respect to the establishment of any court or office, or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, anything is to be done under any such provision, then that power may be exercised at any time between the enactment of this Constitution and its commencement.

Making of rules, etc., between the enactment and commencement of this Constitution.

295. Where a law (including a President's Order, a Martial Law Regulation or a Martial Law Order) is repealed, or is deemed to have been repealed, by, under, or by virtue of this Constitution, the repeal shall not, except as otherwise provided in this Constitution,—

Effect of repeal of laws

(a) revive anything not in force or existing at the time at which the repeal takes effect ;

- (b) affect the previous operation of the law or anything duly done or suffered under the law ;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the law ;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the law ; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment ; or
- (f) affect the continuance of any body or authority constituted by or under such law ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, and such body or authority continued as if the law had not been repealed.

FIRST SCHEDULE

[Article 7 (3)]

Laws exempted from operation of Article 7 (1) and (2)

I. President's Orders

1. The Basic Democracies Order, 1959 (P. O. No. 18 of 1959).
2. The Minerals (Acquisition and Transfer) Order, 1961 (P.O. No. 8 of 1961).
3. The Acceding State (Property) Order, 1961 (P.O. No. 12 of 1961).
4. The Economic Reforms Order, 1972 (P.O. No. 1 of 1972).
5. The Companies (Managing Agency and Election of Directors) Order, 1972 (P.O. No. 2 of 1972).
6. The Co-operative Societies (Reforms) Order, 1972 (P.O. No. 9 of 1972).
7. The Life Insurance (Nationalisation) Order, 1972 (P.O. No. 10 of 1972).
8. The Martial Law (Pending Proceedings) Order, 1972 (P.O. No. 14 of 1972).
9. The Rulers of Acceding States (Abolition of Privy Purses and Privileges) Order, 1972 (P.O. No. 15 of 1972).
10. The Industrial Sanctions and Licences (Cancellation) Order, 1972 (P. O. No. 16 of 1972).

II. Martial Law Regulations and Martial Law Orders

1. Rawalpindi (Requisition of Property) Regulation, 1959.
2. Pakistan Capital Regulation.
3. Scrutiny of Claims (Evacuee Property) Regulation.
4. West Pakistan Border Area Regulation, 1959.

	<i>Number</i>	<i>Description of Regulation</i>
5.	32	Income Tax (Collection of Returns and False Declaration) Regulation.
6.	37	Improper Acquisition of Property.
7.	58 (as amended by Martial Law Re- gulation No. 72).	Removal from Service (Special Provisions) Regulation.
8.	59 (as amended)	Punishment for assuming style of living beyond ostensible means.
9.	68	Recovery of illegal possession of Government Agricultural Land Regulation.
10.	70	Enemy Property-Delivering of money due to an enemy etc. to the Custodian of Enemy Property.

In Addition it shall be deemed always to have been so added by P.O. No. 2 of 1973 Art. 3.

	Number	Description of Regulation
11.	81 (as amended by Martial Law Regu- lations 100, 107 and 113).	Withdrawal of high denomination currency notes.
12.	85 (as amended by Martial Law Regulation 120).	To improve the management of the Karachi Race Club Limited.
13.	87	Recovery of Price of Evacuee Property and Public Dues Regulation.
14.	93	Settlement of certain disputes between the residents of Peshawar District and the Tribal Areas of Khyber and Mohmand Agencies.
15.	97	Funds of the Pakistan Muslim League (Convention) and All Pakistan Awami League.
16.	104 (as amended by Martial Law Re- gulation 111).	The Foreign Exchange Repatriation Regulation, 1972.
17.	105 (as amended by Martial Law Re- gulation 112).	The Foreign Assets (Declaration) Regulation, 1972.
18.	114	Removal from Service (Special Provisions) Regulation, 1972.
19.	115 (as amended by Martial Law Re- gulation 121 and 126)	The Land Reforms Regulation, 1972. <i>121, 126 and 128</i>
20.	116	Removal from Service (Review Petition) Regulation, 1972.
21.	117	The Land Reforms (Baluchistan Pat Feeder Canal) Regulation.
22.	118	Taking Over Privately Managed Schools and Colleges.
23.	119	Revocation of Sale of Enemy Property Regulation, 1972.
24.	122	The Devolution and Distribution of Property (Dir and Swat) Regulation.
25.	123	The Settlement of Immovable Property Disputes (Dir and Swat) Regulation.

*2. Subs. and shall be deemed always to have been
so subs. by Post-Constitution p.c. 117 to 123, 125, 126*

FIRST SCHEDULE

[Article 7 (3)]

Laws exempted from operation of Article 7 (1) and (2)

I. President's Orders

1. The Basic Democracies Order, 1959 (P. O. No. 18 of 1959).
2. The Minerals (Acquisition and Transfer) Order, 1961 (P.O. No. 8 of 1961).
3. The Acceding State (Property) Order, 1961 (P.O. No. 12 of 1961).
4. The Economic Reforms Order, 1972 (P.O. No. 1 of 1972).
5. The Companies (Managing Agency and Election of Directors) Order, 1972 (P.O. No. 2 of 1972).
6. The Co-operative Societies (Reforms) Order, 1972 (P.O. No. 9 of 1972).
7. The Life Insurance (Nationalisation) Order, 1972 (P.O. No. 10 of 1972).
8. The Martial Law (Pending Proceedings) Order, 1972 (P.O. No. 14 of 1972).
9. The Rulers of Acceding States (Abolition of Privy Purses and Privileges) Order, 1972 (P.O. No. 15 of 1972).
10. The Criminal Law Amendment (Special Court) Order, 1972 (P.O. No. 20 of 1972).

II. Martial Law Regulations and Martial Law Orders

1. Rawalpindi (Requisition of Property) Regulation, 1959.
2. Pakistan Capital Regulation.
3. Scrutiny of Claims (Evacuee Property) Regulation.
4. West Pakistan Border Area Regulation, 1959.

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8. 59 (as amended)	Punishment for assuming style of living beyond ostensible means.
9. 68	Recovery of illegal possession of Government Agricultural Land Regulation.
10. 70	Enemy Property-Delivering of money due to an enemy etc. to the Custodian of Enemy Property.

