



[HeinOnline](#)

Citations:

Bluebook 20th ed.

English text of the Constitution of 1962 as amended to 1964 983 (1962) Preamble

ALWD 6th ed.

Chicago 7th ed.

, " Constitution of the Islamic Republic of Pakistan : 983-984

OSCOLA 4th ed.

, " 983

Provided by:

Harvard Law School Library

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at

<https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

THE CONSTITUTION of the ISLAMIC REPUBLIC OF PAKISTAN¹

March 1, 1962, as amended January 10, 1964 and June 23, 1964

In the name of Allah, the Beneficent, the Merciful.

PREAMBLE

Whereas sovereignty over the entire Universe belongs to Almighty Allah alone, and the authority exercisable by the people within the limits prescribed by Him is a sacred trust;

And whereas the founder of Pakistan, Quaid-i-Azam Mohammad Ali Jinnah, expressing the will of the people, declared that Pakistan should be a democratic State based on Islamic principles of social justice;

And whereas the territories now and hereafter included in Pakistan should be a form of federation with the Provinces enjoying such autonomy as is consistent with the unity and interest of Pakistan as a whole;

And whereas it is the will of the people of Pakistan that:

- (a) the State should exercise its powers and authority through representatives chosen by the people;
- (b) the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, should be fully observed in Pakistan;
- (c) 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;
- (d) the legitimate interests of the minorities in Pakistan (including their religious and cultural interests) should be adequately safeguarded;
- (e) the fundamental human rights (including the rights of equality before law, of freedom of thought, expression, belief, faith and association, and of social, economic and political justice) should, consistently with the security of the State, public interest and the requirements of morality, be preserved; and
- (f) the independence of the judicature should be ensured;

Now, therefore, I, FIELD MARSHAL MOHAMMAD AYUB KHAN, Hilal-i-

¹ Published by Manager of Publications, Government of Pakistan, Karachi, 1964. Issued and supplied by the Ministry of Law and Parliamentary Affairs (Law Division) in January 1965. Ed.

Pakistan, Hilal-i-Jura'at, President of Pakistan, in exercise of the Mandate given to me on the fourteenth day of February, One thousand nine hundred and sixty, by the people of Pakistan, and in the desire 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, do hereby enact this Constitution.

Dated this first day of March, One thousand nine hundred and sixty-two being the twenty-third day of Ramazan, One thousand three hundred and eighty-one.

PART I

THE REPUBLIC OF PAKISTAN

1. (1) The State of Pakistan shall be a Republic under the name of the Islamic Republic of Pakistan.

(2) The Republic shall consist of:

(a) the Province of East Pakistan and the Province of West Pakistan; and

(b) such other States and territories as are or may become included in Pakistan, whether by accession or otherwise.

2. (1) To enjoy the protection of the 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 that which is not prohibited by law; and

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

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

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

PART II

FUNDAMENTAL RIGHTS AND PRINCIPLES OF POLICY

Chapter 1: Fundamental Rights

5. In this Chapter, unless the context otherwise requires, "the State" includes the Central Government, the Central Legislature, the Provincial

Governments, the Provincial Legislatures, and all local or other authorities in Pakistan.

6. (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.

(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:

(i) any law relating to members of the Defence Services, or of the forces 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

(ii) any of the laws specified in the Fourth Schedule as in force immediately before the coming into force of the Constitution (First Amendment) Act, 1963;

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.

The Rights

I. SECURITY OF PERSON AND FREEDOM OF MOVEMENT

1. *Security of person.*

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

2. *Safeguards as to arrest and detention.*

(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.

(2) Every person who is arrested and detained in custody shall be produced before the nearest 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 magistrate, and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

(3) Nothing in sub-paragraphs (1) and (2) shall apply to any person:

(a) who for the time being is an enemy alien; or

(b) who is arrested or detained under any law providing for preventive detention.

(4) No law providing for preventive detention shall authorize the detention of a person for a period exceeding three months unless the ap-

propriate Advisory Board has reported before the expiration of the said period of three months that there is, in its opinion, sufficient cause for such detention.

Explanation. In this sub-paragraph, "the appropriate Advisory Board" means,

- (i) in the case of a person detained under a Central Law, a Board consisting of a Judge of the Supreme Court, 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 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, 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.

3. *Slavery and forced labour prohibited.*

(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.

(2) All forms of forced labour are prohibited.

(3) Nothing in this paragraph 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.

4. *Protection against retrospective punishment.*

No law shall authorize the punishment of a person:

(a) for an act or omission that 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.

5. *Freedom of movement.*

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.

II. FREEDOM OF ASSEMBLY, ASSOCIATION AND VOCATION

6. *Freedom of assembly.*

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.

7. *Freedom of association.*

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.

8. *Freedom of trade, business or profession.*

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:

Provided that nothing in this paragraph shall prevent:

- (a) the regulation of any trade or profession by a licensing system; or
- (b) the regulation of trade, commerce or industry in the interest of free competition therein; or
- (c) the carrying on, by the Central 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.

III. FREEDOM OF SPEECH

9. *Freedom of speech.*

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 security of Pakistan, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.

IV. FREEDOM OF RELIGION

10. Freedom to profess religion and to manage religious institutions.

Subject to law, public order and morality:

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

11. *Safeguard against taxation for purposes of any particular religion.*

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.

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

(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 of worship relates to a religion other than his own.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

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

V. PROPERTY RIGHTS

13. *Provision as to property.*

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.

14. *Protection of property rights.*

(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 which and the manner in which compensation is to be determined and given.

(3) Nothing in this paragraph 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 under any law; or

(c) any law providing for the taking over by the State for a limited period of the management of any property for the benefit of its owner; or

(d) any law in force immediately before the coming into force of the Constitution (First Amendment) Act, 1963.

Explanation. In sub-paragraphs (2) and (3), "property" shall mean immovable property, or any commercial or industrial undertaking, or any interest in any such undertaking.

VI. EQUALITY OF CITIZENS

15. *Equality of citizens.*

All citizens are equal before law and are entitled to equal protection of law.

VII. ACCESS TO PUBLIC PLACES

16. *Non-discrimination in respect of access to public places.*

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 any special provision for women.

VIII. DISCRIMINATION IN SERVICES

17. *Safeguard against discrimination in services.*

(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;

Provided that for a period of fifteen years from the coming into force of the Constitution (First Amendment) Act, 1963, 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.

(2) Nothing in this paragraph 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.

IX. CULTURE, SCRIPT AND LANGUAGE

18. *Preservation of culture, script and language.*

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

X. UNTOUCHABILITY

19. *Abolition of untouchability.*

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

7. (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.

8. (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 a 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.

Principles of Policy1. *Islam.*

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 sect, the expression "Quran and Sunnah" shall mean the Quran and Sunnah as interpreted by that sect.

1A. *Islamic Way of Life.*

(1). The Muslim 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.

(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 amongst the Muslims of Pakistan.

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

2. *National Solidarity.*

Parochial, racial, tribal, sectarian and provincial prejudices amongst the citizens should be discouraged.

3. *Fair Treatment to Minorities.*

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.

4. *Promotion of Interests of Backward Peoples.*

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

5. *Advancement of Under-privileged Castes, etc.*

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.

6. *Opportunities to Participate in National Life, etc.*

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

7. *Education.*

Illiteracy should be eliminated, and free and compulsory primary education should be provided for all, as soon as is practicable.

8. *Humane Conditions of Work.*

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

9. *Well-being of the People.*

The well-being of the people, irrespective of caste, creed or race, should

be secured:

- (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.

10. *Opportunity to Gain Adequate Livelihood.*

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

11. *Social Security.*

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

12. *Provision of Basic Necessities.*

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.

13. *Administrative Offices to be provided for Public Convenience.*

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

14. *Repealed.*

15. *Reduction of Disparity in Remuneration for Public Services.*

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

16. *Parity between the Provinces in Central Government.*

Parity between the Provinces in all spheres of the Central Government should, as nearly as is practicable, be achieved.

17. *Service in the Defence Services.*

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

18. *Elimination of Riba.*

Riba (Usury) should be eliminated.

19. *Prostitution, Gambling and Drug-taking to be Discouraged.*

Prostitution, gambling and the taking of injurious drugs should be discouraged.

20. *Consumption of Alcohol to be Discouraged.*

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

21. *Strengthening Bonds with the Muslim World, and Promoting International Peace.*

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

PART III

THE CENTRE

Chapter 1. The President

9. There shall be a President of Pakistan, who shall be elected in accordance with this Constitution and the law.

10. A person shall not be elected as President unless:

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

11. (1) Before he enters upon his office, a President shall make before the Chief Justice of the Supreme Court an oath in such form set out in the First Schedule as is applicable to his office.

(2) This Article does not apply to a person acting as President.

12. (1) Subject to this Constitution, a President shall hold office for the period, that under clause (2) of this Article, is his term of office:

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

(2) The term of office of a President is the period commencing on the day on which he enters upon his office and ending:

- (a) where his predecessor as President completed his term of office—five years after his predecessor ceased to hold office;
- (b) where his predecessor as President ceased to hold office before completing his term of office— on the day on which his predecessor's term of office was due to expire.

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

13. (1) Not less than one third of the total number of members of the National Assembly may give written notice signed by each of them to the Speaker of the Assembly that they intend to move a resolution in the Assembly for the removal of the President from office on a charge that he has wilfully violated this Constitution or has been guilty of gross misconduct.

(2) The notice shall set out particulars of the charge.

(3) The Speaker shall forthwith cause a copy of the notice to be transmitted to the President.

(4) The resolution shall not be moved in the National Assembly earlier than fourteen days, or later than thirty days, after notice of the resolution was given to the Speaker and, if it is necessary to summon the Assembly in order to enable the resolution to be moved within that period or to be considered by the Assembly, the Speaker shall summon the Assembly.

(5) The President shall have the right to appear and be represented before the National Assembly during the consideration of the resolution by the Assembly.

(6) If, after consideration by the National Assembly of the resolution, it is passed by the Assembly by the votes of not less than three quarters of the total number of members of the Assembly, the President shall forthwith cease to hold office and shall be disqualified from holding public office for a period of ten years from the passing of the resolution.

(7) If less than one half of the total number of members of the National Assembly vote in support of the resolution, the members who gave notice of the resolution to the Speaker of the Assembly shall cease to be members of the Assembly forthwith after the result of the voting on the resolution is declared.

14. (1) Not less than one third of the total number of members of the National Assembly may give written notice signed by each of them to the Speaker of the Assembly that they intend to move a resolution in the Assembly for the removal of the President from office on the grounds of his physical or mental incapacity.

(2) The notice shall set out particulars of the alleged incapacity.

(3) The Speaker shall forthwith cause a copy of the notice to be transmitted to the President, together with a request signed by the Speaker that the President submit himself, within a period of ten days from the date of the request, to an examination by a Medical Board constituted in accordance with Article 15.

(4) The resolution shall be not moved in the Assembly earlier than fourteen days, or later than thirty days, after notice of the resolution was given to the Speaker and, if it is necessary to summon the Assembly in order to enable the resolution to be moved within that period or to be considered by the Assembly, the Speaker shall summon the Assembly.

(5) The President shall have the right to appear and be represented before the National Assembly during the consideration of the resolution by the Assembly.

(6) If the President has not submitted himself to an examination by the Medical Board before the resolution is moved in the National Assembly, the resolution may be voted upon and, if it is passed by the Assembly by the votes of not less than three quarters of the total number of members of the Assembly, the President shall forthwith cease to hold office.

(7) If, before the resolution is moved in the National Assembly, the President has submitted himself to an examination by the Medical Board,

the resolution shall not be voted upon until the Medical Board has been given an opportunity of putting its opinion before the Assembly.

(8) If, after consideration by the National Assembly of the resolution and of any opinion put before the National Assembly by the Medical Board, the resolution is passed by the Assembly by the votes of not less than three quarters of the total number of members of the Assembly, the President shall forthwith cease to hold office.

(9) If, where the President has submitted himself to examination by the Medical Board, less than one half of the total number of members of the National Assembly vote in support of the resolution, the members who gave notice of the resolution to the Speaker of the Assembly shall cease to be members of the Assembly forthwith after the result of the voting on the resolution is declared.

15. The Medical Board referred to in Article 14 shall be constituted by five duly qualified medical practitioners, who shall, except as is provided otherwise by law, be:

- (a) the most senior medical officer in the civil health service of the Centre;
- (b) the most senior medical officer in the medical service of the Pakistan Army;
- (c) the most senior medical officer in the health service of the Province of East Pakistan;
- (d) the most senior medical officer in the health service of the Province of West Pakistan; and
- (e) the person who is consultant physician to the Pakistan Army.

16. (1) At any time when:

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

the Speaker of the National Assembly shall act as President and, except as provided in clause (2) of this Article, shall perform the functions of President.

(2) A person acting as President:

- (a) shall not dissolve the National Assembly or exercise the powers conferred on the President in Article 121; and
- (b) unless the office of President is vacant, shall not remove a Governor, Minister or Parliamentary Secretary from office.

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

(2) Without limiting the generality of clause (1) of this Article, the President has power, subject to law:

- (a) to raise and maintain the Defence Services of Pakistan and the Reserves of those Services;
- (b) to grant Commissions in those Services; and

(c) to appoint chief commanders of those Services and determine their salaries and allowances.

18. The President has power to grant pardons, reprieves and respites, and to remit, suspend or commute any sentence passed by any Court, tribunal or other authority.

Chapter 2. The Central Legislature

19. There shall be a Central Legislature of Pakistan, which shall consist of the President and one House, to be known as the National Assembly of Pakistan.

20. (1) There shall be one hundred and fifty-six members of the National Assembly, one half of whom shall be elected in accordance with this Constitution and the law from the Province of East Pakistan and the other half of whom shall be so elected from the Province of West Pakistan.

(2) Three of the seats of members for each Province shall be reserved exclusively for women, but this clause shall not be construed as making a woman ineligible for election to any other seat in the National Assembly.

21. (1) Unless it is sooner dissolved, a National Assembly shall continue for a term of five years from:

(a) the declaration of the result of the election of its members; or

(b) the expiration of the term of the previous National Assembly, whichever last occurs:

Provided that where a National Assembly is dissolved under Article 23, the Assembly elected in its place shall continue for the unexpired period of the term of the dissolved Assembly.

(2) On the expiration of the term of a National Assembly, it shall stand dissolved.

22. (1) The President may from time to time summon the National Assembly and, except when it has been summoned by the Speaker, may prorogue it.

