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**PART XI****Amendment of Constitution**

238. Subject to this Part, the Constitution may be amended by Act of <sup>1</sup>[Majlis-e-Shoora (Parliament)].

**Amendment of  
Constitution.**

<sup>2</sup>[239. (1) A Bill to amend the Constitution may originate in either House and, when the Bill has been passed by the votes of not less than two-thirds of the total membership of the House, it shall be transmitted to the other House.

**Constitution,  
amendment Bill.**

(2) If the Bill is passed without amendment by the votes of not less than two-thirds of the total membership of the House to which it is transmitted under clause (1), it shall, subject to the provisions of clause (4), be presented to the President for assent.

(3) If the Bill is passed with amendment by the votes of not less than two-thirds of the total membership of the House to which it is transmitted under clause (1), it shall be reconsidered by the House in which it had originated, and if the Bill as amended by the former House is passed by the latter by the votes of not less than two-thirds of its total membership it shall, subject to the provisions of clause (4), be presented to the President for assent.

(4) A Bill to amend the Constitution which would have the effect of altering the limits of a Province shall not be presented to the President for assent unless it has been passed

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<sup>1</sup> See footnote 3 on page 5, *supra*.

<sup>2</sup> Substituted by P.O. No. 20 of 1985, Art. 3, for Article 239 which had been substituted by P.O. No. 14 of 1985, Art. 2 and Sch.

by the Provincial Assembly of that Province by the votes of not less than two-thirds of its total membership.

(5) No amendment of the Constitution shall be called in question in any court on any ground whatsoever.

(6) For the removal of doubt, it is hereby declared that there is no limitation whatever on the power of the Majlis-e-Shoora (Parliament) to amend any of the provisions of the Constitution.]

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**PART XII**

**Miscellaneous**

**CHAPTER 1.—SERVICES**

**240.** Subject to the Constitution, the appointments to and the conditions of service of persons in the service of Pakistan shall be determined—

**Appointments to service of Pakistan and conditions of service.**

- (a) in the case of the services of the Federation, posts in connection with the affairs of the Federation and All-Pakistan Services, by or under Act of <sup>1</sup>[Majlis-e-Shoora (Parliament)] ; and
- (b) in the case of the services of a Province and posts in connection with the affairs of a Province, by or under Act of the Provincial Assembly.

*Explanation.*—In this Article, “All-Pakistan Service means a service common to the Federation and the Provinces, which was in existence immediately before the commencing day or which may be created by Act of <sup>1</sup>[Majlis-e-Shoora (Parliament)].

**241.** Until the appropriate Legislature makes a law under Article 240, all rules and orders in force immediately before the commencing day shall, so far as consistent with the provisions of the Constitution, continue in force and may be amended from time to time by the Federal Government or, as the case may be, the Provincial Government.

**Existing rules, etc., to continue.**

**242.** (1) <sup>1</sup>[Majlis-e-Shoora (Parliament)] in relation to the affairs of the Federation, and the Provincial Assembly of a

**Public Service Commission.**

<sup>1</sup> See footnote 3 on page 5, *supra*

Province in relation to the affairs of the Province. may, by law provide for the establishment and constitution of a Public Service Commission.

[(1A) The Chairman of the Public Service Commission constituted in relation to the affairs of the Federation shall be appointed by the President in his discretion.]

(2) A Public Service Commission shall perform such functions as may be prescribed by law.

#### CHAPTER 2.—ARMED FORCES

##### Command of Armed Forces

243. (1) The Federal Government shall have control and command of the Armed Forces.

<sup>1</sup>[(1A) Without prejudice to the generality of the foregoing provision, the Supreme Command of the Armed Forces shall vest in the President.]

- (2) The President shall subject to law, have power—
- (a) to raise and maintain the Military, Naval and Air Forces of Pakistan; and the Reserves of such Forces;
  - (b) to grant Commissions in such Forces; and
  - (c) to appoint <sup>1</sup>[in his discretion the Chairman, Joint Chiefs of Staff Committee,] the Chief of the Army Staff, the Chief of the Naval Staff and the Chief of the Air Staff, and determine their salaries and allowances.