In Addition I shall be deemed always to have been so added by P.O. No. 2 of 1973 Pt-3.

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| 26. | 124 | Revocation of sale or transfer of any property made after the 25th March, 1969, by a Corporation or institution and its vesting in the West Pakistan Industrial Development Corporation on such revocation. |
| 27. | 125 | Protecting industries the management of which has been taken over under the Economic Reforms Order, 1972. |
| 28. | | Martial Law Order 35 relating to the National Press Trust of Pakistan. |
| 29. | | Zonal Martial Law Order No. 241 of 1972 of Zone C, made to further the effective operation of the West Pakistan Cooperative Societies and Cooperative Banks (Repayment of Loans) Ordinance, 1966 (West Pakistan Ordinance No. XIV of 1966). |
| 30. | | Zonal Martial Law Order No. 38 of 1971 of Zone D, as amended by Zonal Martial Law Orders No. 42 of 1971 and No. 48 of 1972, made to further the effective operation of the Cooperative Societies Act, 1925 (Sind Act VII of 1925). |

III. Ordinances promulgated by the President

1. The Control of Shipping Ordinance, 1959 (XIII of 1959).
 2. The Jammu and Kashmir (Administration of Property) Ordinance, 1961 (III of 1961).
 3. The Muslim Family Laws Ordinance, 1961 (VIII of 1961).
 4. The Security of Pakistan (Amendment) Ordinance, 1961 (XIV of 1961).
 5. The Associated Press of Pakistan (Taking Over) Ordinance, 1961 (XX of 1961).
 6. The Conciliation Courts Ordinance, 1961 (XLIV of 1961).
 7. The Trade Organisations Ordinance, 1961 (XLV of 1961).
 8. The Jute Ordinance, 1962 (LXXIV of 1962).
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IV. *Federal Acts*

1. The Political Parties Act, 1962 (III of 1962).
2. The Censorship of Films Act, 1963 (XVIII of 1963).

V. *Ordinances promulgated by the Governor of Former Province of West Pakistan.*

1. The West Pakistan Government Educational and Training Institutions Ordinance, 1960 (W.P. Ordinance No. XI of 1960).
2. The West Pakistan Wakf Properties Ordinance, 1961 (W.P. Ordinance No. XXVIII of 1961).
3. The Societies Registration (West Pakistan Amendment) Ordinance, 1962 (W.P. Ordinance No. IX of 1962).
4. The West Pakistan Industries (Control on Establishment and Enlargement) Ordinance, 1963 (W.P. Ordinance No. IV of 1963).

VI. *Ordinances promulgated by the Governor of the North-West Frontier Province.*

1. The North-West Frontier Province Government Educational and Training Institutions Ordinance, 1971 (N.W.F.P. Ordinance No. III of 1971).
2. The North-West Frontier Province Chashma Right Bank Canal Project (Control and Prevention of Speculation in Land) Ordinance, 1971 (N.W.F.P. Ordinance No. V of 1971).
3. The North-West Frontier Province Gomal Zam Project (Control and Prevention of Speculation in Land) Ordinance, 1971 (N.W.F.P. Ordinance No. VIII of 1971).
4. The Land Reforms (North-West Frontier Province Amendment) Ordinance, 1972 (N.W.F.P. Ordinance No. XXI of 1972).

(ii) after the sub-heading "VI. Ordinances promulgated by the Governor of the North-West Frontier Province" amended as aforesaid, the following new sub-headings and entries shall be added, namely :—

VII. *Ordinances promulgated by the Governor of Baluchistan.*

1. The Land Reforms Regulation (Baluchistan Amendment) Ordinance, 1972 (Baluchistan Ordinance No. VIII of 1972).
2. The Land Reforms Regulation (Baluchistan Second Amendment) Ordinance, 1972 (Baluchistan Ordinance No. X of 1972).

VIII. *Ordinance promulgated by the Governor of the Punjab.*

The Land Reforms (Punjab Amendment) Ordinance, 1972 (Punjab Ordinance No. XV of 1972).

IX. *Ordinance promulgated by the Governor of Sind.*

(Sind Amendment) Ordinance, 1972 (Sind

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| 26. | 124 | Revocation of sale or transfer of any property made after the 25th March, 1969, by a Corporation or institution and its vesting in the West Pakistan Industrial Development Corporation on such revocation. |
| 27. | 125 | Protecting industries the management of which has been taken over under the Economic Reforms Order, 1972. |
| 28. | | Martial Law Order 35 relating to the National Press Trust of Pakistan. |
| 29. | | Zonal Martial Law Order No. 241 of 1972 of Zone C, made to further the effective operation of the West Pakistan Cooperative Societies and Cooperative Banks (Repayment of Loans) Ordinance, 1966 (West Pakistan Ordinance No. XIV of 1966). |
| 30. | | Zonal Martial Law Order No. 38 of 1971 of Zone D, as amended by Zonal Martial Law Orders No. 42 of 1971 and No. 48 of 1972, made to further the effective operation of the Cooperative Societies Act, 1925 (Sind Act VII of 1925). |

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1. The Control of Shipping Ordinance, 1959 (XIII of 1959).
 2. The Jammu and Kashmir (Administration of Property) Ordinance, 1961 (III of 1961).
 3. The Muslim Family Laws Ordinance, 1961 (VIII of 1961).
 4. The Security of Pakistan (Amendment) Ordinance, 1961 (XIV of 1961).
 5. The Associated Press of Pakistan (Taking Over) Ordinance, 1961 (XX of 1961).
 6. The Conciliation Courts Ordinance, 1961 (XLIV of 1961).
 7. The Trade Organisations Ordinance, 1961 (XLV of 1961).
 8. The Jute Ordinance, 1962 (LXXIV of 1962).
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IV. *Federal Acts*

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1. The West Pakistan Government Educational and Training Institutions Ordinance, 1960 (W.P. Ordinance No. XI of 1960).
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 3. The Societies Registration (West Pakistan Amendment) Ordinance, 1962 (W.P. Ordinance No. IX of 1962).
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1. The North-West Frontier Province Government Educational and Training Institutions Ordinance, 1971 (N.W.F.P. Ordinance No. III of 1971).
 2. The North-West Frontier Province Chashma Right Bank Canal Project (Control and Prevention of Speculation in Land) Ordinance, 1971 (N.W.F.P. Ordinance No. V of 1971).
 3. The North-West Frontier Province Gomal Zam Project (Control and Prevention of Speculation in Land) Ordinance, 1971 (N.W.F.P. Ordinance No. VIII of 1971).
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1. Added by Post-Constitution P.O. No. 14 of 1972 H.S. 3
(Encl. 2-4, 2A-4-72)

SECOND SCHEDULE

Oaths of Office

President

[Article 50 (2)]

I,, do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, as President of Pakistan, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Interim Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions :

That I will preserve, protect and defend the Interim Constitution of the Islamic Republic of Pakistan :

That, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will :

And that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as President of Pakistan, except as may be required for the due discharge of my duties as President.