(2) The Speaker of the National Assembly may, at the request of not less than one third of the total number of members of the Assembly, summon the Assembly and, when the Speaker has summoned it, he may prorogue it.

(3) In the event of each of the offices of the President, and of the Speaker and Deputy Speakers of the National Assembly, being vacant, the Chief Justice of the Supreme Court may summon the National Assembly.

(4) When the National Assembly is summoned, the date, time and place of meeting shall be specified.

23. (1) Subject to this Article, the President may at any time dissolve the National Assembly.

(2) The President shall not dissolve the National Assembly at any time

when the unexpired portion of the term of the Assembly is less than one hundred and twenty days.

(3) If notice of a resolution is given to the Speaker of the National Assembly in pursuance of Article 13 or 14, the President shall not dissolve the Assembly:

- (a) before the resolution has been voted upon by the Assembly; or
- (b) before the expiration of thirty days after the expiry of the period within which it may be moved,

whichever first occurs.

(4) When the President dissolves the National Assembly he shall cease to hold office upon the President elected as his successor entering upon his office.

(5) Clause (4) of this Article shall not be construed as preventing a President who dissolves the National Assembly from being re-elected as President.

(6) The National Assembly elected in place of the Assembly dissolved shall not be dissolved before the successor of the President who dissolved it has entered upon his office.

24. (1) If, at any time, a conflict with respect to any matter arises between the President and the National Assembly and the President considers that it is desirable that the matter 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 amongst the members of the Electoral College.

25. (1) The President may address the National Assembly and send messages to the Assembly.

(2) A member of the President's Council of Ministers and the Attorney-General shall have the right to speak in, and otherwise take part in, the proceedings of the National Assembly, or of any of its committees, but shall not be entitled to vote.

26. No Bill, or amendment of a Bill, providing for or relating to preventive detention shall be introduced or moved in the National Assembly without the previous consent of the President.

27. (1) When a Bill has been passed by the National Assembly, it shall be presented to the President for assent.

(2) The President shall, within thirty days after a Bill is presented to him:

- (a) assent to the Bill;
- (b) declare that he withholds assent from the Bill; or
- (c) return the Bill to the National Assembly with a message requesting that the Bill, or a particular provision of the Bill, be reconsidered and that any amendments specified in the message be considered,

but if the President fails to do any of those things within the period of thirty days, he shall be deemed to have assented to the Bill at the expiration of that period.

(3) If the President declares that he withholds assent from a Bill, the National Assembly shall be competent to reconsider the Bill and, if the Bill is again passed by the Assembly (with or without amendment) by the votes of not less than two thirds of the total number of members of the Assembly, the Bill shall again be presented to the President for assent.

(4) If the President returns a Bill to the National Assembly, the Assembly shall reconsider the Bill and if:

(a) the Bill is again passed by the Assembly, without amendment or with the amendments specified by the President in his message or with amendments which the President has subsequently informed the Speaker of the Assembly are acceptable to him, by the votes of a majority of the total number of members of the Assembly; or

(b) the Bill is again passed by the Assembly, with amendments of a kind not referred to in paragraph (a) of this clause, by the votes of not less than two thirds of the total number of members of the Assembly, the Bill shall again be presented to the President for assent.

(5) When a Bill is again presented to the President for assent in pursuance of clause (3) or clause (4) of this Article, the President shall, within ten days after the Bill is presented to him:

(a) assent to the Bill; or

(b) cause to be referred to a referendum under Article 24 the question whether the Bill should or should not be assented to,

but if, within the period of ten days, the President fails to do either of those things and the Assembly is not dissolved, the President shall be deemed to have assented to the Bill at the expiration of that period.

(6) If, at a referendum conducted in relation to a Bill by virtue of paragraph (b) of clause (5) of this Article, the votes of a majority of the total number of members of the Electoral College are cast in favour of the Bill being assented to, the President shall be deemed to have assented to the Bill on the day on which the result of the referendum is declared.

28. When the President has assented to, or is deemed to have assented to, a Bill passed by the National Assembly, it shall become law and shall be called an Act of the Central Legislature.

29. (1) If, at a time when the National Assembly stands dissolved or is not in session, the President is satisfied that circumstances exist which render immediate legislation necessary, he may, subject to this Article, make and promulgate such Ordinances as the circumstances appear to him to require, and any such Ordinance shall, subject to this Article, have the same force of law as an Act of the Central Legislature.

(2) An Ordinance made and promulgated under this Article shall, as soon as practicable, be laid before the National Assembly.

(3) If, before the expiration of the prescribed period, the National Assembly, by resolution, approves of the Ordinance, the Ordinance shall be deemed to have become an Act of the Central Legislature, but if, before the expiration of that period, the National Assembly, by resolution, disapproves of the Ordinance, it shall cease to have effect, and shall be deemed to have been repealed, upon the passing of the resolution.

(4) If the National Assembly has not approved or has not disapproved of the Ordinance, and it has not been repealed by the President, before the expiration of the prescribed period, it shall cease to have effect, and shall be deemed to have been repealed, upon the expiration of that period.

(5) The power of the President to make laws by the making and promulgation of Ordinances under this Article extends only to the making of laws within the legislative competence of the Central Legislature.

(6) In this Article, "the prescribed period," in relation to an Ordinance, means:

- (a) the period ending forty-two days after the first meeting of the National Assembly following the promulgation of the Ordinance; or
- (b) the period ending one hundred and eighty days after the promulgation of the Ordinance,

whichever is the shorter.

30. (1) If the President is satisfied that a grave emergency exists:

- (a) in which Pakistan, or any part of Pakistan, is (or is in imminent danger of being) threatened by war or external aggression; or
- (b) in which the security or economic life of Pakistan is threatened by internal disturbances beyond the power of a Provincial Government to control,

the President may issue a Proclamation of Emergency.

(2) A Proclamation of Emergency shall, as soon as is practicable, be laid before the National Assembly.

(3) The President shall, when he is satisfied that the grounds on which he issued a Proclamation of Emergency have ceased to exist, revoke the Proclamation.

(4) If, at a time when a Proclamation of Emergency is in force (whether or not the National Assembly stands dissolved or is in session at that time), the President is satisfied that immediate legislation is necessary to assist in meeting the emergency that gave rise to the issue of the Proclamation, he may, subject to this Article, make and promulgate such Ordinances as appear to him to be necessary to meet the emergency, and any such Ordinance shall, subject to this Article, have the same force of law as an Act of the Central Legislature.

(5) An Ordinance made and promulgated under this Article shall, as soon as is practicable, be laid before the National Assembly.

(6) The National Assembly shall have no power to disapprove of the

Ordinance but if, before the Ordinance ceases to have effect, the National Assembly, by resolution, approves of the Ordinance, the Ordinance shall be deemed to have become an Act of the Central Legislature.

(7) An Ordinance made under this Article shall, unless it has been sooner approved by the National Assembly or repealed by the President, cease to have effect, and shall be deemed to have been repealed, at the time when the Proclamation of Emergency by virtue of which it was made is revoked.

(8) The power of the President to make laws by the making and promulgation of Ordinances under this Article extends only to the making of laws within the legislative competence of the Central Legislature.

(9) While a Proclamation of Emergency is in force, the President may, by Order, declare that the right to move a High Court for the enforcement of such of the fundamental rights conferred by Chapter I of Part II of this Constitution as may be specified in the Order, and all proceedings pending in Courts for the enforcement of the rights so specified, shall remain suspended for the period during which the Proclamation is in force.

Chapter 3. The Central Government

31. The executive authority of the Republic is vested in the President and shall be exercised by him, either directly or through officers subordinate to him, in accordance with this Constitution and the law.

32. The President may:

(a) specify the manner in which orders and other instruments made and executed in pursuance of any authority or power vested in the President shall be expressed and authenticated; and

(b) regulate the allocation and transaction of the business of the Central Government and establish divisions of that Government.

33. To assist him in the performance of his functions, the President may, from amongst persons qualified to be elected as members of the National Assembly, appoint persons to be members of a Council of Ministers, to be known as the President's Council of Ministers.

34. Before he enters upon his office, a Minister appointed by the President shall make before the President an oath in such form set out in the First Schedule as is applicable to his office.

35. The President may, from amongst the members of the National Assembly, appoint persons (not exceeding in number the number of divisions of the Central Government established by the President) to be Parliamentary Secretaries, and persons so appointed shall perform such functions in relation to those divisions as the President may direct.

36. (1) The President shall appoint a person who is qualified to be appointed as a Judge of the Supreme Court to be Attorney General for Pakistan.

(2) The Attorney General shall perform such duties as the President may direct.

(3) In the performance of his duties, the Attorney General shall have the right of audience in all Courts in Pakistan.

Chapter 4. Financial Procedure of the Centre

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

38. The custody of the Central Consolidated Fund, the payment of moneys into, and the withdrawal of moneys from, that Fund, and all other transactions relating to that Fund, and the custody of other moneys received by or on behalf of the Central Government and all transactions relating to those moneys, and all matters ancillary to or connected with any of the aforesaid matters, shall be regulated by or under an Act of the Central Legislature or, subject to any such Act, by rules made by the President.

39. The following expenditure is charged upon the Central Consolidated Fund:

- (a) Remuneration payable to the President and other expenditure relating to his office;
- (b) Remuneration payable to:
 - (i) the Speaker and Deputy Speakers and other members of the National Assembly;
 - (ii) the Judges of the Supreme Court;
 - (iii) the members of the President's Council of Ministers;
 - (iv) the Chief Election Commissioner;
 - (v) the Comptroller and Auditor-General;
 - (vi) the members of the Advisory Council of Islamic Ideology;
 - (vii) Parliamentary Secretaries appointed by the President; and
 - (viii) the members of the Central Public Service Commission;
- (c) The administrative expenses of, including remuneration payable to officers and servants employed in connection with, the National Assembly, the Supreme Court, the Comptroller and Auditor-General, the Chief Election Commissioner, any Election Commission, the Advisory Council of Islamic Ideology and the Central Public Service Commission;
- (d) Debt charges for which the Central Government is liable, including interest, sinking fund charges, the repayment or amortisation of capital, and other expenditure in connection with the raising of loans and the service and redemption of debt on the security of the Central Consolidated Fund;

- (e) Sums required to satisfy any judgment, decree or award against Pakistan by any Court or tribunal;
- (f) Other sums declared by this Constitution or by an Act of the Central Legislature to be so charged.

40. (1) The President shall, in respect of every financial year, cause to be laid before the National Assembly, before the commencement of that year, a statement (to be called the Annual Budget Statement) of the estimated receipts into, and the estimated expenditure from, the Central Consolidated Fund for that year.

(2) The Annual Budget Statement shall distinguish expenditure on revenue account from other expenditure, and shall show separately:

- (a) the sums required to meet expenditure charged upon the Central Consolidated Fund; and
- (b) the sums required to meet other expenditure, distinguishing recurring expenditure from expenditure that is not recurring expenditure, and showing the extent, if any, to which that other expenditure is new expenditure.

(3) The Annual Budget Statement shall also indicate, under the following headings, the sources from which the estimated receipts will be derived:

- (a) Existing taxation;
- (b) New and increased taxation;
- (c) Borrowings;
- (d) Other sources.

(4) In this Article:

“new expenditure,” in relation to the Annual Budget Statement for a financial year, means:

- (a) where expenditure for a project for that year has previously been approved by the National Assembly in pursuance of Article 42—so much of any expenditure for that project for that year as exceeds the expenditure approved for that year by more than ten per centum of the approved expenditure;
- (b) any other expenditure which is not recurring expenditure;
- (c) any expenditure which is recurring expenditure and which is for a purpose in respect of which no provision was made by way of recurring expenditure in the Schedule of Authorized Expenditure for the previous financial year; and
- (d) so much of any expenditure which is recurring expenditure and which is for a purpose in respect of which provision was made by way of recurring expenditure in the Schedule of Authorized Expenditure for the previous financial year as exceeds that expenditure by more than ten per centum of that expenditure;

“recurring expenditure” means expenditure of a kind that ordinarily recurs from year to year, but does not include expenditure for which provision may be made under Article 42.

(5) For the purposes of the definition of "new expenditure" set out in clause (4) of this Article, any Schedule of Authorized Expenditure relating to a Supplementary Budget Statement for a financial year shall be regarded as being incorporated with the Schedule of Authorized Expenditure that relates to the Annual Budget Statement for that year.

41. (1) So much of an Annual Budget Statement as relates to expenditure charged upon the Central Consolidated Fund may be discussed in, but shall not be submitted to the vote of, the National Assembly.

(2) So much of an Annual Budget Statement as relates to other expenditure, not being expenditure specified in the Statement in pursuance of clause (1) of Article 42 in respect of any subsequent financial year, shall be submitted to the National Assembly in the form of demands for grants.

(3) A demand for a grant in respect of a sum that is not shown in an Annual Budget Statement as new expenditure may be discussed in the National Assembly, but, subject to clause (4) of this Article, the demand shall not be submitted to the vote of the Assembly and the Assembly shall be deemed to have assented to the demand:

(a) at the expiration of fourteen days after the Statement was laid before the Assembly; or

(b) at the commencement of the financial year to which the Statement relates,

whichever last occurs.

(4) The National Assembly may, with the consent of the President, reduce a demand for a grant referred to in clause (3) of this Article and, in that event, the Assembly shall be deemed to have assented to the demand as so reduced.

(5) The National Assembly may assent to or refuse a demand for a grant in respect of a sum that is shown in the Annual Budget Statement as new expenditure or may assent to the demand in respect of such lesser sum as the Assembly may specify.

(6) A demand for a grant shall not be made except on the recommendation of the President.

42. (1) The Annual Budget Statement, or a Supplementary Budget Statement, in respect of a financial year may, in relation to a project for which estimated expenditure for that year is specified in the Statement and which will involve expenditure from the Central Consolidated Fund in subsequent years, specify the estimated expenditure for that project for each of those subsequent years.

(2) The National Assembly may, by resolution, approve or disapprove of the expenditure specified for any such subsequent year or may approve of such lesser expenditure for that year as is specified in the resolution.

(3) If, at the expiration of a period of fourteen days after the National Assembly has assented (either with or without reduction) to the demand for a grant in respect of the expenditure specified in the Budget Statement

in relation to the project for the year to which the Statement relates, the Assembly has not passed a resolution in pursuance of clause (2) of this Article in relation to the estimated expenditure for a subsequent year, the Assembly shall, at the expiration of that period, be deemed to have approved of the estimated expenditure for that subsequent year.