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<sup>1</sup>Inserted by P.O. No. 14 of 1985, Art. 2 and Sch.

244. Every member of the Armed Forces shall make oath in the form set out in the Third Schedule. **Oath of Armed Forces.**

245. <sup>1</sup>[(1)] The Armed Forces shall, under the directions of the Federal Government, defend Pakistan against external aggression or threat of war, and, subject to law, act in aid of civil power when called upon to do so. **Functions of Armed Forces.**

<sup>1</sup>[(2) The validity of any direction issued by the Federal Government under clause (1) shall not be called in question in any court.

(3) A High Court shall not exercise any jurisdiction under Article 199 in relation to any area in which the Armed Forces of Pakistan are, for the time being, acting in aid of civil power in pursuance of Article 245:

Provided that this clause shall not be deemed to affect the jurisdiction of the High Court in respect of any proceeding pending immediately before the day on which the Armed Forces start acting in aid of civil power.

(4) Any proceeding in relation to an area referred to in clause (3) instituted on or after the day the Armed Forces start acting in aid of civil power and pending in any High Court shall remain suspended for the period during which the Armed Forces are so acting.]

### CHAPTER 3.—TRIBAL AREAS

246. In the Constitution,—

(a) “Tribal Areas” means the areas in Pakistan which, **Tribal Areas.**  
immediately before the commencing day, were

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<sup>1</sup> Re-numbered and added by Act No. XXIII of 1977, s. 4 (w.e.f. 21-4-1977).

Tribal Areas, and includes—

- (i) the Tribal Areas of Baluchistan and the North-West Frontier Province; and
  - (ii) the former States of Amb, Chitral, Dir and Swat;
- (b) “Provincially Administered Tribal Areas” means—
- (i) the districts of Chitral, Dir and Swat (which includes Kalam) <sup>1</sup> [the Tribal Area in Kohistan district,] Malakand Protected Area, the Tribal Area adjoining <sup>2</sup> [Mansehra] district and the former State of Amb; and
  - (ii) Zhob district, Loralai district (excluding Duki Tehsil), Dalbandin Tehsil of Chagai district and Marri and Bugti tribal territories of Sibi district; and
- (c) “Federally Administered Tribal Areas” includes—
- (i) Tribal Areas, adjoining Peshawar district;
  - (ii) Tribal Areas adjoining Kohat district;
  - (iii) Tribal Areas adjoining Bannu district;
  - (iv) Tribal Areas adjoining Dera Ismail Khan district;
  - <sup>3</sup> [(v) Bajaur Agency;
  - (va) Orakzai Agency;]
  - (vi) Mohmand Agency;
  - (vii) Khyber Agency;
  - (viii) Kurram Agency;

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<sup>1</sup> Inserted and shall be deemed to have been so inserted by the Constitution (Sixth Amendment) Act, 1976 (84 of 1976), s. 4 (with effect from the 1st October, 1976).

<sup>2</sup> Substituted and shall be deemed to have been so substituted, by the Constitution (Sixth Amendment) Act, 1976 (84 of 1976), section 4 for “Hazara”

<sup>3</sup> Substituted and shall be deemed to have been so substituted, *ibid.*, for the original sub-paragraph (v) (with effect from the 1st December, 1973).



- (ix) North Waziristan Agency; and
- (x) South Waziristan Agency;

247. (1) Subject to the Constitution, the executive authority of the Federation shall extend to the Federally Administered Tribal Areas, and the executive authority of a Province shall extend to the Provincially Administered Tribal Areas therein. Administration of Tribal Areas.

(2) The President may, from time to time, give such directions to the Governor of a Province relating to the whole or any part of a Tribal Area within the Province as he may deem necessary, and the Governor shall, in the exercise of his functions under this Article, comply with such directions.