Vice-President

[Article 57 (2)]

I,, do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, as Vice-President of Pakistan and whenever I am called upon to act as or to exercise the functions of the office of President of Pakistan, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Interim Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions :

That I will preserve, protect and defend the Interim Constitution of the Islamic Republic of Pakistan :

That, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will :

And that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as Vice-President of Pakistan, except as may be required for the due discharge of my duties as Vice-President.

President's Ministers and Ministers of State

[Articles 63 (I) and 64 (I)]

I, do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, as President's Minister or Minister of State, I will discharge my duties and perform my functions honestly, to the best of my ability, faithfully, in accordance with the Interim Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions :

That I will preserve, protect and defend the Interim Constitution of the Islamic Republic of Pakistan :

That, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will :

And that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as President's Minister (Minister of State), except as may be required for the due discharge of my duties as Minister (Minister of State), or as may be specially permitted by the President.

Speaker of National Assembly

[Article 71 (2)]

I, do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, as Speaker of the National Assembly of Pakistan, and whenever I am called upon to act as President of the National Assembly of Pakistan, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Interim Constitution of the Islamic Republic of Pakistan, the law and the Rules of the Assembly, and always in the interest of the sovereignty, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions :

That I will preserve, protect and defend the Interim Constitution of the Islamic Republic of Pakistan :

And that, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will.

Deputy Speaker of National Assembly

[Article 71 (2)]

I....., do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, whenever I am called upon to act as Speaker or President of the National Assembly of Pakistan, I will discharge my duties and perform my functions honestly, to the best of my ability, faithfully in accordance with the Interim Constitution of the Islamic Republic of Pakistan, the law and the Rules of the Assembly, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions :

That I will preserve, protect and defend the Interim Constitution of the Islamic Republic of Pakistan :

And that, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will.

Member of National Assembly

[Article 74]

I....., do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, as a member of the National Assembly, I will perform my functions honestly, to the best of my ability, faithfully in accordance with the Interim Constitution of the Islamic Republic of Pakistan and the law, and the Rules of the Assembly, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

And that I will preserve, protect and defend the Interim Constitution of the Islamic Republic of Pakistan.

President of National Assembly

[Article 96 (2)]

I....., do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, as President of the National Assembly, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Interim Constitution of the Islamic Republic of Pakistan, the law and the Rules of the Assembly, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions :

That I will preserve, protect and defend the Interim Constitution of the Islamic Republic of Pakistan :

And that, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will.

Governor of a Province

[Article 100 (4)]

I,, do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, as the Governor of the Province of....., I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Interim Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions :

That I will preserve, protect and defend the Interim Constitution of the Islamic Republic of Pakistan :

That, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will.

And that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as Governor of the Province of....., except as may be required for the due discharge of my duties as Governor.

Governor's Ministers

[Article 103 (3)]

I,, do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, as a Governor's Minister, I will discharge my duties and perform my functions honestly, to the best of my ability, faithfully in accordance with the Interim Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions :

That I will preserve, protect and defend the Interim Constitution of the Islamic Republic of Pakistan :

That, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will :

And that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as Governor's Minister, except as may be required for the due discharge of my duties as Minister, or as may be specially permitted by the Governor.

Speaker of a Provincial Assembly

[Article 112 (2)]

I,, do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, as Speaker of the Provincial Assembly of the Province of, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Interim Constitution of the Islamic Republic of Pakistan, and the law and the Rules of the Assembly, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions :

That I will preserve, protect and defend the Interim Constitution of the Islamic Republic of Pakistan :

And that, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will.

Deputy Speaker of a Provincial Assembly

[Article 112 (2)]

I,, do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, whenever I am called upon to act as Speaker of the Provincial Assembly of the Province of, I will discharge my duties and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Interim Constitution of the Islamic Republic of Pakistan, the law and the Rules of the Assembly, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions :

That I will preserve, protect and defend the Interim Constitution of the Islamic Republic of Pakistan :

And that, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will.

Member of a Provincial Assembly

[Article 114]

I,, do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, as a member of the Provincial Assembly of....., I will perform my functions honestly, to the best of my ability, faithfully in accordance with the Interim Constitution of the Islamic Republic of Pakistan, the law and the rules of the Assembly, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

And that I will preserve, protect and defend the Interim Constitution of the Islamic Republic of Pakistan.

Auditor-General of Pakistan or of a Province

[Article 170 (2)]

I,, do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, as Auditor-General of Pakistan or of the Province of....., I will discharge my duties and perform my functions honestly, faithfully in accordance with the Interim Constitution of the Islamic Republic of Pakistan and the law and to the best of my knowledge, ability and judgement, without fear or favour, affection or ill-will, and that I will not allow my personal interest to influence my official conduct or my official decisions.

Chief Justice of Pakistan or Judge of the Supreme Court or a High Court

[Articles 179 and 196]

I, do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, as Chief Justice of Pakistan or a Judge of the Supreme Court of Pakistan, Chief Justice or a Judge of the High Court for the Province or Provinces of....., I will discharge my duties, and perform my functions, honestly, to the best of my ability, and faithfully in accordance with the Constitution and the law :

That I will abide by the Code of Conduct issued by the Supreme Judicial Council :

That I will preserve, protect and defend the Interim Constitution of the Islamic Republic of Pakistan :

And that, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will.