(4) Notwithstanding the approval of the National Assembly under this Article of any expenditure for a project for a subsequent financial year, the estimated expenditure for that project for that subsequent year shall (whether or not it is the same as the approved expenditure for that year) be included in the Annual Budget Statement for that subsequent year.

43. (1) Following consideration by the National Assembly of the Annual Budget Statement in respect of a year, the President shall cause to be prepared, in the same form as the Statement in so far as it relates to expenditure, a schedule (to be called the Schedule of Authorized Expenditure) specifying:

(a) the sums, or sums not exceeding the sums, shown in the Statement as the sums required to meet expenditure charged upon the Central Consolidated Fund; and

(b) the sums granted, or deemed to have been granted, under Article 41,

and shall authenticate the Schedule by his signature.

(2) Subject to the provisions of this Constitution, no moneys shall be withdrawn from the Central Consolidated Fund except under the authority of the Schedule of Authorized Expenditure as authenticated by the President.

(3) The Schedule of Authorized Expenditure shall be laid before the National Assembly for its information.

44. (1) If, in respect of any financial year, it is found that the amount authorized to be expended from the Central Consolidated Fund for a particular purpose is insufficient, or a need has arisen for expenditure from that Fund for a purpose with respect to which there is no authority for expenditure, the President shall cause to be laid before the National Assembly a Supplementary Budget Statement setting out the proposed additional expenditure.

(2) If, in respect of any financial year, it is found that money has been expended from the Central 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 Budget Statement setting out the excess expenditure.

(3) The provisions of Articles 40, 41 and 43 shall apply, with the necessary modifications, to and in relation to a Supplementary Budget Statement or an Excess Budget Statement.

45. (1) There may be included in an Annual Budget Statement an

item of estimated expenditure (in this Article referred to as a contingency item) for the purpose of making provision for the withdrawal from the Central Consolidated Fund, at the discretion of the President, of amounts necessary to meet unexpected expenditure (whether on revenue account or not) that is not specifically provided for in the Statement.

(2) Where a contingency item is included in an Annual Budget Statement, it shall be shown as a sum that is not required to meet new expenditure, but, notwithstanding clauses (3) and (4) of Article 41, the National Assembly may, without the consent of the President, reduce a demand for a grant in respect of that sum to an amount that is not less than ten per centum of the total of expenditure on revenue account specified in the Budget Statement.

(3) The President shall cause to be laid before the National Assembly, for its information, a statement of all expenditure from the Central Consolidated Fund under the authority of a contingency item.

(4) The statement of expenditure referred to in clause (3) of this Article may be included in a Supplementary Budget Statement for the relevant financial year and, in that event, to the extent that the expenditure so included is also specified in the Schedule of Authorized Expenditure that relates to that Supplementary Budget Statement, the expenditure shall be deemed to have been made under the authority of that Schedule and not under the authority of the contingency item.

46. When, for any reason, the Schedule of Authorized Expenditure for a financial year is not authenticated before the commencement of that year, the President may, pending the authentication of the Schedule, authorize withdrawals from the Central Consolidated Fund of amounts necessary to meet expenditure that is provided for in the Annual Budget Statement for that year and:

- (a) is charged upon the Central Consolidated Fund; or
- (b) is not specified in the Statement as new expenditure.

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

(a) it would, if enacted and brought into operation, involve expenditure from the revenues or other moneys of the Central 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 Central Government, or the amendment of the law relating to the financial obligations of the Central Government;

(iii) The imposition of a charge upon the Central Consolidated Fund, or the abolition or alteration of any such charge;

- (iv) The custody of the Central 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 Central Government;
- (vi) The audit of the accounts of the Central Government or of a Provincial Government.

(2) Clause (1) of this Article 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.

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

Chapter 5. The Supreme Court of Pakistan

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

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

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

(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 period aggregating, not less than five years been a Judge of a High Court (including a High Court that 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 or pleader of a High Court (including a High Court that existed in Pakistan at any time before the commencing day and any High Court that existed in British India before the fourteenth day of August, One thousand nine hundred and forty seven).

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

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

53. At any time when:

(a) the office of Chief Justice of the Supreme Court is vacant; or
(b) the Chief Justice of the Supreme Court is absent or is unable to perform the functions of his office due to illness or some other cause, such other Judge of the Supreme Court as the President may appoint shall act as Chief Justice.

54. (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 some 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.

55. 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 the Supreme Court 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.

56. (1) The permanent seat of the Supreme Court shall, subject to clause (3) of this Article, be at Islamabad, but it shall sit in Dacca at least twice in every year for such period as the Chief Justice of the Court may consider necessary.

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

57. (1) The Supreme Court shall, to the exclusion of every other Court, have original jurisdiction in any dispute between one of the Governments and one or both of the other 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 Central Government and the Provincial Governments.

58. (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.

(2) An appeal to the Supreme Court from a judgment, decree, order or sentence of a High Court shall lie as of right where:

- (a) the High Court certifies that the case involves a substantial question of law as to the interpretation of this Constitution;
- (b) the High Court has sentenced a person to death or to transportation for life; or
- (c) the High Court has imposed punishment on a person in pursuance of the power conferred on the Court by Article 123.

(3) An appeal to the Supreme Court from a judgment, decree, order or sentence of a High Court in a case to which clause (2) of this Article does not apply shall lie only if the Supreme Court grants leave to appeal.

59. (1) If, at any time, the President considers that it is desirable to obtain the opinion of the Supreme Court on any question of law which he considers of public importance, he may refer the question to the Supreme Court for consideration.

(2) The Supreme Court shall consider a question so referred and report its opinion on the question to the President.

60. In addition to the jurisdiction conferred on it by this Constitution, the Supreme Court shall have such other jurisdiction as may be conferred on it by law.

61. (1) The Supreme Court shall have power to issue such directions, orders or decrees as may be necessary for doing complete justice in any cause or matter pending before it, including an order for the purpose of securing the attendance of any person or the discovery or production of any document.

(2) Any such direction, order or decree shall be enforceable throughout Pakistan and shall, where it is to be executed in a Province, be executed as if it had been issued by the High Court of that Province.

(3) If a question arises as to which High Court shall give effect to a direction, order or decree of the Supreme Court, the decision of the Supreme Court on the question shall be final.

62. The Supreme Court shall have power, subject to the provisions of any Act of the Central Legislature and of any Rules made by the Supreme Court, to review any judgment pronounced or any order made by it.

63. Any decision of the Supreme 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 in Pakistan.

64. All executive and judicial authorities throughout Pakistan shall act in aid of the Supreme Court.

65. Subject to this Constitution and the law, the Supreme Court may, with the approval of the President, make Rules regulating the practice and procedure of the Court.

PART IV

THE PROVINCES

Chapter 1. The Governors

66. (1) There shall be a Governor of each Province, who shall be appointed by the President.

(2) The Governor of a Province shall, in the performance of his functions be subject to the directions of the President.

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

68. Before he enters upon his office, the Governor of a Province shall make before the Chief Justice of the High Court of the Province an oath in such form set out in the First Schedule as is applicable to his office.

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

Chapter 2. The Provincial Legislatures

70. There shall be a Provincial Legislature of each Province, which shall consist of the Governor of the Province and one House, to be known as the Assembly of the Province.

71. (1) There shall be one hundred and fifty-five members of the Assembly of each Province, who shall be elected in accordance with this Constitution and the law.

(2) Five of the seats of members of the Assembly of each Province shall be reserved exclusively for women, but this clause shall not be construed as making a woman ineligible for election to any other seat in the Assembly.

72. (1) Unless it is sooner dissolved, an Assembly of a Province shall continue for a term of five years from:

- (a) the declaration of the result of the election of its members; or
- (b) the expiration of the term of the previous Assembly, whichever last occurs:

Provided that where a Provincial Assembly is dissolved under Article 74, the Assembly elected in its place shall continue for the unexpired period of the term of the dissolved Assembly.

(2) On the expiration of the term of an Assembly of a Province, it shall stand dissolved.

73. (1) The Governor of a Province may from time to time summon the Assembly of the Province and, except when it has been summoned by the Speaker, may prorogue it.

(2) The Speaker of the Assembly of a Province may, at the request of not less than one third of the total number of members of the Assembly, summon the Assembly and, when he has summoned it, he may prorogue it.

(3) When the Assembly of a Province is summoned, the date, time and place of meeting shall be specified.

74. (1) Where:

(a) a conflict on a matter has arisen between the Governor of a Province and the Assembly of the Province;

(b) the conflict has been referred to the National Assembly in accordance with this Article for decision;

(c) the National Assembly has decided the conflict in favour of the Governor; and

(d) the President has concurred in the dissolution of the Provincial Assembly by the Governor,

the Governor may dissolve the Assembly of the Province.

(2) If, at any time, a conflict with respect to any matter arises between the Governor of a Province and the Assembly of the Province, either the Governor or the Speaker of the Assembly, or both, may request the President, in writing, to refer the conflict to the National Assembly for decision.

(3) A copy of the request shall, at the time it is made, be sent:

(a) where the request is made by the Governor—to the Speaker; and

(b) where it is made by the Speaker—to the Governor.

(4) The President shall, upon receipt of the request, forthwith send a copy of the request to the Speaker of the National Assembly.

(5) The conflict shall be considered by the National Assembly, and a resolution deciding the conflict shall be passed, not later than thirty days after the copy of the request is received by the Speaker of the National Assembly and, if it is necessary to summon the Assembly in order to enable the conflict to be so considered and decided, the President (or, if he fails to do so, the Speaker) shall summon the National Assembly.

(6) The Governor of a Province shall not dissolve the Assembly of the Province except as provided in this Article.

75. (1) The Governor of a Province may address the Assembly of the Province and send messages to the Assembly.

(2) A member of the Governor's Council of Ministers for a Province and the Advocate-General for the Province shall have the right to speak in, and otherwise take part in, the proceedings of the Assembly of the Province, or of any of its committees, but shall not be entitled to vote.

76. No Bill, or amendment of a Bill, providing for or relating to preventive detention shall be introduced or moved in the Assembly of a Province without the previous consent of the Governor of the Province.

77. (1) When a Bill has been passed by the Assembly of a Province, it shall be presented to the Governor of the Province for assent.

- (2) The Governor shall, within thirty days after a Bill is presented to him:
- (a) assent to the Bill;
 - (b) declare that he withholds assent from the Bill; or
 - (c) return the Bill to the Assembly with a message requesting that the Bill, or a particular provision of the Bill, be reconsidered and that any amendments specified in the message be considered,

but if the Governor fails to do any of those things within the period of thirty days, he shall be deemed to have assented to the Bill at the expiration of that period.

(3) If the Governor declares that he withholds assent from a Bill, the Assembly shall be competent to reconsider the Bill and, if the Bill is again passed by the Assembly (with or without amendment) by the votes of not less than two thirds of the total number of members of the Assembly, the Bill shall again be presented to the Governor for assent.

(4) If the Governor returns a Bill to the Assembly, the Assembly shall reconsider the Bill and if:

(a) the Bill is again passed by the Assembly, without amendment or with the amendments specified by the Governor in his message or with amendments which the Governor has subsequently informed the Speaker of the Assembly are acceptable to him, by the votes of a majority of the total number of members of the Assembly; or

(b) the Bill is again passed by the Assembly, with amendments of a kind not referred to in paragraph (a) of this clause, by the votes of not less than two thirds of the total number of members of the Assembly, the Bill shall again be presented to the Governor for assent.

(5) When a Bill is again presented to the Governor for assent in pursuance of clause (3) or clause (4) of this Article, the Governor shall, within ten days after the Bill is presented to him:

(a) assent to the Bill; or

(b) request the President, in pursuance of clause (2) of Article 74, to refer the Bill to the National Assembly as a matter with respect to which a conflict has arisen between the Governor and the Assembly of the Province,

but if, within the period of ten days, the Governor fails to do either of those things, he shall be deemed to have assented to the Bill at the expiration of that period.

(6) If, after a Bill has been referred to the National Assembly in pursuance of Article 74, the National Assembly passes a resolution supporting the Bill, the Governor shall be deemed to have assented to the Bill on the day on which the resolution is passed.

78. When the Governor of a Province has assented to, or is deemed to have assented to, a Bill passed by the Assembly of the Province, it shall become law and shall be called an Act of the Provincial Legislature of the Province.

79. (1) If, at a time when the Assembly of a Province stands dissolved or is not in session, the Governor of the Province is satisfied that circumstances exist which render immediate legislation necessary, he may, subject to this Article, make and promulgate such Ordinances as the circumstances appear to him to require, and any such Ordinance shall, subject to this Article, have the same force of law as an Act of the Provincial Legislature.

(2) An Ordinance made and promulgated under this Article shall, as soon as is practicable, be laid before the Assembly of the Province.

(3) If, before the expiration of the prescribed period, the Assembly of the Province, by resolution, approves of the Ordinance, the Ordinance shall be deemed to have become an Act of the Provincial Legislature, but if, before the expiration of that period, the Assembly of the Province, by resolution, disapproves of the Ordinance, it shall cease to have effect, and shall be deemed to have been repealed, upon the passing of the resolution.

(4) If the Assembly of the Province has not approved or has not disapproved of the Ordinance, and it has not been repealed by the Governor, before the expiration of the prescribed period, it shall cease to have effect, and shall be deemed to have been repealed, upon the expiration of that period.

(5) The power of the Governor of a Province to make laws by the making and promulgation of Ordinances under this Article extends only to the making of laws within the legislative competence of the Legislature of the Province.

(6) In this Article, "the prescribed period," in relation to an Ordinance, means:

(a) the period ending forty-two days after the first meeting of the Assembly of the Province following the promulgation of the Ordinance; or

(b) the period ending one hundred and eighty days after the promulgation of the Ordinance,

whichever is the shorter.

Chapter 3. The Provincial Governments

80. The executive authority of a Province is vested in the Governor of the Province and shall be exercised by him, either directly or through officers subordinate to him, in accordance with this Constitution, the law and the directions of the President.

81. The Governor of a Province may:

(a) specify the manner in which orders and other instruments made and executed in pursuance of any authority or power vested in the Governor shall be expressed and authenticated; and

(b) regulate the allocation and transaction of the business of the Government of the Province and establish departments of that Government.

82. To assist him in the performance of his functions, the Governor of a Province may (with the concurrence of the President), from amongst persons qualified to be elected as members of the Assembly of the Province, appoint persons to be members of a Council of Ministers, to be known as the Governor's Council of Ministers for the Province.

83. Before he enters upon his office, a Minister appointed by a Governor shall make before the Governor an oath in such form set out in the First Schedule as is applicable to his office.