(3) No Act of <sup>1</sup>[Majlis-e-Shoora (Parliament)] shall apply to any Federally Administered Tribal Area or to any part thereof, unless the President so directs, and no Act of <sup>1</sup>[Majlis-e-Shoora (Parliament)] or a Provincial Assembly shall apply to a Provincially Administered Tribal Area, or to any part thereof, unless the Governor of the Province in which the Tribal Area is situate, with the approval of the President, so directs; and in giving such a direction with respect to any law, the President or, as the case may be, the Governor, may direct that the law shall, in its application to a Tribal Area, or to a specified part thereof, have effect subject to such exceptions and modifications as may be specified in the direction.

(4) Notwithstanding anything contained in the Constitution, the President may, with respect to any matter within the legislative competence of <sup>1</sup>[Majlis-e-Shoora (Parliament)], and the Governor of a Province, with the prior approval of the

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<sup>1</sup> See footnote 3 on page 5, *supra*.

President, may, with respect to any matter within the legislative competence of the Provincial Assembly make regulations for the peace and good government of a Provincially Administered Tribal Area or any part thereof, situated in the Province.

(5) Notwithstanding anything contained in the Constitution, the President may, with respect to any matter, make regulations for the peace and good government of a Federally Administered Tribal Area or any part thereof.

(6) The President may, at any time, by Order, direct that the whole or any part of a Tribal Area shall cease to be Tribal Area, and such Order may contain such incidental and consequential provisions as appear to the President to be necessary and proper :

Provided that before making any Order under this clause, the President shall ascertain, in such manner as he considers appropriate, the views of the people of the Tribal Area concerned, as represented in tribal *jirga*.

(7) Neither the Supreme Court nor a High Court shall exercise any jurisdiction under the Constitution in relation to a Tribal Area, unless <sup>1</sup>[Majlis-e-Shoora (Parliament)] by law otherwise provides :

Provided that nothing in this clause shall affect the jurisdiction which the Supreme Court or a High Court exercised in relation to a Tribal Area immediately before the commencing day.

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<sup>1</sup> See footnote 3 on page 5, *supra*

## CHAPTER 4.—GENERAL

248. (1) The President, a Governor, the Prime Minister, a Federal Minister, a Minister of State, the Chief Minister and a Provincial Minister shall not be answerable to any court for the exercise of powers and performance of functions of their respective offices or for any act done or purported to be done in the exercise of those powers and performance of those functions:

Protection to  
President,  
Governor, Minister  
etc

Provided that nothing in this clause shall be construed as restricting the right of any person to bring appropriate proceedings against the Federation or a Province.

(2) No criminal proceedings whatsoever shall be instituted or continued against the President or a Governor in any court during his term of office.

(3) No process for the arrest or imprisonment of the President or a Governor shall issue from any court during his term of office.

(4) No civil proceedings in which relief is claimed against the President or a Governor shall be instituted during his term of office in respect of any thing done or not done by him in his personal capacity whether before or after he enters 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 the party claims.

**Legal proceedings.** 249. (1) Any legal proceedings which, but for the Constitution, could have been brought by or against the Federation in respect of a matter which, immediately before the commencing day, was the responsibility of the Federation and has, under the Constitution, become the responsibility of a Province, shall be brought by or against the Province concerned; and if any such legal proceedings were pending in any court immediately before the commencing day then, in those proceedings, for the Federation the Province concerned shall, as from that day, be deemed to have been substituted.

(2) Any legal proceedings which, but for the Constitution, could have been brought by or against a Province in respect of a matter which, immediately before the commencing day, was the responsibility of the Province and has under the Constitution become the responsibility of the Federation, shall be brought by or against the Federation; and if any such legal proceedings were pending in any court immediately before the commencing day then, in those proceedings, for the Province the Federation shall, as from that day, be deemed to have been substituted.