Chairman or Member of Public Service Commission

[Article 226 (1)]

I,, do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, as a member or Chairman of the.....Public Service Commission, I will discharge my duties and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Interim Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the solidarity, integrity, well-being and prosperity of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions and that in the performance of my functions I will act without fear or favour, affection or ill-will.

Chief Election Commissioner

[Article 235]

I,, do solemnly swear that as Chief Election Commissioner I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Interim Constitution of the Islamic Republic of Pakistan and the law, and without fear or favour, affection or ill-will, and that I will not allow my personal interest to influence my official conduct or my official decisions.

THIRD SCHEDULE

[Articles ⁵⁷50 and 58 (1)]

Election of President and Vice-President

1. The Chief Election Commissioner (hereinafter referred to as the 'Commissioner') shall hold and conduct the election to the office of President, and shall be the Returning Officer for the election.

2. The poll shall be by secret ballot.

3. Nomination papers shall be presented by the candidate in person, or through an authorized agent, at the office of the Commissioner and shall be received by the Commissioner, personally or, in case he is unavoidably absent, by the Secretary to the Election Commission, at the time and on the date fixed by the Commissioner for the purpose.

4. Scrutiny of nomination papers shall be conducted by the Commissioner, in his office, at a time and on a date to be fixed by him, which shall be three days after the date fixed for presentation of nomination papers under paragraph 3.

5. Each candidate shall be entitled to attend the proceedings for scrutiny of nomination papers and to raise objections in respect of nomination papers of the other candidates. If a candidate elects not to attend at the scrutiny, he may, in writing, appoint an agent to attend on his behalf, who shall be entitled to raise the objections in respect of nominations of the other candidates.

6. A candidate, whose nomination paper has been found to be in order at a scrutiny, wishing to withdraw from the election, may do so within three days after such scrutiny, by writing under his hand. Such notice of withdrawal shall be presented to the Commissioner by the candidate in person, or through an authorized agent.

7. If all but one of the candidates have withdrawn, that one shall be declared by the Commissioner to be elected.

8. If there is no withdrawal, or if, after withdrawals have taken place, two or more candidates are left in the field, the Commissioner shall, by public notification, announce forthwith the names of the candidates as validly nominated candidates and shall proceed to hold a poll in accordance with the provisions of the succeeding paragraphs of this Schedule.

9. If no validly nominated candidate remains in the field after withdrawals have taken place, all the proceedings in relation to the election shall commence afresh.

10. If a validly nominated candidate who has not withdrawn his candidature dies before the commencement of the poll, the Commissioner shall

That, as Chief Justice of Pakistan or a Judge of the Supreme Court of Pakistan, Chief Justice or a Judge of the High Court for the Province or Provinces of....., I will discharge my duties, and perform my functions, honestly, to the best of my ability, and faithfully in accordance with the Constitution and the law :

CORRIGENDUM

In the Interim Constitution of the Islamic Republic of Pakistan, in the Second Schedule, in the form of oath prescribed for the Chief Justice of Pakistan or Judge of the Supreme Court or a High Court, after the Third paragraph, insert the following paragraph, namely :—

"That I will not allow my personal interest to influence my conduct or decisions as a Judge :".

Chairman or Member of Public Service Commission

[Article 226 (I)]

I,, do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, as a member or Chairman of the.....Public Service Commission, I will discharge my duties and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Interim Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the solidarity, integrity, well-being and prosperity of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions and that in the performance of my functions I will act without fear or favour, affection or ill-will.

Chief Election Commissioner

[Article 235]

I,, do solemnly swear that as Chief Election Commissioner I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Interim Constitution of the Islamic Republic of Pakistan and the law, and without fear or favour, affection or ill-will, and that I will not allow my personal interest to influence my official conduct or my official decisions.

countermand the poll and all proceedings in relation to the election shall commence in all respects as if for a new election :

Provided that no fresh nomination shall be necessary in the case of a person whose nomination was valid at the time of the countermanding of the poll :

Provided further that no person who had withdrawn his candidature before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

11. The date and time for polling at the election shall be fixed by the Commissioner so however that the date so fixed is not later than fifteen days from the date of publication of the names under paragraph 8 of this Schedule. The Commissioner shall, at the same time, request the Speaker of the National Assembly to summon the members of the Assembly to assemble for the purpose of polling at the election.

12. The Commissioner shall appoint a Presiding Officer to conduct the poll.

13. The Commissioner shall furnish the Presiding Officer with a complete list of voters entitled to vote at the poll, over which he is to preside.

14. The ballot papers, with their counterfoils, shall be bound in the form of a book. Serial numbers shall appear only on the counterfoils. Ballot papers so bound shall be sent to the Presiding Officer.

15. Every ballot paper shall contain the names of all the validly nominated candidates in alphabetical order. A ballot paper shall be issued by the Presiding Officer to a voter, upon due identification, and before it is issued, the ballot paper shall be authenticated by the initials of the Presiding Officer. At the same time, the name of the voter to whom the ballot paper is issued, shall be noted on the counterfoil. The voter shall exercise his vote by placing a cross-mark against the name of the candidate for whom he wishes to vote.

16. The ballot paper having been marked by the voter shall be inserted by that voter in a ballot box placed in front of the Presiding Officer.

17. If a ballot paper is spoiled by a voter, he may return it to the Presiding Officer who shall issue to the voter a second ballot paper, cancelling the first ballot paper and marking the cancellation at the appropriate counterfoil.

18. A ballot paper shall be invalid if—

- (i) there is upon it any name, word or mark by which the voter may be identified ; or
- (ii) it does not contain the initials of the Presiding Officer ; or
- (iii) it does not contain a cross-mark against the name of any candidate ; or
- (iv) the cross-mark is placed against the names of two or more candidates ;
- (v) there is any uncertainty as to the candidate against whose name the cross-mark is placed.

19. After the close of the poll, the Presiding Officer shall, in the presence of such of the candidates or their authorized agents as may desire to be present, open and empty the ballot boxes and examine the ballot papers, rejecting any which are invalid, count the number of votes recorded for each candidate on the valid ballot papers, and communicate the number of votes so recorded to the Commissioner.