84. The Governor of a Province may, from amongst the members of the Assembly of the Province, appoint persons (not exceeding in number the number of departments of the Government of the Province established by the Governor) to be Parliamentary Secretaries, and persons so appointed shall perform such functions in relation to those departments as the Governor may direct.

85. (1) The Governor of a Province shall appoint a person who is qualified to be appointed as a Judge of a High Court to be Advocate General for the Province.

(2) The Advocate-General shall perform such duties as the Governor may direct.

Chapter 4. Financial Procedure of the Provinces

86. 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 of the Province concerned.

87. The custody of the Provincial Consolidated Fund of a Province, the payment of moneys into, and the withdrawal of moneys from, that Fund, and all other transactions relating to that Fund, and the custody of other moneys received by or on behalf of the Provincial Government and all transactions relating to those moneys, and all matters ancillary to or connected with any of the aforesaid matters, shall be regulated by or under an Act of the Provincial Legislature or, subject to any such Act, by rules made by the Governor of the Province.

88. The following expenditure is charged upon the Provincial Consolidated Fund of a Province:

- (a) Remuneration payable to the Governor of the Province and other expenditure relating to his office;
- (b) Remuneration payable to:
 - (i) the Speaker and Deputy Speakers and other members of the Provincial Assembly;
 - (ii) the Judges of the High Court of the Province;
 - (iii) the members of the Governor's Council of Ministers for the Province;

- (iv) Parliamentary Secretaries appointed by the Governor of the Province; and
- (v) the members of the Public Service Commission of the Province;
- (c) The administrative expenses of, including remuneration payable to officers and servants employed in connection with, the Provincial Assembly, the High Court of the Province and the Public Service Commission of the Province;
- (d) Debt charges for which the Provincial Government is liable, including interest, sinking fund charges, the repayment or amortisation of capital, and other expenditure in connection with the raising of loans and the service and redemption of debt on the security of the Provincial Consolidated Fund;
- (e) Sums required to satisfy any judgment, decree or award against the Province by any Court or tribunal;
- (f) Other sums declared by an Act of the Provincial Legislature to be so charged.

89. The provisions of Articles 40 to 47 (inclusive) shall apply to and in relation to a Province, but so that:

- (a) any reference in those provisions to the President shall be read as a reference to the Governor of the Province;
- (b) any reference in those provisions to the National Assembly shall be read as a reference to the Provincial Assembly;
- (c) any reference in those provisions to the Central Consolidated Fund shall be read as a reference to the Provincial Consolidated Fund; and
- (d) any reference in those provisions to the Central Government shall be read as a reference to the Provincial Government.

90. No tax shall be levied for the purposes of a Provincial Government except by or under the authority of an Act of the Provincial Legislature.

Chapter 5. The High Courts

91. (1) There shall be a High Court of each Province.

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

92. (1) A Judge of a High Court shall be appointed by the President after consultation:

- (a) with the Chief Justice of the Supreme Court;
- (b) with the Governor of the Province concerned; and
- (c) except where the appointment is that of Chief Justice—with the Chief Justice of the High Court.

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

- (a) he has for a period, or for periods aggregating, not less than ten

years been an advocate or pleader of a High Court (including a High Court that existed in Pakistan at any time before the commencing day and any High Court that existed in British India before the fourteenth day of August, One thousand nine hundred and forty-seven);

(b) he is, and has for a period of not less than ten years been, a member of a civil service prescribed by law for the purposes of this paragraph and has, for a period of not less than three years, served as or exercised the functions of a District Judge in Pakistan; or

(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.

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

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

95. 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 some other cause,

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

96. If, at any time:

(a) the office of a Judge of a High Court is vacant;

(b) a Judge of a High Court is absent or is unable to perform the functions of his office due to illness or some other cause; or

(c) for any reason it is necessary to increase the number of Judges of a High Court,

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.

97. (1) The permanent seat of the High Court of the Province of East Pakistan shall be at Dacca, but the Court may from time to time sit in such other places as the Chief Justice of the Court, with the approval of the Governor of the Province, may appoint.

(2) There shall be a permanent seat of the High Court of the Province of West Pakistan at Lahore, which shall be the principal seat of that Court, and there shall also be permanent seats of that Court at Karachi and Peshawar, but the Court may from time to time sit in such other

places as the Chief Justice of the Court, with the approval of the Governor of the Province, may appoint.

(9) A Judge of the High Court of the Province of West Pakistan shall not be transferred from a permanent seat of that Court to another permanent seat of that Court without the approval of the President first being obtained, and a Judge of that Court who has served for less than five years at a permanent seat of that Court shall not, without his consent, be transferred to another permanent seat except where the transfer is necessary in order to ensure that the functions of the Court are properly carried out.

98. (1) A High Court shall have such jurisdiction as is conferred on it by this Constitution or by law.

(2) Subject to this Constitution, a High Court of a Province 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 in the Province functions in connection with the affairs of the Centre, the Province or a local authority to refrain from doing that which he is not permitted by law to do, or to do that which he is required by law to do; or

(ii) declaring that any act done or proceeding taken in the Province by a person performing functions in connection with the affairs of the Centre, the 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 in the Province be brought before the High Court 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 in the Province 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 of this Constitution.

(3) An order shall not be made under clause (2) of this Article:

(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 that is 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) of this Article; 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 authorised 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 the effect referred to in paragraph (b) of this clause.

(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 Central 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 Service of Pakistan;

“prescribed law officer” means:

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

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

(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.

100. Subject to Article 63, 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 that are subordinate to it.

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

102. Each High Court shall supervise and control all other Courts that are subordinate to it.

PART V

PROVISIONS APPLICABLE GENERALLY TO THE CENTRE AND THE PROVINCES

Chapter 1. The Central and Provincial Legislatures

103. (1) Except as provided in this Article, a person is qualified to be elected as, and to be, a member of an Assembly if:

¹ (a) his name appears:

(i) in the case of the National Assembly— on the electoral roll for any electoral unit; or

(ii) in the case of the Assembly of a Province—on the electoral roll for an electoral unit in the Province; and

(b) he is not less than twenty-five years of age.

(2) A person is disqualified from being elected as, and from being, a member of an Assembly if:

(a) he holds an office of profit in the service of Pakistan;

(b) he is an undischarged insolvent;

(c) he has, within the previous period of five years, been convicted of an offence by any Court and sentenced to transportation or to imprisonment for not less than two years or been sentenced to death and that sentence has been commuted to transportation or imprisonment;

(d) he has ceased to be a citizen or has affirmed allegiance to a foreign State; or

(e) he is otherwise disqualified from being a member of that Assembly by this Constitution or by or under any law.

(3) Notwithstanding paragraph (a) of clause (2) of this Article, the President, a Governor or a Minister is qualified to be elected as a member

¹ This paragraph has been amended, until a fresh Electoral College of Pakistan is constituted as provided in Article 158 of the Constitution, by Election Commission, Pakistan, Notification No. F. 1 (5)/62-ELS, dated the 7th March, 1962, *see* Gazette of Pakistan, 1962, Extraordinary, page 369. The amended paragraph reads as follows:

“(a) he obtains a certificate from the Chairman of a local council, as defined in the Basic Democracies Order, or a gazetted officer, given under the seal of such council or the office such officer holds, that:

(i) he is a citizen of Pakistan,

(ii) he is not of unsound mind,

(iii) he is a resident:

(1) in the case of the National Assembly, of any place in Pakistan.

(2) in the case of a Provincial Assembly, of any place of the Province concerned.

Explanation: A person shall be deemed to be a resident of a place if he ordinarily resides in that place or owns or is in possession of a dwelling house therein.”

of an Assembly, but if he is so elected, he is not qualified to be a member of the Assembly until he ceases to hold office as President, Governor or Minister.

104. (1) If a member of an Assembly is elected as President, or appointed as a Governor or Minister or to any other office of profit in the service of Pakistan, he shall cease to be a member of the Assembly on the day on which he enters upon his office.

(2) If any question arises whether a member of an 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.

(3) If any person sits or votes in an Assembly knowing that he is not qualified to be, or is disqualified from being, a member of the Assembly, he shall be liable in respect of every day on which he so sits or votes to a penalty of five hundred rupees, which may be recovered from him as a debt due:

(a) in the case of the National Assembly—to the Central Government;
or

(b) in the case of the Assembly of a Province—to the Government of the Province.

105. (1) A person shall not, at the same time, be a candidate for election to more than one seat in an Assembly, or to a seat in one Assembly and to a seat in another Assembly.

(2) A member of an Assembly shall not be a candidate for a seat in that Assembly except at a general election of the members of that Assembly.

(3) If a member of an Assembly is elected to a seat in another Assembly, his seat in that first-mentioned Assembly shall become vacant.

106. (1) A person elected as a member of an Assembly shall not take his seat in the Assembly until he makes before such person as is prescribed by rules of the Assembly an oath in such form set out in the First Schedule as is applicable to a member of the Assembly.

(2) The oath may be made at any time, whether or not the Assembly is in session.

107. The seat of a member of an Assembly shall become vacant if:

(a) he resigns his seat by notice in writing under his hand addressed to the Speaker of the Assembly;

(b) he is absent from the Assembly without the leave of the Assembly for thirty consecutive sitting days of the Assembly;

(c) he fails to make the oath referred to in Article 106 within a period of ninety days after the date of his election, unless the Speaker of the Assembly for good cause shown extends the period; or

(d) he ceases to be a member of the Assembly under any provision of this Constitution or under any law.

108. (1) After a general election of the members of an Assembly, the Assembly shall, before proceeding to the despatch of any other business:

- (a) choose a member to be the Speaker of the Assembly; and
- (b) choose two other members to be Deputy Speakers of the Assembly, specifying which is the senior of the two.

(2) So often as the office of the Speaker, or of a Deputy Speaker, of an Assembly becomes vacant, the Assembly shall again choose a member to fill the office.

(3) When the office of the senior of the Deputy Speakers becomes vacant, the other Deputy Speaker shall become the senior of the Deputy Speakers.

(4) Before he enters upon his office, a person chosen as the Speaker, or a Deputy Speaker, of an Assembly shall make before such person as is prescribed by rules of the Assembly an oath in such form set out in the First Schedule as is applicable to his office.

(5) At any time when the office of Speaker of an Assembly is vacant, or the Speaker of an Assembly is absent or is unable to perform the functions of his office due to illness or some other cause, or (in the case of the National Assembly) is acting as President, the senior of the Deputy Speakers of the Assembly shall act as Speaker, except that, if at that time, the senior of the Deputy Speakers is absent or is unable to act as Speaker due to illness or some other cause, or (in the case of the National Assembly) is acting as President, the other Deputy Speaker shall act as Speaker.

(6) The Speaker of an Assembly may resign his office by writing under his hand addressed:

- (a) in the case of the National Assembly—to the President; or
- (b) in the case of the Assembly of a Province—to the Governor of the Province.

(7) A Deputy Speaker of an Assembly may resign his office by writing under his hand addressed to the Speaker of the Assembly.

(8) The office of Speaker, or of a Deputy Speaker, of an Assembly shall become vacant if:

- (a) except as provided in clause (9) of this Article, 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) passed by a majority of the total number of members of the Assembly.

(9) Where an Assembly stands dissolved (whether by expiration of its term or otherwise), a person holding office as Speaker, or a Deputy Speaker, of the Assembly immediately before the dissolution shall continue to hold office until the person chosen to fill the office by the next Assembly has entered upon his office.

109. There shall be at least two sessions of an Assembly in every period

of three hundred and sixty-five days, and not more than one hundred and eighty days shall intervene between the last sitting of an Assembly in one session and its first sitting in the next session.

110. (1) Subject to this Constitution:

(a) the procedure of an Assembly shall be regulated by rules of procedure made by the Assembly;

(b) a decision in an Assembly shall be taken by a majority of the votes of the members present and voting, but the person presiding shall not vote except when there is an equality of votes, in which case he shall exercise a casting vote;

(c) an Assembly may act notwithstanding any vacancy in its membership; and

(d) no proceeding in an Assembly shall be invalid by reason only that a person who was not entitled to do so was present at or voted or otherwise participated in the proceedings.

(2) If, at any time during a meeting of an Assembly, the attention of the person presiding at the meeting is drawn to the fact that less than forty members are present, it shall be the duty of the person presiding either to adjourn the meeting, or to suspend the meeting until forty members are present.

111. (1) The validity of any proceedings in an Assembly shall not be questioned in any Court.

(2) An officer or member of an Assembly in whom powers are vested for the regulation of procedure, the conduct of business or the maintenance of order in the Assembly shall not, in relation to the exercise by him any of those powers, be subject to the jurisdiction of any Court.

(3) A member of, or a person entitled to speak in, an Assembly shall not be liable to any proceedings in any Court in respect of anything said by him, or any vote given by him, in the Assembly or in any committee of the Assembly.

(4) A person shall not be liable to any proceedings in any Court in respect of the publication by or under the authority of an Assembly of any report, paper, vote or proceedings.

(5) No process issued by a Court or other authority shall, except with the leave of the Speaker of the Assembly, be served or executed within the precincts of the place where a meeting of an Assembly is being held.

(6) Subject to this Article, the privileges of an Assembly, of the committees and members of an Assembly and of the persons entitled to speak in an Assembly may be determined by law.

112. The Speaker of an Assembly shall make such arrangements as are necessary to ensure that the members of the Assembly understand the function of the Assembly as an organ of the State and of their own responsibilities as members.

113. (1) Each Assembly shall make rules regulating the conduct of members of the Assembly in their capacity as members.

(2) Where the Speaker of an Assembly is satisfied that a member of the Assembly has committed a breach of the rules in such a way as to have been guilty of gross misconduct, he shall refer the matter for inquiry:

- (a) in the case of the National Assembly—to the Supreme Court; or
- (b) in the case of a Provincial Assembly—to the High Court of the Province concerned.

(3) If, after inquiry, the Court is satisfied that the member has been guilty of gross misconduct, it shall make a declaration to that effect and, upon the making of the declaration, the member shall cease to be a member of the Assembly.

114. (1) Where, under any provision of this Constitution, the previous consent or recommendation of the President or of a Governor is required to the introduction of a Bill or the moving of an amendment, the giving of the consent or the making of the recommendation shall not preclude him from withholding his assent to the Bill or returning the Bill for reconsideration.

(2) No Act of the Central Legislature or of a Provincial Legislature, and no provision in any such Act, shall be invalid by reason only that some previous consent or recommendation required by this Constitution was not given or made if that Act was assented to in accordance with this Constitution.