**Salaries, allowances, etc., of the President, etc.**

250. (1) Within two years from the commencing day, provision shall be made by law for determining the salaries, allowances and privileges of the President, the Speaker and Deputy Speaker and a member of the National Assembly or a Provincial Assembly, the Chairman and Deputy Chairman and a member of the Senate, the Prime Minister, a Federal Minister, a Minister of State, <sup>1</sup>\* \* a Chief Minister, a Provincial Minister and the Chief Election Commissioner.

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<sup>1</sup> The words and comma "a Governor," omitted by the Constitution (First Amendment) Act, 1974 (33 of 1974), section 13 (with effect from the 4th May, 1974).

- (2) Until other provision is made by law,—
- (a) the salaries, allowances and privileges of the President, the Speaker or Deputy Speaker or a member of the National Assembly or a Provincial Assembly, a Federal Minister, a Minister of State, <sup>1</sup> \* \* a Chief Minister, a Provincial Minister and the Chief Election Commissioner shall be the same as the salaries, allowances and privileges to which the President, the Speaker or Deputy Speaker or member of the National Assembly of Pakistan or a Provincial Assembly, a Federal Minister, a Minister of State, <sup>1</sup> \* \* a Chief Minister, a Provincial Minister or, as the case may be, the Chief Election Commissioner was entitled immediately before the commencing day; and
  - (b) the salaries, allowances and privileges of the Chairman, the Deputy Chairman, the Prime Minister and a member of the Senate shall be such as the President may by Order determine.

(3) The salary, allowances and privileges of a person holding office as—

- (a) the President;
- (b) the Chairman or Deputy Chairman;
- (c) the Speaker or Deputy Speaker of the National Assembly or a Provincial Assembly;
- (d) a Governor;
- (e) the Chief Election Commissioner; or

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<sup>1</sup>The words and comma "a Governor," omitted by the Constitution (First Amendment) Act, 1974 (33 of 1974), section 13 (with effect from the 4th May, 1974).

(f) the Auditor-General;

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

(4) At any time when the Chairman or Speaker is acting as President, he shall be entitled to the same salary, allowances and privileges as a President but shall not exercise any of the functions of the office of Chairman or Speaker or a member of <sup>1</sup>[Majlis-e-Shoora (Parliament)] or be entitled to salary, allowances or privileges as Chairman, Speaker or such a member.

**National language.** 251. (1) The National language of Pakistan is Urdu, and arrangements shall be made for its being used for official and other purposes within fifteen years from the commencing day.

(2) Subject to clause (1), the English language may be used for official purposes until arrangements are made for its replacement by Urdu.

(3) Without prejudice to the status of the National language, a Provincial Assembly may by law prescribe measures for the teaching, promotion and use of a provincial language in addition to the national language.

**Special provisions  
in relation to  
major ports and  
aerodromes.**

252. (1) Notwithstanding anything contained in the Constitution or in any law, the President may, by public notification, direct that, for a period not exceeding three months from a specified date, a specified law, whether a Federal law or a Provincial law, shall not apply to a specified major port or major

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<sup>1</sup> See footnote 3 on page 5, *supra*.

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.

253. (1) <sup>1</sup> [Majlis-e-Shoora (Parliament)] may by law—

Maximum limits as to property, etc.

- (a) prescribe the maximum limits as to property or any class thereof which may be owned, held, possessed or controlled by any person ; and
- (b) declare that any trade, business, industry or service specified in such law shall be carried on or owned, to the exclusion, complete or partial, of other persons, by the Federal Government or a Provincial Government, or by a corporation controlled by any such Government.

(2) Any law which permits a person to own beneficially or possess beneficially an area of land greater than that which, immediately before the commencing day, he could have lawfully owned beneficially or possessed beneficially shall be invalid.

254. When any act or thing is required by the 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.

Failure to comply with requirement as to time does not render an act invalid.

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<sup>1</sup> See footnote 3 on page 5, *supra*.

**Oath of office.** 255. (1) An oath required to be made by a person under the Constitution shall <sup>1</sup>[preferably be made in Urdu or] a language that is understood by that person.

(2) Where, under the 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 the 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.