20. If there are only two candidates, the candidate who has obtained the larger number of votes shall be declared by the Commissioner to be elected.

21. If there are three or more candidates, and one of them has obtained a larger number of votes than the aggregate number of votes obtained by the rest of the candidates, he shall be declared by the Commissioner to be elected.

22. If there are three or more candidates and no candidate has obtained the number of votes specified in the last preceding paragraph, a fresh poll shall be held in accordance with the preceding provisions of this Schedule, at which the candidate who obtained the smallest number of votes at the last poll shall be eliminated

23. The provisions of paragraphs 20, 21 and 22 shall apply in relation to the fresh poll and any subsequent poll which may be necessary.

24. Where at any poll any two or more candidates obtain equal number of votes, then—

(a) if there are two candidates ; or

(b) if one of the candidates who obtained equality of votes is required to be eliminated from a fresh poll under paragraph 22 of this Schedule ;

the election of a candidate, or, as the case may be, the elimination of a candidate, from a fresh poll shall be determined by drawing of lots.

25. When, after any poll, the counting of the votes has been completed and the result of the voting determined, the Commissioner shall forthwith announce the result to those present and shall also report the result to the Federal Government who shall forthwith cause the result to be declared by public notification.

26. An election for the office of President shall be held within a period of sixty days immediately preceding the day on which the term of office of a President is due to expire, and the result of the election shall be declared not later than fourteen days before that day, but the person elected shall not enter upon the office of President before that office is vacant.

27. When a President ceases to hold office before the expiration of his term of office, an election for the office of President shall be held within a period of sixty days after he ceases to hold office.

28. The provisions of paragraphs 1 to 25 shall apply in relation to election to the office of Vice-President as they apply to election to the office of President, and in their application to election to the office of Vice-President any reference to President shall be read as a reference to Vice-President.

29. The Commissioner, with the approval of the President, may, by notification in the official Gazette, make rules for carrying out the purpose of this Schedule.

30. When a person has been declared to have been elected as President or Vice-President, the validity of the election shall not be called in question in any manner before or by any court or authority whatsoever.

FOURTH SCHEDULE

[Article 138]

Legislative Lists

✓ LIST I.—FEDERAL LEGISLATIVE LIST

1. The defence of the Federation or any part thereof in peace or war ; the naval, military and air forces of the Federation and any other armed force raised or maintained by the Federation ; any armed forces which are not forces of the Federation but are attached to or operating with any of the armed forces of the Federation including civil armed forces ; central intelligence bureau ; preventive detention for reasons of State connected with defence, external affairs, or the security of Pakistan or any part thereof ; persons subjected to such detention.

2. Naval, military and air force works ; local self-government in cantonment areas, the constitution and powers within such areas of cantonment authorities, the regulation of house accommodation in such areas, and, the delimitation of such areas.

3. External affairs ; the implementing of treaties and agreements with other countries ; extradition, including the surrender of criminals and accused persons to Governments outside Pakistan.

4. Ecclesiastical affairs, including European cemeteries.

5. Currency, coinage and legal tender.

6. Public debt of the Federation, including the borrowing of money on the security of the Federal Consolidated Fund, and foreign loans.

7. Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication ; Post Office Savings Bank.

8. Federal Public Services and Federal Public Service Commission.

9. Federal pensions, that is to say, pensions payable by the Federation or out of the Federal Consolidated Fund.

10. Works, land and buildings vested in, or in the possession of Government for the purposes of the Federation (not being naval, military or air force works), but, as regards property situate in a Province, subject always to Provincial legislation, save in so far as Federal law otherwise provides.

11. Libraries, museums, and similar institutions controlled or financed by the Federation.

12. Federal agencies and institutes for the following purposes, that is to say, for research, for professional or technical training, or for the promotion of special studies.

13. The setting up and carrying on of labour exchanges, employment information bureaux and training establishments.

14. Federal Surveys and Federal meteorological organisations.

✓ The Federal Gov. has also been empowered under Art. 141, to confer honours with respect to drugs by S.O. 920 (I)/72, dt. 26.6.72.

15. Ancient and historical monuments, archaeological sites and remains.
16. Census.
17. Admission into, and emigration and expulsion from, Pakistan, including in relation thereto the regulation of the movements in Pakistan of persons not domiciled in Pakistan, pilgrimages to places beyond Pakistan.
18. Port quarantine, seamen's and marine hospitals, and hospitals connected with port quarantine.
19. Import and export across customs frontiers as defined by the Federal Government, trade and commerce between the Provinces and foreign countries ; standard of quality of goods to be exported out of Pakistan.
20. Railways.
21. Maritime shipping and navigation, including shipping and navigation on tidal waters ; Admiralty jurisdiction.
22. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of port authorities therein.
23. Fishing and fisheries beyond territorial waters.
24. Aircraft and air navigation ; the provision of aerodromes ; regulation and organisation of air traffic and of aerodromes.
25. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.
26. Carriage of passengers and goods by sea or by air.
27. Copyright, inventions, designs, trade-marks and merchandise marks.
28. Foreign Exchange; cheques, bills of exchange, promissory notes and other like instruments.
29. ~~Arms, firearms; ammunition~~ ^{Ammunition}
30. Explosives.
31. Opium, so far as regards cultivation and manufacture, or sale for export.
32. Mineral oil and natural gas ; liquids and substances declared by Federal law to be dangerously inflammable.
33. Corporations, that is to say, the incorporation, regulation and winding-up of trading corporations, including banking, insurance and financial corporations, but not including corporations owned or controlled by a Province and carrying on business only within that Province or co-operative societies, and of corporations, whether trading or not, with objects not confined to one unit, but not including universities.
34. Development of industries, where development under Federal control is declared by Federal law to be expedient in the public interest ; institutions, establishments, bodies and corporations administered or managed by or on behalf of the President immediately before the commencing day, including the West Pakistan Water and Power Development Authority and the West Pakistan Industrial Development Corporation; all undertakings, projects and schemes of such institutions, establishments, bodies and corporations ; industries, projects and undertakings owned wholly or partially by the Federation or by a corporation set up by the Federation.