Chapter 2. The Central and Provincial Governments

115. (1) Neither the President, a Governor nor a Minister shall:

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

but this Article shall not be construed as preventing the President, a Governor or a Minister from holding or managing his private property.

(2) Clause (1) of this Article does not apply to a person acting as a Governor.

116. (1) No criminal proceedings whatsoever shall be instituted or continued against the President or a Governor while he is in office.

(2) No civil proceedings in which relief is claimed against the President or a Governor shall be instituted while he is in office in respect of anything done or not done, or purporting to have been done or not done, by him in his personal capacity, whether before or after he entered upon his office, unless, at least sixty days before the proceedings are instituted, notice in writing has been delivered to him, or sent to him in the manner prescribed by law, stating the nature of the proceedings, the cause of action, the name,

description and place of residence of the party by whom the proceedings are to be instituted and the relief which he claims.

(3) Except in relation to proceedings referred to in clause (2) of this Article, no process whatsoever shall issue from any Court or tribunal against the President or a Governor, whether in a personal capacity or otherwise, while he is in office.

117. (1) Subject to this Constitution, neither the President nor a Governor nor a Minister shall, except in respect of anything done or not done by him in contravention of the law, be answerable to any Court or tribunal for the exercise of the powers, or the performance of the duties, of his office, or for any act done or purporting to be done by him in the exercise of those powers or in the performance of those duties.

(2) Clause (1) of this Article shall not be construed as restricting the right of any person to bring appropriate proceedings against the Central Government or a Provincial Government.

118. (1) A Governor, a Minister or Parliamentary Secretary appointed by a President, and the Attorney General, shall hold office during the pleasure of the President, and may be removed from office at any time by the President without any reason being assigned for his removal.

(2) A Governor, or a Minister or Parliamentary Secretary appointed by a President, or the Attorney General, may resign his office by writing under his hand addressed to the President.

(3) A Governor, or a Minister or Parliamentary Secretary appointed by a President, shall cease to hold office upon the successor to that President entering upon his office.

(4) A Parliamentary Secretary appointed by a President shall cease to hold office if he ceases to be a member of the National Assembly.

(5) A Governor, a Minister or Parliamentary Secretary appointed by a President, and the Attorney General, shall hold office on such terms and conditions as the President may determine.

119. (1) A Minister or Parliamentary Secretary appointed by the Governor of a Province, and the Advocate-General for a Province, shall hold office during the pleasure of the Governor of the Province, and, subject to clause (2) of this Article, may be removed from office at any time by the Governor without any reason being assigned for his removal.

(2) A Governor shall not remove a Minister from office without the concurrence of the President.

(3) A Minister or Parliamentary Secretary appointed by the Governor of a Province, or the Advocate-General for a Province, may resign his office by writing under his hand addressed to the Governor of the Province.

(4) A Minister or Parliamentary Secretary appointed by a Governor shall cease to hold office upon the successor to that Governor entering upon his office.

(5) A Parliamentary Secretary appointed by a Governor shall cease to

hold office if he ceases to be a member of the Assembly of the Province concerned.

(6) A Minister or Parliamentary Secretary appointed by the Governor of a Province, and the Advocate-General for a Province, shall hold office on such terms and conditions as the Governor of the Province, with the concurrence of the President, may determine.

120. The appointment or removal of a person as a Parliamentary Secretary, the payment of remuneration to a person as a Parliamentary Secretary or the performance by a person of any functions as a Parliamentary Secretary shall not in any way prejudice or affect his status, position or rights:

(a) in the case of a Parliamentary Secretary appointed by the President—as a member of the National Assembly; or

(b) in the case of a Parliamentary Secretary appointed by the Governor of a Province—as a member of the Assembly of that Province.

121. (1) If, in the opinion of the President, a Governor or a Minister appointed by the President has been guilty of such gross misconduct in relation to his duties that he should be disqualified from holding public office, the President may, in addition to removing him from office, inform him, in writing, that he has the option of agreeing to disqualification from holding public office for such period, not exceeding five years, as is fixed by the President or of having the matter referred to a Tribunal for inquiry.

(2) If, within seven days after he is so informed, the Governor or Minister, by writing addressed to the President, agrees to the disqualification, he shall be disqualified from holding public office for the period fixed by the President.

(3) If the Governor or Minister does not agree to the disqualification, the President shall forthwith refer the matter for inquiry to a Tribunal consisting of a Judge of the Supreme Court appointed by the President after consultation with the Chief Justice of the Supreme Court.

(4) The Tribunal shall inquire into the matter in such manner as is prescribed by law (or, if no manner is prescribed by law, in such manner as it thinks proper) and, if the Tribunal finds that the Governor or Minister has been guilty of gross misconduct in relation to his duties, his removal from office as Governor or Minister shall be regarded as dismissal from office and he shall be disqualified from holding public office for a period of five years from the date on which the President took action in relation to him under this Article.

122. The Governor of a Province shall have power to take such action in relation to a Minister appointed by him as the President may take under Article 121 in relation to a Minister appointed by the President, and the provisions of that Article shall apply accordingly but so that:

(a) any reference in those provisions to the President shall be read as reference to the Governor;

(b) any reference in those provisions to a Minister appointed by the President shall be read as reference to a Minister appointed by the Governor; and

(c) any reference in those provisions to the Supreme Court shall be read as reference to the High Court of the Province concerned.

Chapter 3. The Central and Provincial Judiciatures

123. (1) In this Article, "Court" means the Supreme Court or a High 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;

(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;

(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.

124. 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 Second Schedule.

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

126. (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; 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.

(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 before the expiration of two years after he ceased to hold that office.

127. (1) In this Article, "Court" means the Supreme Court or a High Court.

(2) A Court may (with the approval of the President in the case of the Supreme Court, and of the Governor 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.

128. (1) There shall be a Supreme Judicial Council of Pakistan, in this Article referred to as "the Council."

(2) The Council shall consist of:

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

(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 as a member of the Council due to illness or some other cause, the Judge of the Supreme Court who is next in seniority below the Judges referred to in paragraph (b) of clause (2) of this Article shall act as a member of the Council in his place.

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

(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 gross 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 gross 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.

129. (1) There shall, in addition of 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.

130. No Court shall have any jurisdiction that is not conferred on it by this Constitution or by or under the law.

PART VI

RELATIONS BETWEEN THE CENTRE AND THE PROVINCES

131. (1) The Central Legislature shall have exclusive power to make laws (including laws having extra-territorial operation) for the whole or any part of Pakistan with respect to any matter enumerated in the Third Schedule.

(2) Where the national interest of Pakistan in relation to:

- (a) the security of Pakistan, including the economic and financial stability of Pakistan;
- (b) planning or co-ordination; or
- (c) the achievement of uniformity in respect of any matter in different parts of Pakistan,

so requires, the Central Legislature shall have power to make laws (including laws having extra-territorial operation) for the whole or any part of Pakistan with respect to any matter not enumerated in the Third Schedule.

(3) If:

(a) it appears to the Assembly of a Province to be desirable that a matter not enumerated in the Third Schedule should be regulated in the Province by an Act of the Central Legislature; and

(b) a resolution to that effect is passed by the Provincial Assembly, the Central Legislature shall have power to make laws having effect in the Province with respect to that matter, but any law made in pursuance of this power may be amended or repealed by an Act of the Provincial Legislature.

(4) The Central Legislature shall have power (but not exclusive power) to make laws for the Islamabad Capital Territory and the Dacca Capital Territory with respect to any matter not enumerated in the Third Schedule.

(5) The Central Legislature shall have power to make laws for any part of Pakistan not forming part of a Province with respect to any matter.

132. A Provincial Legislature shall have power to make laws for the Province, or any part of the Province, with respect to any matter other than a matter enumerated in the Third Schedule.

133. (1) The responsibility of deciding whether a legislature has power under this Constitution to make a law is that of the legislature itself.

(2) The validity of a law shall not be called in question on the ground that the legislature by which it was made had no power to make the law.

(3) Nothing in clause (1) or clause (2) shall be construed to have the effect of taking away, limiting or restricting the power of a High Court exercisable by it under paragraph (c) of clause (2) of Article 98.

134. When a Provincial Law is inconsistent with a Central Law, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

135. The executive authority of the Republic extends:

(a) to all matters with respect to which the Central Legislature has exclusive power to make laws under clause (1) of Article 131;

(b) where a law made by the Central Legislature in pursuance of clause (2), clause (3) or clause (4) of Article 131 provides that the law shall be administered by the Central Government—to the execution of that law;

and

(c) in relation to a part of Pakistan not forming part of a Province—to all matters.

136. (1) Subject to clause (2) of this Article, the executive authority of a Province extends to all matters with respect to which the Legislature of the Province has power to make laws.

(2) The executive authority of a Province does not extend to the execution of a law made by the Central Legislature to which paragraph (b) of Article 135 applies.

137. (1) The Central Government shall not, in respect of its property or income, be liable to taxation under any Provincial Law, and, subject to clause (2) of this Article, a Provincial Government shall not, in respect of its property or income, be liable to taxation under a Central Law or under a Provincial Law of the 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 Central Law or under a Provincial Law of the other Province.

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

138. The Central Legislature may by law make grants in aid of the revenues of a Provincial Government that may be in need of assistance.

139. The executive authority of the Central Government extends to borrowing upon the security of the Central Consolidated Fund within such limits, if any, as may be determined by Act of the Central Legislature, and to the giving of guarantees within such limits, if any, as may be so determined.

140. (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 be determined by Act of the Provincial Legislature, and to the giving of guarantees within such limits, if any, as may be so determined.

(2) A Provincial Government shall not, without the consent of the Central Government:

(a) borrow outside Pakistan; or

(b) raise any loan at a time when there is outstanding any part of:

(i) a loan made to the Province concerned by the Central Government; or

(ii) any other loan raised by the Province in respect of which a guarantee has been given by the Central Government.

(3) The Central Government may, subject to such conditions, if any, as it may think fit to impose, make loans to a Provincial Government and, within such limits as may be fixed by Act of the Central Legislature, give guarantees in respect of loans raised by a Provincial Government, and

any sums required for the purpose of making loans to a Provincial Government shall be charged upon the Central Consolidated Fund.

(4) A consent under this Article may be granted subject to such conditions, if any, as the Central Government may think fit to impose, but no such consent shall be unreasonably withheld, nor shall the Central Government refuse, if sufficient cause is shown, to make a loan to, or to give a guarantee in respect of a loan raised by, a Provincial Government, or seek to impose in respect of any of the matters aforesaid any condition that 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 dispute shall be referred to the National Assembly for consideration.

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

142. (1) Subject to clause (2) of this Article, the Legislature of a Province shall not have power:

(a) to make any law prohibiting or restricting the entry into, or the export from, the Province of any goods; or

(b) to 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 goods or which, in the case of goods manufactured or produced outside the Province, discriminates between goods manufactured or produced in any locality in Pakistan and similar goods produced in any other locality in Pakistan.

(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 preventing or alleviating any serious shortage in the Province of an essential commodity shall, if it was made with the consent of the President, be invalid by reason of this Article.

143. (1) Notwithstanding anything in this Constitution, the President may, with the consent of a Provincial Government, entrust either conditionally or unconditionally to that Government, or to any officer or authority of that Government, functions in relation to any matter to which the executive authority of the Republic extends.

(2) An Act of the Central 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 conferment of powers and the imposition of duties, upon a Provincial Government or officers or authorities of a Provincial Government.

(3) Where, by virtue of this Article, functions have been entrusted to,

or powers and duties have been conferred or imposed upon, a Provincial Government or officers or authorities of a Provincial Government, there shall be paid by the Central Government to the Provincial Government such sums as may be agreed (or if there is no agreement, as may be determined by Act of the Central Legislature) in respect of any extra costs incurred by the Provincial Government in connection with the performance of those functions, the exercise of those powers or the discharge of those duties.

144. (1) The President may, from time to time, constitute a National Finance Commission for the purposes of clause (4) of this Article.

(2) The President shall constitute a National Finance Commission for the purposes of clause (6) of this Article not later than fifteen months before the expiration of each period specified by the National Economic Council under clause (5) of Article 145 (in this Article referred to as a "plan period").

(3) A National Finance Commission shall consist of the Ministers in charge of the portfolios of Finance in the Central and the Provincial Governments and such other persons as, after consultation with the Governors of the Provinces, the President may appoint.

(4) A National Finance Commission constituted for the purposes of this clause shall make recommendations to the President with respect to:

(a) the distribution between the Central Government and the Provincial Governments of the proceeds (after deducting the cost of their collection) of the following taxes:

(i) Taxes on income, including corporation tax, but not including taxes on income consisting of remuneration paid out of the Central Consolidated Fund;

(ii) Taxes on sales and purchases;

(iii) Export duty on jute and cotton, and such other export duties as may be specified by the President;

(iv) Such duties of excise imposed under a Central Law as may be specified by the President;

(v) Such other taxes as may be specified by the President;

(b) the making of grants-in-aid by the Central Government to the Provincial Governments;

(c) the exercise by the Central Government and the Provincial Governments of the borrowing powers conferred by this Constitution; and

(d) any other matter relating to finance referred to the Commission by the President.

(5) As soon as is practicable after receiving the recommendations of the Commission referred to in clause (4) of this Article, the President shall, after considering the recommendations, specify by Order the share of the proceeds of the taxes referred to in paragraph (a) of clause (4) of this Article which is to be allocated to each Provincial Government, and that share shall be paid to the Government of the Province concerned, and

notwithstanding Article 37, shall not form part of the Central Consolidated Fund.

(6) A National Finance Commission constituted for the purposes of this clause shall submit to the President, not later than six months before the expiration of the plan period during which it is constituted:

- (a) a report on the progress made during that period in advancing the object referred to in clause (4) of Article 145; and
- (b) recommendations as to the manner in which that object should be achieved in the next succeeding plan period.

(7) The President shall furnish a copy of the report and the recommendations submitted to him under clause (6) of this Article to the National Economic Council, which shall take those recommendations into account in formulating its plans.

(8) Any recommendations of a National Finance Commission furnished to the President shall, together with an explanatory memorandum as to the action taken on them, be laid before the National Assembly and before each of the Provincial Assemblies.

(9) The same Commission may be constituted for the purposes of clause (4) and clause (6) of this Article.

145. (1) As soon as is practicable after the commencing day, the President shall constitute a Council, to be known as the 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 Central and the Provincial Governments of those plans.