**Private armies forbidden.** 256. No private organisation capable of functioning as a military organisation shall be formed, and any such organisation shall be illegal.

**Provision relating to the State of Jammu and Kashmir.** 257. 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.

**Government of territories outside Provinces.** 258. Subject to the Constitution, until <sup>2</sup>[Majlis-e-Shoora (Parliament)] by law otherwise provides, the President may, by Order, make provision for peace and good government of any part of Pakistan not forming part of a Province.

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<sup>1</sup>Substituted by P.O. No. 14 of 1985, Art. 2 and Sch.

<sup>2</sup>See footnote 3 on page 5, *supra*.



259. (1) No citizen shall accept any title, honour or decoration from any foreign State except with the approval of the Federal Government. Awards.

(2) No title, honour or decoration shall be conferred by the Federal Government or any Provincial Government on any citizen, but the President may award decorations in recognition of gallantry <sup>1</sup>[, meritorious service in the Armed Forces] <sup>2</sup>[, academic distinction or distinction in the field of sports or nursing], as provided by Federal law.

(3) All titles, honours and decorations awarded to citizens by any authority in Pakistan before the commencing day otherwise than in recognition of gallantry <sup>3</sup>[, meritorious service in the Armed Forces] or academic distinction shall stand annulled.

#### CHAPTER 5.—INTERPRETATION

260. (1) In the Constitution, unless the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them, that is to say,— Definitions.

“Act of <sup>1</sup>[Majlis-e-Shoora (Parliament)]” means an Act passed by <sup>1</sup>[Majlis-e-Shoora (Parliament)] or the National Assembly and assented to, or deemed to have been assented to, by the President ;

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<sup>1</sup>Inserted by the Constitution (First Amendment) Act, 1974 (33 of 1974), section 14 (with effect from the 4th May, 1974).

<sup>2</sup>Substituted by P.O. No. 12 of 1981, Art. 2.

<sup>3</sup>Inserted and shall be deemed always to have been so inserted by Act 33 of 1974, s.14 (with effect from the 4th May, 1974).

<sup>4</sup>See footnote 3 on page 5, *supra*

“Act of Provincial Assembly” means an Act passed by the Provincial Assembly of a Province and assented to, or deemed to have been assented to, by the Governor;

“agricultural income” means agricultural income as defined for the purposes of the law relating to income-tax;

“Article” means Article of the Constitution;

“borrow” includes the raising of money by the grant of annuities, and “loans” shall be construed accordingly;

“Chairman” means the Chairman of the Senate and, except in Article 49, includes a person acting as Chairman of the Senate;

<sup>1</sup> [“Chief Justice”, in relation to the Supreme Court or a High Court, includes the Judge for the time being acting as Chief Justice of the Court;]

“citizen” means a citizen of Pakistan as defined by law;

“clause” means clause of the Article in which it occurs;

“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, authorised 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

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<sup>1</sup> Inserted by the Constitution (First Amendment) Act, 1974 (33 of 1974), section 15.

income-tax the total income of individual receiving such dividends, or in computing the income-tax payable by, or refundable to, such individuals;

“debt” includes any liability in respect of any obligation to repay capital sums by way of annuities and any liability under any guarantee, and “debt charges” shall be construed accordingly;

“estate duty” means a duty assessed on, or by reference to, the value of property passing upon death;

“existing law” has the same meaning as in clause (7) of Article 268;

“Federal law” means a law made by or under the authority of <sup>1</sup>[Majlis-e-Shoora (Parliament)];

“financial year” means a year commencing on the first day of July;

“goods” includes all materials, commodities and articles;

“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;

“House” means the Senate or the National Assembly;

“Joint sitting” means a joint sitting of the two Houses;

“Judge” in relation to the Supreme Court or a High Court, includes the Chief Justice of the Court and also includes—

- (a) in relation to the Supreme Court, a person who is acting as a Judge of the Court; and

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<sup>1</sup> See footnote 3 on page 5, *supra*.