Added and shall be deemed always to have been so added by post-Constitution P.O. No. 79 of 1972, 4.

35. Regulation of labour and safety in mines and oilfields.

36. Nuclear energy, including —

- (a) mineral resources necessary for the generation of nuclear energy ;
- (b) the production of nuclear fuels and the generation and use of nuclear energy ; and
- (c) ionizing radiations.

37. The law of insurance, except as respects insurance undertaken by a Province, and the regulation of the conduct of insurance business, except as respects business undertaken by a Province ; Government insurance, except so far as undertaken by a Province, by virtue of any entry in the Provincial Legislative List.

38. State Bank of Pakistan ; banking, that is to say, the conduct of banking business by corporations other than corporations owned or controlled by a Province and carrying on business only within that Province.

39. Stock exchanges and futures markets with objects and business not confined to one Province.

40. Extension of the powers and jurisdiction of members of a police force belonging to any Province to any area in another Province, but not so as to enable the police of one Province to exercise powers and jurisdiction in another Province without the consent of the Government of that Province ; extension of the powers and jurisdiction of members of a police force belonging to any unit to railway areas outside that unit.

41. Elections to the offices of President and Vice-President, to the National Assembly and the Provincial Assemblies, Chief Election Commissioner and Election Commissions.

42. The salaries, allowances and privileges of the President, Vice-President, President of the National Assembly, President's Ministers, Ministers of State and of the Speaker and Deputy Speaker of the National Assembly ; the salaries, allowances and privileges of the members of the National Assembly ; and the punishment of persons who refuse to give evidence or produce documents before Committees thereof.

43. Offences against laws with respect to any of the matters in this List.

44. Inquiries and statistics for the purposes of any of the matters in this List.

45. Duties of customs, including export duties.

46. Duties of excise, not including duties on alcoholic liquors, opium and other narcotics.

47. Taxes on income other than agricultural income.

48. Taxes on corporations.

49. Taxes and duties on the production capacity of any plant, machinery, undertaking, establishment or installation in lieu of the taxes and duties specified in entries 46, 47, 48 and 56 or in lieu of any one or more of them.

50. Salt.

51. State lotteries.
52. Nationality, citizenship and naturalization.
53. Migration within Pakistan from or into a Province or the Capital of the Federation.
54. Establishment of standards of weights and measures.
55. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this list and, to such extent as is expressly authorized by or under this Constitution, the enlargement of the jurisdiction of the Supreme Court, and the conferring thereon of supplemental powers.
56. Taxes on sales and purchases.
57. Taxes on the capital value of assets, not including taxes on capital gains on immovable property.
58. Duties in respect of succession to property.
59. Estate duty in respect of property.
60. Taxes on mineral oil, natural gas and minerals for use in the generation of nuclear energy.
61. Terminal taxes on goods or passengers carried by railway, sea or air ; taxes on their fares and freights.
62. Fees in respect of any of the matters in this List, but not including fees taken in any Court.
63. National planning and national economic co-ordination.
64. Administrative Courts.
65. Matters which under this Constitution are within the legislative competence of the Federal Legislature or relate to the Federation.
66. Matters incidental or ancillary to any matter enumerated in this List.

LIST II.—PROVINCIAL LEGISLATIVE LIST

1. Public order (but not including the use of naval, military or air forces in aid of the civil power) ; the administration of justice ; constitution and organization of all courts, except the Supreme Court, and fees taken therein.
2. Jurisdiction and powers of all courts except the Supreme Court with respect to any of the matters in this List ; procedure in Rent and Revenue Courts.
3. Police, including railway and village police.
4. Prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein ; arrangements with other units for the use of prisons and other institution.
5. Public debt of the Province.
6. Provincial Public Services and Provincial Public Service Commissions.
7. Provincial pensions, that is to say, pensions payable by the Province or out of the Provincial Consolidated Fund.

- ✓ Doctor. or shall we demand always to have names &c. in a list. 21/2/1912. 1/2/12.

8. Works, lands and buildings vested in or in the possession of the Federation for the purposes of the Province, subject to List I.

9. Compulsory acquisition of land.

10. Libraries, museums and other similar institutions controlled or financed by the Province.

11. The salaries, allowances and privileges of the Governor, Governor's Ministers, of the Speaker and Deputy Speaker of the Provincial Assembly, the salaries, allowances and privileges of the members of the Provincial Assembly; and, to such extent as is expressly authorized by this Constitution, the punishment of persons who refuse to give evidence or produce documents before Committees of the Provincial Assembly.

12. Local Government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration.

13. Public health and sanitation ; hospitals and dispensaries ; registration of births and deaths.

14. Pilgrimages, other than pilgrimages to places beyond Pakistan.

15. Burials and burial grounds.

16. Education, including universities.

17. Communications, that is to say, roads, bridges, ferries, and other means of communication not specified in List I; municipal tramways ; ropeways ; inland waterways and traffic thereon subject to the provisions of List III with regard to such waterways ; ports subject to the provisions in List I with regard to major ports; vehicles other than mechanically propelled vehicles.

18. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power, subject to the provisions of List I.

19. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases; improvement of stock and prevention of animal diseases ; veterinary training and practice ; pounds and the prevention of cattle trespass.

~~20. That is to say, copyrights in or over land, land revenue, land taxes, and other matters occurring for the first time the words, figures and commas, Subject to the provisions of List III with respect to the Land Reforms Regulation, 1972, land shall be substituted and shall be deemed~~

21. Forests.

22. Regulation of mines and minerals, subject to the provisions of List I.

23. Fisheries.—

24. Protection of wild birds and wild animals:

Amended by the Punjab Legislative Assembly on 15/11/1972, A-26-3.