(4) A primary object of the Council in formulating the plans referred to in clause (3) of this Article 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) of this Article 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 Central 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) of this Article, and a copy of the report shall also be laid before each Provincial Assembly.

146. (1) Any property that has no rightful owner, shall, if located in a Province, vest in the Government of that Province, and in every other case, in the Central Government.

(2) All lands, minerals and other things of value underlying the ocean within the territorial waters of Pakistan shall vest in the Central Government.

PART VII

ELECTIONS

Chapter 1. Chief Election Commissioner and Election Commissions

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

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

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

149. A 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 determined by Act of the Central Legislature or, until so determined, by rules made by the President.

150. (1) A Commissioner 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 Commissioner shall not be removed from office except in the manner prescribed in clauses (5) and (6) of Article 128 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 read as a reference to the Commissioner.

(3) An 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) A Commissioner may resign his office by writing under his hand addressed to the President.

151. (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,

but this clause shall not be construed as preventing a 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 ceased to hold that office.

(3) Notwithstanding clause (2) of this Article, 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 ceased to hold that office.

152. 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 some other cause,

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

153. (1) For the purposes of:

- (a) each election for the office of President;
- (b) each general election of the members of an Assembly; and
- (c) each referendum required to be held under this Constitution,

an Election Commission shall be constituted in accordance with this Article.

(2) An Election Commission shall consist of:

- (a) the Commissioner, who shall be Chairman of the Commission; and
- (b) a Judge of the High Court of the Province of East Pakistan and a Judge of the High Court of the Province of West Pakistan, each of whom shall be 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 or referendum to conduct the election or referendum, 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.

154. 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. The Electoral College and the Constituencies

155. (1) Each Province shall, in accordance with law, be divided into not less than forty thousand territorial units, which shall be known as electoral units.

(2) The number of electoral units in each Province shall be the same.

156. An electoral roll shall, in accordance with law, be established and maintained for each electoral unit.

157. Except as provided by law, any citizen:

(a) who is not less than twenty-one years of age;

(b) who is not of unsound mind; and

(c) who is a resident of, or who is deemed by law to be a resident of, an electoral unit,

shall be entitled to be enrolled on the electoral roll for that electoral unit.

158. (1) The persons enrolled on the electoral roll for an electoral unit shall, in accordance with law, from time to time elect from amongst themselves a person who is not less than twenty-five years of age, who shall be known as the Electoral for that unit.

(2) The Electors for all electoral units in both Provinces shall together constitute the Electoral College of Pakistan and shall be known as the members of the Electoral College.

(2A) Every Electoral College shall continue for five years from the date on which it is, or is deemed by law to be, constituted and shall, on the expiration of the said period, stand dissolved.

(3) Provision may be made by law for prescribing the terms and conditions subject to which, Electors shall remain members of the Electoral College.

(4) The members of the Electoral College shall, in addition to their functions under this Constitution, have such other functions as may be conferred on them by law and, in particular, provision may be made by law for conferring on members of the Electoral College functions in relation to matters of local government.

(5) Where functions in relation to matters of local government have been conferred by law on the members of the Electoral College under clause (4), such members shall, notwithstanding the dissolution of the Electoral College under clause (2A), continue to perform such functions until such date as may be provided by such law.

159. As soon as is practicable after he has been elected, an Elector shall, in the manner prescribed by law, make an oath in such form set out in the First Schedule as is applicable to members of the Electoral College.

160. (1) The Commissioner shall, in accordance with law, from time to time arrange the electoral units of each Province into groups (which shall be known as Provincial Constituencies), so that there are one hundred and

fifty such Constituencies in each Province and so that each such Constituency is one undivided area.

(2) The Electors for the electoral units included in a Provincial Constituency shall be the constituents for one seat (not being a seat reserved exclusively for women) in the Assembly of the Province in which the Constituency is included.

161. (1) The Commissioner shall also, in accordance with law, from time to time arrange the electoral units for each Province into other groups (which shall be known as Central Constituencies), so that there are seventy-five such Constituencies in each Province and so that each such Constituency is one undivided area.

(2) The Electors for the electoral units included in a Central Constituency shall be the constituents for one seat (not being a seat reserved exclusively for women) in the National Assembly.

162. (1) For the purposes of the election of members to the seats in the Provincial Assemblies reserved exclusively for women, the Commissioner shall, in accordance with law, from time to time divide each Province into five zones.

(2) For the purposes of the election of members to the seats in the National Assembly reserved exclusively for women, the Commissioner shall, in accordance with law, from time to time divide each Province into three zones.

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

Chapter 3. Conduct of Elections and Referendums

164. Elections and referendums required to be held under this Constitution shall, subject to this Constitution, be conducted and decided in such manner as may be provided by law.

165. (1) An election for the office of President shall be decided by the votes of the members of the Electoral College.

(2) Subject to clauses (3) and (4) of this Article, an election for the office of President shall be held within the period of one hundred and twenty days immediately preceding the day on which the term of office of a President is due to expire, and the results 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.

(3) When a President dissolves the National Assembly, an election for the office of President shall be held within the period of one hundred and twenty days after the dissolution, but polling at the election shall not take place until sixty days have elapsed from the date of the dissolution.

(4) When a President ceases to hold office (otherwise than following a

dissolution of the National Assembly) before the expiration of his term of office, an election for the office of President shall be held within the period of ninety days after he ceases to hold office.

(5) When a person, having been elected as President, fails to enter upon his office, an election to elect another person in his place shall be held as soon as is practicable.

(6) Where a person validly nominated as a candidate for election to the office of President dies before the completion of the election, all proceedings relating to that election shall be commenced anew as if for a new election and shall be completed within a period of one hundred and twenty days following such death.

166. (1) Except as provided by this Article, a person who is, and has for a continuous period of more than eight years, been holding office as President is not eligible to be re-elected as President.

(2) If a person referred to in clause (1) of this Article is a candidate for election to the office of President, the Commissioner shall inform the Speaker of the National Assembly of the candidature, and the Speaker shall forthwith convene a joint sitting of the members of the National Assembly and of the Provincial Assemblies (or, if the National Assembly stands dissolved, of the Provincial Assemblies only) to consider the candidature.

(3) If the majority of the members present at the joint sitting, by secret ballot, approve of the candidature, the President shall be eligible for re-election.

(4) Clauses (2) and (3) of this Article do not apply at a time when a Provincial Assembly stands dissolved.

167. (1) If the number of candidates for election to the office of President exceeds three, the Commissioner shall inform the Speaker of the National Assembly of the fact, and the Speaker shall forthwith convene a joint sitting of the members of the National Assembly and of the Provincial Assemblies (or, if the National Assembly stands dissolved, of the Provincial Assembly only) to select three of the candidates for election.

(2) The members present at the joint sitting shall, by secret ballot, select three of the candidates for election, and any candidate not selected shall not be eligible for election.

(3) A candidate may address the members present at the joint sitting and may be questioned by any of those members.

(4) Where the person holding office as President is a candidate for election, his candidature shall be disregarded for the purposes of this Article.

(5) This Article does not apply at any time when a Provincial Assembly stands dissolved.

168. (1) The election of a person to a seat (not being a seat reserved exclusively for women) in the National Assembly or a Provincial Assembly shall be decided by the votes of the constituents for that seat.

(2) A general election of members of the National Assembly or a Provincial Assembly shall be held within the period of one hundred and twenty 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.

(3) When an Assembly is dissolved, a general election of members of the Assembly shall be held within a period of one hundred and twenty days after the dissolution.

169. (1) After a general election of members of a Provincial Assembly, the persons elected as members shall, before the first meeting of the Assembly, elect five members to the seats in the Assembly reserved exclusively for women, so that there is one woman member for each zone referred to in clause (1) of Article 162.

(2) After a general election of the Members of the National Assembly, the Members of that Assembly elected from each Province shall, before the first meeting of that Assembly, elect three Members to the seats in the National Assembly reserved exclusively for women for that Province, so that there is one woman Member representing each zone formed under clause (2) of Article 162.

170. Where, except by dissolution of an Assembly, a seat in an Assembly has become vacant not later than one hundred and eighty days before the term of the Assembly is due to expire, an election to fill the seat shall be held within such time as may be prescribed by law.

171. (1) Subject to clause (2) of this Article, provision may be made by law:

(a) for disputes arising in connection with the counting of votes at an election or referendum required to be held under this Constitution to be finally determined by the Commissioner or an Election Commission; and

(b) for other disputes arising in connection with such an election or referendum to be finally determined by a tribunal established for that purpose,

and no dispute arising in connection with such an election or referendum shall be decided otherwise than under such a law, and the validity of such an election or referendum shall not be called in question except in accordance with such a law.

(2) When a person has been declared to have been elected as President, the validity of the election shall not be called in question in any manner before or by any Court or authority whatsoever.

(3) The validity of anything done by the Commissioner under Article 160, 161 or 162 shall not be called in question in any manner before or by any Court or authority whatsoever.

172. All elections and referendums under this Part shall be decided by secret ballot.

173. Except as permitted by Act of the Central Legislature, any person who, in connection with an election required to be held under this Constitution, holds out himself or any other person as being a member of, or as having the support of, a political party or similar organization shall be punishable in such manner as may be prescribed by Act of the Central Legislature, but provision shall be made by law for ensuring:

- (a) that each candidate at an election has the opportunity, and so far as is practicable, equal opportunity with other candidates, of addressing the persons who are entitled to vote at the election; and
- (b) that the persons entitled to vote at the election have the opportunity of questioning each candidate, face to face.

Explanation. In clauses (a) and (b) of this Article, "election" does not include an election to the Electoral College.

173A. Nothing in this Part or any other provision of the Constitution relating to election shall apply to the Tribal Areas; but the President may, by Order, make such provision for the representation of the Tribal Areas in the Electoral College, in the National Assembly and in the Provincial Assembly of West Pakistan as he may deem fit.

PART VIII

THE SERVICES OF PAKISTAN

Chapter 1. Terms and Conditions of Service, etc.

174. 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.

175. (1) A person who is not a citizen of Pakistan shall not, except as provided in clause (2) of this Article, 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.

176. 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 Centre, or who holds a post connected with defence or a civil post in connection with the affairs of the Centre, 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.

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

(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) of this Article, 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) of this Article 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 that it would be prejudicial to the security of Pakistan for the person to be given such an opportunity.

178. (1) Subject to this Constitution and law:

(a) appointments to an All-Pakistan Service or to a civil service of the Centre, or to a civil post in connection with the affairs of the Centre, 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.

(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 Centre—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) of this Article 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.

179. (1) Subject to this Constitution and law, the President, in relation to the affairs of the Centre, 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.

(2) The preceding Articles of this Chapter (other than Article 174) do not apply to or in relation to the temporary employment of persons in the service of Pakistan.

Chapter 2. The Public Service Commissions

180. There shall be a Central Public Service Commission for the Centre, and a Provincial Public Service Commission for each Province.

181. In the case of the Central Public Service Commission, the President, and in the case of a Provincial Public Service Commission, the Governor of the Province concerned, may by Order determine:

(a) the number of members of the Commission; and

(b) the number of members of the staff of the Commission and their terms and conditions of service.

182. (1) The members of the Central Public Service Commission shall

¹ This Article shall, during a period of five years with effect from the 8th day of June, 1962, have effect subject to modification made by President's Order No. 37 of 1962, Article 2. The modified Article reads as follows:

"181. In the case of the Central Public Service Commission, the President, and in the case of a Provincial Public Service Commission, the Governor of the Province concerned, may by Order determine:

(a) the number of members of the Commission including its Chairman; and

(b) the numbers of members of the staff of the Commission and their terms and conditions of service."

² Clauses (1) and (2) of this Article shall, during a period of five years with effect from the 8th day of June, 1962, have effect subject to certain modifications made by President's Order No. 37 of 1962, Article 2. The modified clauses read as follows:

be appointed by the President, and the members of a Provincial Public Service Commission shall be appointed by the Governor of the Province concerned.

(2) The terms and conditions of service of a member of the Central Public Service Commission shall be determined by Act of the Central Legislature or, until so determined, by the President, and the terms and conditions of service of a member of a Provincial Public Service Commission shall be determined by Act of the Legislature of the Province concerned or, until so determined, by the Governor of the Province.

(3) 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 some time before appointment, in the service of Pakistan.

(4) 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 a member, be affected.

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

(2) The oath shall be made:

(a) in the case of a member of the Central Public Service Commission—before the Chief Justice of the Supreme Court; and

(b) in the case of a member of a Provincial Public Service Commission—before the Chief Justice of the High Court of the Province concerned.

184. (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 office except in the manner prescribed in clauses (5) and (6) of Article 128 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 read 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:

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

(2) The terms and conditions of service of the Chairman and other members of the Central Public Service Commission shall be determined by Act of the Central Legislature or, until so determined, by the President, and the terms and conditions of service of the Chairman and other members of a Provincial Public Service Commission shall be determined by Act of the Legislature of the Province concerned or, until so determined, by the Governor of the Province.”

(a) in the case of the Central Public Service Commission—to the President; and

(b) in the case of a Provincial Public Service Commission—to the Governor of the Province concerned.

185. (1) The functions of the Central 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 Centre and civil posts connected with the affairs of the Centre;

(b) to advise the President on any matter on which the Commission is consulted under clause (2) of this Article 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 Centre and civil posts connected with the affairs of the Centre, consult the Central 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; and

(e) disciplinary matters.

186. (1) The functions of a Provincial Public Service Commission shall be:

(a) to conduct tests and examinations for the selection of suitable persons for appointment to the civil services of the Province concerned and civil posts connected with the affairs of the Province;

(b) to advise the Governor of the Province on any matter on which the Commission is consulted under clause (2) of this Article or which is referred to the Commission by the 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 Public Service Commission of the 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; and
- (e) disciplinary matters.

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

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

189. (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 Central Public Service Commission—to the President; and
- (b) in the case of the Public Service Commission of a Province—to the Governor of the Province.

(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.

190. In this Chapter, "Commission" means the Central Public Service Commission or a Provincial Public Service Commission.

PART IX

THE COMPTROLLER AND AUDITOR-GENERAL

191. (1) There shall be a Comptroller and Auditor-General of Pakistan, who shall be appointed by the President.

(2) The terms and conditions of service of the Comptroller and Auditor-General shall be determined by Act of the Central Legislature or, until so determined, by rules made by the President.

192. Before he enters upon his office, a Comptroller and Auditor-General shall make before the Chief Justice of the Supreme Court an oath in such form set out in the First Schedule as is applicable to his office.