- (b) in relation to the High Court, a person who is an Additional Judge of the Court ;
- “members of the Armed Forces” does not include persons who are not, for the time being, subject to any law relating to the members of the Armed Forces ;
- “net proceeds” means, in relation to any tax or duty, the proceeds thereof, reduced by the cost of collection, as ascertained and certified by the Auditor-General ;
- “oath” includes affirmation ;
- “Part” means Part of the Constitution ;
- “pension” means a pension, whether contributory or not, of any kind whatsoever payable to, or in respect of, any person and includes retired pay so payable, a gratuity so payable, and any sum or sums so payable by way of the return, with or without interest thereon or any addition thereto, of subscriptions to a provident fund ;
- “person” includes any body politic or corporate ;
- “President” means the President of Pakistan and includes a person for the time being acting as, or performing the functions of, the President of Pakistan and, as respects anything required to be done under the Constitution before the commencing day, the President under the Interim Constitution of the Islamic Republic of Pakistan ;
- “Property” includes any right, title or interest in property, movable or immovable, and any means and instruments of production ;
- “Provincial law” means a law made by or under the authority of the Provincial Assembly ;
- “remuneration” includes salary and pension ;

“Schedule” means Schedule to the Constitution ;

“security of Pakistan” includes the safety, welfare, stability and integrity of Pakistan and of each part of Pakistan, but shall not include public safety as such ;

“service of Pakistan” means any service, post or office in connection with the affairs of the Federation or of a Province, and includes an All-Pakistan Service, service in the Armed Forces and any other service declared to be a service of Pakistan by or under Act of <sup>1</sup>[Majlis-e-Shoora (Parliament)] or of a Provincial Assembly, but does not include service as Speaker, Deputy Speaker, Chairman, Deputy Chairman, Prime Minister, Federal Minister, Minister of State, Chief Minister, Provincial Minister,<sup>2</sup>[Attorney-General, <sup>3</sup>[Advocate-General,] Parliamentary Secretary] or <sup>4</sup>[Chairman or member of a Law Commission, Chairman or member of the Council of Islamic Ideology, Special Assistant to the Prime Minister, Adviser to the Prime Minister, Special Assistant to a Chief Minister, Adviser to a Chief Minister] or member of a House or a Provincial Assembly ;

“Speaker” means the Speaker of the National Assembly or a Provincial Assembly, and includes any person acting as the Speaker of the Assembly ;

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<sup>1</sup> See footnote 3 on page 5, *supra*.

<sup>2</sup> Inserted by the Constitution (First Amendment) Act, 1974 (33 of 1974), section 15 (with effect from the 4th May, 1974).

<sup>3</sup> Inserted by the Constitution (Fifth Amendment) Act, 1976 (62 of 1976), section 16 (with effect from the 13th September, 1976).

<sup>4</sup> Inserted by the Constitution (Sixth Amendment) Act, 1976 (84 of 1976), section 5 (with effect from the 31st December, 1976).

“taxation” includes the imposition of any tax or duty, 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.

(2) In the Constitution “Act of <sup>1</sup>[Majlis-e-Shoora (Parliament)]” or “Federal law” or “Act of Provincial Assembly” or “Provincial law” shall include an Ordinance promulgated by the President or, as the case may be, a Governor.

<sup>2</sup>[(3) In the Constitution and all enactments and other legal instruments; unless there is anything repugnant in the subject or context,—

- (a) “Muslim” means a person who believes in the unity and oneness of Almighty Allah, in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him), the last of the prophets, and does not believe in, or recognize as a prophet or religious reformer, any person who claimed or claims to be a prophet, in any sense of the word or of any description whatsoever, after Muhammad (peace be upon him); and
- (b) “non-Muslim” means a person who is not a Muslim and includes a person belonging to the Christian, Hindu, Sikh, Buddhist or Parsi community, a person of the Qadiani group or the Lahori group (who call themselves ‘Ahmadis’ or by any other name), or a Bahai, and a

<sup>1</sup> See footnote 3 on page 5, *supra*.