25. Trade and commerce within the Province ; markets and fairs ; money lending and money lenders.
26. Inns and inn-keepers.
27. Production, supply and distribution of goods ; development of industries, subject to the provisions in List I with respect to the development of certain industries under Federal control.
28. Adulteration of foodstuffs and other goods, weights and measures.
29. Intoxicating liquors and narcotic drugs, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors, opium and other narcotic drugs, but subject, as respects opium, to the provisions of List I and, as respects poisons and dangerous drugs, to the provisions of List III.
30. Relief of the poor ; unemployment.
31. The incorporation, regulation, and winding up of corporations, not being corporations specified in List I or universities ; unincorporated trading, literary, scientific, religious and other societies and associations ; co-operative societies.
32. Charities and charitable institutions ; charitable and religious endowments.
33. Theatres, dramatic performances and cinemas, but not including the sanction of cinematograph films for exhibition.
34. Betting and gambling.
35. Offences against laws with respect to any of the matters in this List ; jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List.
36. Inquiries and statistics for the purpose of any of the matters in this List.
37. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights, and alienation of revenue.
38. Duties of excise on the following goods manufactured or produced in the Province and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in Pakistan.—
 - (a) alcoholic liquors ;
 - (b) opium ;
 - (c) other narcotics.
39. Taxes on agricultural income.
40. Taxes on lands and buildings, hearths and windows.
41. Taxes on mineral rights, subject to the provisions of List I.
42. Capitation taxes.
43. Taxes on professions, trades, callings and employments, subject, however, to the provisions of Article 162.

44. Taxes on animals and boats.
45. Taxes on vehicles suitable for use on roads, whether mechanically propelled or not, including tramcars.
46. Taxes on the consumption or sale of electricity.
47. Cesses on the entry of goods into a local area for consumption, use or sale therein.
48. Taxes on luxuries, including taxes on entertainments, amusements, betting and gambling.
49. The rates of stamp duty, in respect of documents other than those specified in the provisions of List I with regard to rates of stamp duty.
50. Dues on passengers and goods carried on inland waterways.
51. Tolls.
52. Fees in respect of any of the matters in this List, but not including fees taken in any Court.
53. Matters which under this Constitution are within the legislative competence of the Provincial Legislature or relate to the Province.
54. Matters incidental or ancillary to any matters enumerated in this List.

LIST III.—CONCURRENT LEGISLATIVE LIST

Part I

1. Criminal law, including all matters included in the Penal Code at the date of the passing of this Constitution, but excluding offences against laws with respect to any of the matters specified in List I or List II and excluding the use of naval, military and air forces in aid of the civil power.

In [1A. Arms and fire-arms]
2. Measures to combat certain offences committed in connection with matters concerning the Federal and Provincial Governments and the establishment of a police force for that purpose.

3. Preventive detention for reasons connected with the maintenance of public order, or the maintenance of supplies and services essential to the community ; persons subjected to such detention.

4. Criminal Procedure, including all matters included in the Code of Criminal Procedure on the commencing day.

5. Removal of prisoners and accused persons from one unit to another unit.

6. Civil Procedure, including the law of Limitation and all matters included in the Code of Civil Procedure on the commencing day ; the recovery in a Province or the Capital of the Federation of claims in respect of taxes and other public demands, including arrears of land revenue and sums recoverable as such, arising outside that Province.

7. Evidence and oaths ; recognition of laws, public acts and records and judicial proceedings.

In [1A. Arms and fire-arms]
Ins. and shall be deemed always to have been so
ins. by Part - Constitution P.O. No. 79/1957 and

184. Social Welfare and population planning.
8. Marriage and divorce ; infants and minors ; adoption.
 9. Wills, intestacy, and succession, save as regards agricultural land.
 10. Transfer of property other than agricultural land ; registration of deeds and documents.
 11. Trusts and trustees.
 12. Contracts, including partnership, agency, contracts of carriage, and other special forms of contracts, but not including contracts relating to agricultural land.
 13. Arbitration.
 14. Bankruptcy and insolvency ; administrators-general and official trustees.
 15. Actionable wrongs, save in so far as included in laws with respect to any of the matters specified in List I or List II.
 16. Offences against laws with respect to any of the matters in this List ; jurisdiction and powers of all courts except the Supreme Court, with respect to any of the matters in this List.
 17. Matters incidental or ancillary to any matter enumerated in this List.
 18. Legal, medical and other professions.
 19. Newspapers, books and printing presses.
 20. Lunacy and mental deficiency, including places for the reception or treatment of lunatics and mental deficient.
 21. Poisons and dangerous drugs.
 22. Mechanically propelled vehicles.
 23. Boilers.
 24. Prevention of cruelty to animals.
 25. European vagrancy ; criminal tribes.
 26. Inquiries and statistics for the purpose of any of the matters in this Part of this List.
 27. Fees in respect of any of the matters in this Part of this List, but not including fees taken in any Court.

Part II

28. Factories.
29. Welfare of labour ; conditions of labour ; provident funds ; employers' liability and workmen's compensation ; health insurance, including invalidity pensions ; old age pensions.
30. Unemployment insurance.

*Ins. 9 shall be deemed always to have been
so inserted by P.O. 10 - L of 1973 Act. 4.*

31. Trade unions ; industrial and labour disputes.
32. The prevention of the extension from one unit to another of infectious or contagious diseases or pests affecting men, animals or plants.
33. Electricity.
34. Shipping and navigation on inland waterways as regards mechanically propelled vessels, and the rule of the road on such water ways ; carriage of passengers and goods on inland waterway.
35. The sanctioning of cinematograph films for exhibition.
36. Persons subjected to preventive detention under Federal authority.
37. Inquiries and statistics for the purpose of any of the matters in this Part of this List.
38. Fees in respect of any of the matters in this Part of this List, but not including fees taken in any Court.
39. Zakat.
40. Islamic education.

1/41. Land Reforms Regulation, 1912.

*1. Added & kept as it was changed to a new one
by P.O. No. 139 1913 Art. 3.*

FIFTH SCHEDULE

[Article 207]

Remuneration and Terms and Conditions of Service of Judges*The Supreme Court*

1. There shall be paid to the Chief Justice of Pakistan a salary of Rs. 5,500 *per mensem*, and to every other Judge of the Supreme Court a salary of Rs. 5,100 *per mensem*.

2. Every Judge of the Supreme Court shall be entitled to such privileges and allowances, and to such rights in respect of leave of absence and pension, as may be determined by the President, and until so determined, to the privileges, allowances and rights to which, immediately before the commencing day, the Judges of the Supreme Court of Pakistan were entitled.