193. (1) A Comptroller and Auditor-General shall, subject to his Article, hold office until he attains the age of sixty years.

(2) A Comptroller and Auditor-General shall not be removed from office except in the manner prescribed in clauses (5) and (6) of Article 128 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 read as a reference to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General may resign his office by writing under his hand addressed to the President.

194. (1) The Comptroller and Auditor-General 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,

but this Article shall not be construed as preventing the Comptroller and Auditor-General from holding or managing his private property.

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

195. At any time when:

(a) the office of Comptroller and Auditor-General is vacant; or

(b) the Comptroller and Auditor-General is absent or is unable to perform the functions of his office due to illness or some other cause,

such other person as the President may direct shall act as Comptroller and Auditor-General and perform the functions of that office.

196. The Comptroller and Auditor-General shall perform such functions and exercise such powers, and prepare such reports, in relation to the expenditure and accounts of the Centre and of the Provinces as may be provided or required by Act of the Central Legislature.

197. The accounts of the Centre and of the Provinces shall be kept in such form as the Comptroller and Auditor-General, with the approval of the President, may determine.

198. (1) The reports of the Comptroller and Auditor-General relating to the accounts of the Centre shall be submitted to the President, who shall cause them to be laid before the National Assembly.

(2) The reports of the Comptroller and Auditor-General 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 Assembly of the Province.

PART X

ISLAMIC INSTITUTIONS

Chapter 1. Advisory Council of Islamic Ideology

199. There shall be an Advisory Council of Islamic Ideology.

200. The Council shall consist of such number of members, being not less than five and not more than twelve, as the President may determine.

201. (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.

202. (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 resign his office by writing under his hand addressed to the President.

203. The President shall appoint one of the members of the Council to be the Chairman of the Council.

204. (1) The functions of the Council shall be:

(a) to make recommendations to the Central 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 commencement of the Constitution (First Amendment) Act, 1963, 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 8, 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 8, a question is referred by an 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.

205. (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.

(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.

206. In this Chapter, "the Council" means the Advisory Council of Islamic Ideology.

Chapter 2. Islamic Research Institute

207. (1) There shall be an organization to be known as Islamic Research Institute, which shall be established by the President.

(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 XI

AMENDMENT OF CONSTITUTION

208. Subject to this Part, this Constitution may be amended by an Act of the Central Legislature.

209. (1) A Bill to amend this Constitution shall not be presented to the President for assent unless it has been passed by the votes of not less than two thirds of the total number of members of the National Assembly.

(2) The following provisions of this Article shall apply in relation to such a Bill in lieu of the provisions of clauses (2) to (6) (conclusive) of Article 27.

(3) The President shall, within thirty days after a Bill to amend this Constitution is presented to him:

(a) assent to the Bill;

(b) declare that he withholds assent from the Bill; or

(c) return the Bill to the National Assembly with a message requesting that the Bill, or a particular provision of the Bill, be reconsidered and that any amendments specified in the message be considered,

but if the President fails to do any of those things within the period of thirty days, he shall be deemed to have assented to the Bill at the expiration of that period.

(4) If the President declares that he withholds assent from the Bill, the National Assembly shall be competent to reconsider the Bill and, if the Bill is again passed by the Assembly (with or without amendment) by the votes of not less than three quarters of the total number of members of the Assembly, the Bill shall again be presented to the President for assent.

(5) If the President returns the Bill to the National Assembly, the Assembly shall reconsider the Bill and if:

(a) the Bill is again passed by the Assembly, without amendment or with the amendments specified by the President in his message or with amendments which the President has subsequently informed the Speaker of the Assembly are acceptable to him, by the votes of not less than two thirds of the total number of members of the Assembly; or

(b) the Bill is again passed by the Assembly, with amendments of a kind not referred to in paragraph (a) of this clause, by the votes of not less than three quarters of the total number of members of the Assembly.

the Bill shall again be presented to the President for assent.

(6) When the Bill is again presented to the President for assent in pursuance of clause (4) or clause (5) of this Article, the President shall, within ten days after the Bill is presented to him:

(a) assent to the Bill; or

(b) cause to be referred to a referendum under Article 24 the question whether the Bill should or should not be assented to,

but if, within the period of ten days, the President fails to do either of those things and the Assembly is not dissolved, the President shall be deemed to have assented to the Bill at the expiration of that period.

(7) If, at a referendum conducted in relation to a Bill by virtue of paragraph (b) of clause (6) of this Article, the votes of a majority of the total number of members of the Electoral College are cast in favour of the Bill being assented to, the President shall be deemed to have assented to the Bill on the day on which the result of the referendum is declared.

210. A Bill to amend this Constitution which would have the effect of altering the limits of a Province shall not be passed by the National Assembly unless it has been approved by a resolution of the Assembly of the Province passed by the votes of not less than two thirds of the total number of members of that Assembly.

PART XII

MISCELLANEOUS

Chapter 1. General

211. (1) The Capital of the Republic shall be Islamabad situated in the district of Rawalpindi in the Province of West Pakistan at the site selected for the Capital of Pakistan before the enactment of this Constitution.

(2) The area of the Capital (in this Constitution referred to as "the Islamabad Capital Territory") shall be determined by the Central Legislature, but shall not be less than two hundred square miles.

(3) There shall be a second Capital of the Republic at Dacca in the Province of East Pakistan.

(4) The area of the second Capital (in this Constitution referred to as "the Dacca Capital Territory") shall be determined by the Central Legislature.

(5) The principal seat of the National Assembly shall be at Dacca.

(6) The principal seat of the Central Government shall, subject to clause (7) of this Article, be at Islamabad.

(7) Until provision is made for establishing the Central Government at Islamabad, the principal seat of that Government shall be at Rawalpindi in the Province of West Pakistan.

212. Where a contract or assurance is made or executed in exercise of the executive authority of the Republic or of a Province, neither the 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.

213. The Central Government of Pakistan may sue and be sued by the name of Pakistan, and the Government of a Province may sue and be sued by the name of the Province.

214. (1) The remuneration and privileges of the President shall be the same as the remuneration and privileges to which, immediately before the commencing day, the President of Pakistan was entitled.

(2) Until other provision is made by law:

(a) the remuneration and privileges of the Speaker, a Deputy Speaker or a member of the National Assembly shall be the same as the remuneration and privileges to which the Speaker, a Deputy Speaker or a member, as the case may be, of the National Assembly of Pakistan in existence on the sixth day of October, One thousand nine hundred and fifty-eight, was entitled; and

(b) the remuneration and privileges of the Speaker, a Deputy Speaker or a member of the Provincial Assembly of a Province shall be the

same as the remuneration and privileges to which the Speaker, a Deputy Speaker or a member of the Provincial Assembly of that Province in existence on that date was entitled.

(3) The remuneration and privileges of a person holding office as:

- (a) a Governor;
- (b) a Minister;
- (c) a Parliamentary Secretary;
- (d) the Speaker or a Deputy Speaker of an Assembly;
- (e) the Comptroller and Auditor-General; or
- (f) a member of a Public Service Commission,

shall not be varied to his disadvantage during his term of office.

(4) At any time when the Speaker or a Deputy Speaker of the National Assembly is acting as President, he shall be entitled to the same remuneration and privileges as a President but shall not exercise any of the functions of the office of Speaker or Deputy Speaker or of a member of the National Assembly or be entitled to remuneration or privileges as Speaker, Deputy Speaker or such a member.

215. (1) The national languages of Pakistan are Bengali and Urdu, but this Article shall not be construed as preventing the use of any other language and, in particular, the English language may be used for official and other purposes until arrangements for its replacement are made.

(2) In the year One thousand nine hundred and seventy-two, the President shall constitute a Commission to examine and report on the question of the replacement of the English language for official purposes.

216. (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 Central 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.

217. Any law which permits a person to own beneficially or possess beneficially an area of land greater than that which, immediately before the enactment of this Constitution, he could lawfully have owned beneficially or possessed beneficially shall be invalid.

218. 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.

219. (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.

(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.

220. No organization capable of functioning as a private army shall be formed except under the authority of law.

221. 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.

222. Until the Central 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.

223. (1) No Central Law shall apply to a Tribal Area or to any part of a Tribal Area unless the President so directs, and no Provincial Law shall apply to a Tribal Area or to any part of a Tribal Area 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 the Governor, as the case may be, 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.

(2) Notwithstanding anything in this Constitution, the President may, with respect to any matter within the legislative competence of the Central Legislature, make regulations for a Tribal Area or any part of a Tribal Area, and the Governor of a Province, with the approval of the President, may, with respect to any matter within the legislative competence of the Provincial Legislature, make regulations for a Tribal Area or any part of a Tribal Area situated in the Province.

(3) 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 any such Order may contain such incidental and consequential provisions as may appear to the President to be necessary and proper, but before making any Order under this clause, the President shall ascertain, in such manner as he may consider appropriate, the views of the people of the Area concerned.

(4) This Article shall not be construed as limiting in any way the executive authority of the Republic or of a Province in relation to a Tribal Area.

(5) Notwithstanding anything in this Constitution, neither the Supreme Court nor a High Court shall, unless the Central Legislature by law otherwise provides, exercise any jurisdiction under this Constitution in relation to a Tribal Area.

223A. Nothing in this Constitution shall prevent the Central Legislature from making any law indemnifying any person in the service of the Central 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.

Chapter 2. Commencement of Constitution, and Repeal and Continuance of Laws

224. (1) Subject to clause (2) of this Article, this Constitution shall come into force on the day on which the first meeting of the National Assembly is held.

(2) This Constitution shall, to the extent necessary:

(a) to enable the first general elections of members of the National Assembly and of each Provincial Assembly to be conducted and for the first meeting of the National Assembly to be held; and

(b) to enable any other thing to be done which, for the purposes of this Constitution, it is necessary to do before the commencing day, come into force upon the enactment of this Constitution.

(3) At any time before the commencing day or before the expiration of three months after the commencing day, the President may, for the purpose of removing any difficulties that may arise in bringing this Constitution, or any provision of this Constitution, into operation whether in respect of the elections referred to in clause (2) of this Article or in any other respect direct, by Order, that the provisions of this Constitution shall, during such period as is specified in the Order, have effect subject to such adaptations, whether by way of modification, addition or omission, as he may deem to be necessary or expedient.

225. (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.

(2) The Presidential Proclamation made on the seventh day of October, One thousand nine hundred and fifty-eight, is revoked with effect as from the commencing day, and the Orders specified in the Table to this clause (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.

<i>Number</i>	<i>Title</i>
No. 1 of 1958.	<i>The Laws (Continuance in Force) Order, 1958.</i>
No. 2 of 1958.	<i>The Government (Presidential Cabinet) Order, 1958.</i>
No. 2 of 1959.	<i>The Legislative Powers Order, 1959.</i>
No. 8 of 1959.	<i>The State Arrangements Order, 1959.</i>

(3) All Martial Law Regulations, except those specified in the Table to this clause, are repealed with effect as from the commencing day, and on that day each Martial Law Regulation so specified shall be deemed to have become an Act of the Central Legislature and shall, with the necessary, adaptations, have effect as such.

<i>Date</i>	<i>Title</i>
7th February, 1959.	<i>West Pakistan Land Reforms Regulation.</i>
23rd July, 1959.	<i>Rawalpindi (Requisition of Property) Regulation, 1959.</i>
16th June, 1960.	<i>Pakistan Capital Regulation.</i>
23rd August, 1961.	<i>Scrutiny of Claims (Evacuee Property) Regulation.</i>
17th March, 1959.	<i>West Pakistan Border Area Regulation, 1959.</i>

(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, within a period of two years after the commencing day, 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) of this Article in respect of laws relating to matters with respect to which the Legislature of the Province has power to make laws.

(6) The powers exercisable under clauses (4) and (5) of this Article shall be subject to the provisions of any Act of the appropriate legislature.

(7) 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.

Chapter 3. Transitional and Temporary Provisions

226. (1) In accordance with the result of the referendum conducted during February, One thousand nine hundred and sixty, Field Marsha

Mohammed Ayub Khan, Hilal-i-Pakistan, Hilal-i-Jura'at, shall, notwithstanding anything in this Constitution but subject to this Article, become the first President of Pakistan under this Constitution on the commencing day.

(2) The term of office of the President referred to in clause (1) of this Article is, notwithstanding clause (2) of Article 12, the period commencing on the commencing day and ending on the twenty-second day of March, One thousand nine hundred and sixty-five:

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

Provided further that for the purpose of computing the period of eight years mentioned in clause (1) of Article 166, the term under this Article shall be reckoned as if this Article had not been amended by the Constitution (Second Amendment) Act, 1964.

(3) If the person referred to in clause (1) of this Article is not holding office as President of Pakistan immediately before the commencing day, the person who is so holding office shall become the first President of Pakistan under this Constitution on that day, but he shall cease to hold office at the time when the first Speaker of the National Assembly enters upon his office as Speaker and an election for the office of President shall be held within ninety days after that time.

(4) The term of office of the person elected as the successor to the President referred to in clause (3) of this Article is, notwithstanding clause (2) of Article 12, the period commencing on the day on which he enters upon his office and ending three years and sixty days after the commencing day.

227. (1) Any reference in this Constitution to the President shall, for the purposes of this Constitution at any time before the commencing day, be read as a reference to the person who at that time is President of Pakistan, and any reference in this Constitution to the Governor of a Province shall, for the purposes of this Constitution at any time before the commencing day, be read as a reference to the person who at that time is Governor of the Province.

(2) Any reference in this Constitution to the Chief Justice or a Judge of the Supreme Court, or to the Chief Justice or a Judge of a High Court, shall, for the purposes of this Constitution at any time before the commencing day, be read as a reference to the Chief Justice of Pakistan, to a Judge of the Supreme Court of Pakistan as constituted at that time or to the Chief Justice or other Judge of the High Court of a Province as constituted at that time, as the case requires.

228. The Chief Election Commissioner shall, as soon as is practicable after the enactment of this Constitution, take such steps as are necessary for the holding of the first elections of members to the National Assembly and each Provincial Assembly.

229. (1) This Article shall have effect until an Electoral College of Pakistan is constituted as provided in Article 158 but shall not affect the operation of any other provision of this Constitution that is not inconsistent with this Article.

(2) The members of the Electoral College of Pakistan shall be:

(a) the persons who are the elected members of Union Councils, Union Committees and Town Committees under the Basic Democracies Order; and

(b) such other persons, representative of areas not divided into Wards under that Order, as are chosen in such manner as the Chief Election Commissioner may direct.

(3) As soon as is practicable after the enactment of this Constitution, each member of the Electoral College as constituted in accordance with this Article shall, in such manner as the President may determine, make an oath in such form set out in the First Schedule as is applicable to members of the Electoral College of Pakistan.

(4) The Chief Election Commissioner shall from time to time arrange the members of the Electoral College as constituted in accordance with this Article into groups so that there are one hundred and fifty such groups for each Province and the persons in each group represent, so far as is practicable, adjacent areas.

(5) The persons included in a group referred to in clause (4) of this Article shall be the constituents for one seat (not being a seat reserved exclusively for women) in the Assembly of the Province in which the group is included.

(6) The Chief Election Commissioner shall also from time to time arrange the members of the Electoral College as constituted in accordance with this Article into other groups so that there are seventy-five such groups for each Province and the persons in each group represent, so far as is practicable, adjacent areas.

(7) The persons included in a group referred to in clause (6) of this Article shall be the constituents for one seat (not being a seat reserved exclusively for women) in the National Assembly.

(8) The President may, by Order, make such provision with respect to any election or referendum as, under this Constitution, is permitted or required to be made by law.

(9) There shall be substituted for the qualification for election to an Assembly set out in paragraph (a) of clause (1) of Article 103 such other qualification as the Commissioner may direct.

(10) The validity of anything done by the Chief Election Commissioner under this Article shall not be called in question in any manner before or by any Court or authority whatsoever.

(11) In this Article, "the Basic Democracies Order," means the Basic Democracies Order, 1959, as amended and in force from time to time.

230. (1) Unless it is sooner dissolved, the first National Assembly elected under this Constitution shall, notwithstanding clause (1) of Article 21, continue for a term of three years from the day on which the first meeting of that Assembly is held.

(2) Unless it is sooner dissolved, the first Assembly of a Province elected under this Constitution shall, notwithstanding clause (1) of Article 72, continue for a term of three years from the day on which the first meeting of that Assembly is held.

231. Until rules of procedure are made by an Assembly under clause (1) of Article 110, the procedure of the Assembly shall be regulated by rules of procedure made:

(a) in the case of the National Assembly—by the President; and

(b) in the case of the Assembly of a Province—by the Governor of the Province.

232. (1) All property and assets which, immediately before the commencing day, were vested in the Government of Pakistan shall, as from that day, vest in the Central 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 Central Government, in which case they shall, as from that day, vest in the Central Government.

(3) All rights, liabilities and obligations of the Government of Pakistan 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 Central 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 Government of Pakistan, but which, under this Constitution, has become the responsibility of the Government of a Province, shall devolve upon the Government of that Province; and

(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 Central Government, shall devolve upon the Central Government.

(4) Nothing in this Article shall apply to or in relation to property, assets, rights, liabilities or obligations relating to railways.

1233. (1) The President shall, on or before the first day of July, One thousand nine hundred and sixty-two, provide for the transfer, on such terms and conditions as he may determine, of the railways in each Province to the Government of the Province or to an authority constituted in the Province for that purpose.

(2) Until the railways in a Province are transferred to the Government of the Province under this Article, the executive authority of the Republic extends to the administration of the railways in the Province and to the execution of any law applying in that Province in relation to railways.

234. (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 the service of Pakistan on the same terms and conditions as were applicable to him immediately before that day.

(2) Clause (1) of this Article shall apply in relation to a person holding office immediately before the commencing day as:

(a) Chief Justice of Pakistan or other Judge of the Supreme Court of Pakistan, or Chief Justice or other Judge of a High Court of a Province;

(b) Attorney General for Pakistan or Advocate-General for a Province;

(c) Comptroller and Auditor-General of Pakistan; or

(d) Chairman or other member of a Public Service Commission,

but shall not apply in relation to a Governor of a Province or a Minister.

(3) A person referred to in paragraph (d) of clause (2) of this Article shall, notwithstanding clause (1) of Article 184, hold office, subject to this Constitution, 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 First Schedule shall, as soon as practicable after the commencing day, make before the appropriate person an oath in that form or, if he is not a citizen of Pakistan, in that form appropriately modified.

¹ This Article shall, during the period of two years, with effect from the 5th June, 1962, have effect subject to certain modifications made by President's Order No. 24 of 1962, Article 2.

The modified Article reads as follows:

"233. (1) The President shall, on or before the first day of July, One thousand nine hundred and sixty-two, by Order provide for the transfer, on such terms and conditions as he may determine, of the railways in each Province to the Government of the Province or to an authority constituted in the Province for that purpose.

(2) Any Order made under clause (1) shall, notwithstanding anything to the contrary in this Constitution, be deemed to be a valid discharge of the obligation imposed by that clause.

(3) Until the railways in a Province are transferred to the Government of the Province under this Article, the executive authority of the Republic extends to the administration of the railways in the Province and to the execution of any law applying in that Province in relation to railways."

(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.

¹235. (1) The President shall, before the commencing day, cause a statement of expenditure in relation to the affairs of the Government of Pakistan to be prepared in respect of the financial year ending on the thirtieth day of June, One thousand nine hundred and sixty-two, shall authenticate the statement by his signature and shall, as soon as is practicable after the commencing day, cause the statement to be laid before the National Assembly.

(2) The statement shall, so far as is practicable, be in the same form as a Schedule of Authorized Expenditure required to be prepared under Article 43 and shall, for the purposes of paragraphs (c) and (d) of the definition of "new expenditure" set out in clause (4) of the Article 40, and of clause (2) of Article 43, be deemed to be the Schedule of Authorized Expenditure in respect of the financial year ending on the thirtieth day of June, One thousand nine hundred and sixty-two.

(3) The statement prepared under this Article may, in relation to a project which will involve expenditure from the Central Consolidated Fund in years subsequent to the year ending on the thirtieth day of June, One thousand nine hundred and sixty-two, specify the estimated expenditure for that project for each of those subsequent years, and any expenditure so shown in the statement for a subsequent year shall, for the purposes of paragraph (a) of the definition of "new expenditure" set out in clause (4) of Article 40, be deemed to be expenditure approved for that year in pursuance of Article 42.

(4) The President may, in respect of expenditure in relation to the affairs of the Government of Pakistan for any financial year preceding the financial year commencing on the first of July, One thousand nine hundred and sixty-two, (being expenditure in excess of the authorized

¹ In this Article, after clause (5), a new clause (6), has been added with effect from the 7th June, 1962 until the thirtieth day of June, 1966, by President's Order No. 27 of 1962. The clause so added reads as follows:

"(6) Where under this Constitution a matter has been transferred from the Central Government to the Provincial Government or from the Provincial Government to the Central Government, the statement of expenditure prepared under this Article in relation to that matter, including the estimated expenditure referred to in clause (3), shall for the purposes of paragraphs (a), (c) and (d) of the definition of 'new expenditure' set out in clause (4) of Article 40, be deemed to be part of the statement of the Government to which the matter has been transferred."

expenditure for that year) authorize the withdrawal of moneys from the Central Consolidated Fund.

(5) The provisions of this Article shall apply to and in relation to a Province, and for that purpose:

(a) any reference in those provisions to the President shall be read as a reference to the Governor of the Province;

(b) any reference in those provisions to the Government of Pakistan shall be read as a reference to the Government of the Province;

(c) any reference in those provisions to the National Assembly shall be read as a reference to the Assembly of the Province; and

(d) any reference in those provisions to the Central Consolidated Fund shall be read as a reference to the Provincial Consolidated Fund of the Province.

236. The Comptroller and 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 198 shall, with the necessary modifications, apply accordingly.

237. 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.

238. (1) A person holding office as President at any time within the period of twenty years after the commencing day shall ensure that, for the purpose of advising the President in relation to the defence of Pakistan, at least one of the persons appointed by him as a Minister is a person who has held a prescribed rank in the Defence Services of Pakistan, unless the President has himself held such a rank in those Services.

(2) In clause (1) of this Article, "prescribed rank" means a rank not lower than that of Lieutenant-General in the Pakistan Army, and any equivalent rank in another branch of the Defence Services of Pakistan.

239. The Chief Election Commissioner shall, for the purposes of any election of members of the Assembly of the Province of West Pakistan to be held within the period of eight years after the enactment of this Constitution, ensure that any grouping under Article 160 or Article 229 is so carried out that not more than sixty members are elected to represent persons in the territory known immediately before the fourteenth day of October, One thousand nine hundred and fifty-five, as the Province of the Punjab.

240. Subject to the observance of the Principle of Policy that parity between the Provinces in all spheres of the Central Government should, as nearly as is practicable, be achieved, any quota relating to the recruitment of persons to the service of Pakistan in relation to the affairs of the Govern-

ment of Pakistan that, immediately before the commencing day, applied to a particular region shall continue to apply until the expiration of a period of ten years after that day.

241. For the purposes of clause (1) of Article 175, a person deriving his nationality from the State of Jammu and Kashmir shall be deemed to be a citizen of Pakistan.

Chapter 4. Interpretation

242. In this Constitution, unless the context otherwise requires:

“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 Centre and the Provinces which was an All-Pakistan Service immediately before the commencing day; and

(b) any other service common to the Centre and the Provinces which is established by Act of the Central Legislature as an All-Pakistan Service;

“Article” means an Article of this Constitution;

“Assembly” means the National Assembly or a Provincial Assembly;

“Attorney General” means the Attorney General for Pakistan;

“borrow” includes the raising of money by the grant of annuities, and

“loan” shall be construed accordingly;

“Central Government” means the executive Government of the Republic;

“Central Law” means a law made by or under the authority of the Central Legislature, and includes a law made by the President;

“Central Legislature” means the Central Legislature of Pakistan;

“Centre” means the Republic;

“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;

“commencing day” means the day on which the first meeting of the first National Assembly is held;

“corporation tax” means any tax on income that 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 individuals;

(c) No provision exists for taking the tax so paid into account in computing for the purposes of income tax the total income of indi-

- viduals receiving such dividends or in computing the income tax payable by, or refundable to, such individuals;
- “Court” means any court of law;
- “debt” includes a liability in respect of an obligation to repay capital sums by way of annuities, and a liability under any guarantee, and “debt charges” shall be construed accordingly;
- “election” does not include the choosing of the Speaker or a Deputy Speaker of an Assembly;
- “Electoral College” means the Electoral College of Pakistan;
- “estate duty” means a duty assessed on, or by reference to, the value of property passing upon death;
- “financial year” means a year commencing on the first day of July;
- “Government of a Province” means the executive Government of a Province;
- “Governor” means the 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;
- “Islamabad” means the Capital of the Republic referred to in clause (1) of Article 211;
- “Judge,” in relation to the Supreme Court or a High Court, includes the Chief Justices 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;
- “legislature” means the Central Legislature, each Provincial Legislature and any other authority or person empowered by or under this Constitution to make laws or to issue instruments having the force of law;
- “Minister” means a member of the President’s Council of Ministers or of a Governor’s Council of Ministers;
- “National Assembly” means the National Assembly of Pakistan;
- “oath” includes solemn affirmation;
- “Parliamentary Secretary” means a Parliamentary Secretary appointed by the President or by a Governor;
- “pension” means a pension, whether contributory or not, of any kind whatsoever that may be payable to or in respect of any person, and includes retired pay or gratuity that may be so payable and any sum or sums that may be 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, and includes any person for the time being acting as the President of Pakistan;

“property” includes any right, title or interest in property;

“Province” means the Province of East Pakistan or the Province of West Pakistan;

“Province of East Pakistan” means the territory known by that name immediately before the enactment of this Constitution;

“Province of West Pakistan” means the territory known by that name immediately before the enactment of this Constitution;

“Provincial Assembly” means the Assembly of a Province;

“Provincial Government” means the executive Government of a Province;

“Provincial Law” means a law made by or under the authority of a Provincial Legislature, and includes a law made by the Governor of a Province;

“Provincial Legislature” means the Provincial Legislature of a Province;

“public office” includes any office in the service of Pakistan and membership of an Assembly;

“remuneration” includes salary, allowances and pension;

“Republic” means the Republic of Pakistan;

“Schedule” means Schedule to this Constitution;

“service of Pakistan” means any service, post or office in connection with the affairs of the Centre 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 an Act of the Central Legislature or of a Provincial Legislature, but does not include service as Speaker, Deputy Speaker or other member of an Assembly or as a Parliamentary Secretary;

“Speaker,” in relation to an Assembly, includes any person for the time being acting as the Speaker of the Assembly, but does not, in relation to the National Assembly, include the Speaker or a Deputy Speaker when he is acting as President;

“Supreme Court” means the Supreme Court of Pakistan;

“Supreme Judicial Council” means the Supreme Judicial Council 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;

“term of office,” in relation to a President, means the period that, under this Constitution, is his term of office, notwithstanding that he ceases to hold office before the expiration of that period;

“Tribal Areas” means the areas in the Province of West Pakistan which,

on the thirteenth day of October, One thousand nine hundred and fifty-five, were:

(a) the tribal areas of Baluchistan, the Punjab and the North-West Frontier; and

(b) the States of Amb, Chitral, Dir and Swat;

“writing” includes any mode of representing or reproducing words in a visible form.

243. For the purposes of this Constitution, periods of time shall be reckoned according to the Gregorian calendar.

244. For the purposes of this Constitution, the security of Pakistan shall be taken to include the safety, welfare, stability and integrity of Pakistan and of each part of Pakistan, but shall not be taken to extend to public safety as such.

245. In this Constitution:

(a) words importing the masculine gender shall be taken to include females; and

(b) words in the singular shall include the plural and words in the plural shall include the singular.

246. Any reference in this Constitution to the predecessor or successor of a President shall, in the case of a President who has been re-elected to office, be read as a reference to himself as he held office before or holds office after re-election, as the case may be.

247. 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.

248. Any reference in this Constitution to the declaration of the result of an election of members of an Assembly shall be read as referring only to the declaration of the result of the election in relation to seats not reserved exclusively for women.

249. Where particular matters are specified in the Third Schedule as being included in a general matter enumerated in that Schedule, those particular matters shall not be taken as limiting the generality of that general matter.

250. Where a law is repealed, or is deemed to have been repealed, by, under, or by virtue of this Constitution, the repeal shall not:

(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,
and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the law had not been repealed.

THE SCHEDULES

(Not reproduced)

First Schedule. Oaths of Office.

Second Schedule. Remuneration and Terms and Conditions of Service of Judges.

Third Schedule. Matters with respect to which the Central Legislature has exclusive power to make laws.

Fourth Schedule. Laws exempted from the operation of Article 6.