The High Courts

1. There shall be paid to the Chief Justice of a High Court a salary of Rs. 5,000 *per mensem*, and to every other Judge of a High Court a salary of Rs. 4,000 *per mensem*.

2. Every Judge of a High Court shall be entitled to such privileges and allowances, and to such rights in respect of leave of absence and pension, as may be determined by the President, and until so determined, to the privileges, allowances and rights to which, immediately before the commencing day, the Judges of the High Court were entitled.

SIXTH SCHEDULE

[Article 280]

Orders Repealed

- The Budgetary Provisions Order, 1969. (P.O. No. 1 of 1969.)
- The Special Committee Proceedings (Protection) Order, 1969. (P.O. No. 2 of 1969.)
- The Jurisdiction of Courts (Removal of Doubts) Order, 1969. (P.O. No. 3 of 1969.)
- The Judges (Declaration of Assets) Order, 1969. (P.O. No. 4 of 1969.)
- The Public Service Commission (Annual Report) Order, 1969. (P.O. No. 5 of 1969.)
- The Retired Judges (Removal of Disqualifications) Order, 1969. (P.O. No. 7 of 1969.)
- The High Court Judges (Retiring Age) Order, 1969. (P.O. No. 8 of 1969.)
- The Legal Framework Order, 1970.
- The Delimitation of Constituencies Order, 1970. (P.O. No. ³/₅ of 1970.)
- The Elections to Assemblies (Qualifications) (Supplementary Provisions) Order, 1970. (P.O. No. 6 of 1970.)
- The West Pakistan (Dissolution) (Removal of Difficulties) Order, 1970. (P.O. No. 7 of 1970.)
- The West Pakistan (Dissolution) (Removal of Difficulties) (Amendment) Order, 1970. (P.O. No. 10 of 1970.)
- The Removal of Difficulties (Pakistan Western Railway) (Budgetary Arrangements) Order, 1970. (P.O. No. 11 of 1970.)
- The Removal of Difficulties (Oath of Chief Justice of Sind and Baluchistan High Court) Order, -1970. (P.O. No. 12 of 1970.)
- The Supreme Judicial Council (Composition) Order, 1970. (P.O. No. 14 of 1970.)
- The Supreme Judicial Council (Investment of Powers) Order, 1970. (P.O. No. 20 of 1970.)
- The Removal of Difficulties (Pakistan Western Railway) (Consultation with Public Service Commission) Order, 1970 (P.O. No. 21 of 1970.)
- The Supreme Judicial Council (Composition) (Amendment) Order, 1971. (P.O. No. 3 of 1971.)
- The Supreme Judicial Council (Composition) (Second Amendment) Order, 1971. (P.O. No. 5 of 1971.)

SEVENTH SCHEDULE

[Article 280]

Martial Law Regulations and Martial Law Orders

to be continued as Laws

Number	Description of Regulation
32	Income Tax (Collection of Returns and False Declaration) Regulation.
37	Improper Acquisition of Property.
58 (as amended by Martial Law Re- gulation No. 72.)	Removal from Service (Special Provisions) Regulation.
59 (as amended)	Punishment for assuming style of living beyond ostensible means.
68	Recovery of illegal possession of Government Agricultural Land Regulation.
70	Enemy Property-Delivering of money due to an enemy etc. to the Custodian of Enemy Property.
81 (as amended by Martial Law Re- gulations 100, 107 and 113.)	Withdrawal of high denomination currency notes.
85	To improve the Management of the Karachi Race Club Limited.
87	Recovery of Price of Evacuee Property and Public Dues Regulation.
93	Settlement of certain disputes between the residents of Peshawar District and the tribal areas of Khyber and Mohmand Agencies.
97	Funds of the Pakistan Muslim League (Convention) and All Pakistan Awami League.
104 (as amended by Martial Law Re- gulation 111.)	The Foreign Exchange Repatriation Regulation, 1972.
105 (as amended by Martial Law Re- gulation 112.)	The Foreign Assets (Declaration) Regulation, 1972.
114	Removal from Service (Special Provisions) Regulation, 1972.
115 (as amended by Martial Law Re- gulations 121 and 126.)	The Land Reforms Regulation, 1972.
116	Removal from Service (Review Petition) Regulation, 1972.
117	The Land Reforms (Baluchistan Feeder Canal) Regulation.
118	Taking Over Privately Managed Schools and Colleges.

[121, 126 and 128] 4

121, 126 and 128 shall be deemed always to have been
so amended by P.O. No. 7 of 1972 Art. 5

<i>Number</i>	<i>Description of Regulation</i>
119	Revocation of Sale of Enemy Property Regulation, 1972.
122	The Devolution and Distribution of Property (Dir and Swat) Regulation.
123	The Settlement of Immovable Property Disputes (Dir and Swat) Regulation.
124	Revocation of sale or transfer of any property made after the 25th March, 1969, by a Corporation or institution and its vesting in the West Pakistan Industrial Development Corporation on such revocation.
125	Protecting industries the management of which has been taken over under the Economic Reforms Order, 1972.

Martial Law Order 35 relating to the National Press Trust of Pakistan.

Zonal Martial Law Order No. 241 of 1972 of Zone C, made to further the effective operation of the West Pakistan Cooperative Societies and Cooperative Banks (Repayment of Loans) Ordinance, 1966 (West Pakistan Ordinance No. XIV of 1966).

Zonal Martial Law Order No. 38 of 1971 of Zone D, as amended by Zonal Martial Law Orders No. 42 of 1971 and No. 48 of 1972, made to further the effective operation of the Cooperative Societies Act, 1925 (Sind Act VII of 1925).

I certify that this Interim Constitution of the Islamic Republic of Pakistan was adopted and enacted by the National Assembly of Pakistan in its meeting held on the seventeenth day of April, 1972.

(FAZAL ELAHI CHAUDHRI)

*Member presiding at the meeting of the
National Assembly of Pakistan.*

I assent to this Interim Constitution of the Islamic Republic of Pakistan.

(ZULFIKAR ALI BHUTTO),

*President of Pakistan,
Chief Martial Law Administrator
and*

President of the National Assembly of Pakistan.