<sup>2</sup> Substituted by P.O. No. 24 of 1985, Art. 6 for clause (3) added by the Constitution (Second Amendment) Act, 1974 (49 of 1974), section 3 (with effect from the 17th September, 1974).

person belonging to any of the scheduled castes.]

261. For the purposes of the 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.

Person acting in office not to be regarded as successor to previous occupant of office, etc.

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

Gregorian calendar to be used.

263. In the Constitution,—

Gender and number.

- (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.

264. Where a law is repealed, or is deemed to have been repealed, by, under, or by virtue of the Constitution, the repeal shall not, except as otherwise provided in the Constitution,—

Effect of repeal of laws.

- (a) revive anything not in force or existing at the time at which the repeal takes effect ;
- (b) affect the previous operation of the law or anything duly done or suffered under the law ;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the law ;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the law ; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment ;

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.

CHAPTER 6.—TITLE, COMMENCEMENT AND REPEAL

Title of  
Constitution and  
commencement.

265. (1) This Constitution shall be known as the Constitution of the Islamic Republic of Pakistan.

(2) Subject to clauses (3) and (4), the Constitution shall come into force on the fourteenth day of August, one thousand nine hundred and seventy-three or on such earlier day as the President may, by notification in the official Gazette, appoint, in the Constitution referred to as the “commencing day”.

- (3) The Constitution shall, to the extent necessary—
- (a) for the constitution of the first Senate ;
  - (b) for the first meeting of a House or a joint sitting to be held ;
  - (c) for the election of the President and the Prime Minister to be held ; and
  - (d) to enable any other thing to be done which, for the purposes of the Constitution, it is necessary to do before the commencing day,

come into force upon the enactment of the Constitution, but the person elected as President or Prime Minister shall not enter upon his office before the commencing day.

(4) Where by the Constitution a power is conferred to make rules or to issue orders with respect to the enforcement of any provision thereof, or with respect to the establishment of any court or office, or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, anything is



to be done under any such provision, then that power may be exercised at any time between the enactment of the Constitution and its commencement.

266. The Interim Constitution of the Islamic Republic of Pakistan, together with the Acts and President's Orders making omissions from, additions to, modifications of, or amendments in, that Constitution is hereby repealed.

Repeal.

CHAPTER 7.—TRANSITIONAL

267. (1) At any time before the commencing day or before the expiration of three months from the commencing day, the President may, for the purpose of removing any difficulties, or for bringing the provisions of the Constitution into effective operation, by Order, direct that the provisions of the Constitution shall, during such period as may be 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.

Power of President to remove difficulties.

(2) An Order made under clause (1) shall be laid before both Houses without undue delay, and shall remain in force until a resolution disapproving it is passed by each House or, in case of disagreement between the two Houses, until such resolution is passed at a joint sitting.

268. (1) Except as provided by this Article, all existing laws shall, subject to the Constitution, continue in force, so far as applicable and with the necessary adaptations, until altered, repealed or amended by the appropriate Legislature.

Continuance in force, and adaptation of, certain laws.

(2) The laws specified in the Sixth Schedule shall not be altered, repealed or amended without the previous sanction of the President.

(3) For the purpose of bringing the provisions of any existing law into accord with the provisions of the Constitution (other than Part II of the Constitution), the President may by Order, within a period of two years from the commencing day, make such adaptations, whether by way of modification, addition or omission, as he may deem to be necessary or expedient, and any such Order may be made so as to have effect from such day, not being a day earlier than the commencing day, as may be specified in the Order.

(4) The President may <sup>1</sup>authorise the Governor of a Province to exercise, in relation to the Province, the powers conferred on the President by clause (3) in respect of laws relating to matters with respect to which the Provincial Assembly has power to make laws.

(5) The powers exercisable under clauses (3) and (4) shall be subject to the provisions of an Act of the appropriate Legislature.

(6) Any court, tribunal or authority required or empowered to enforce an existing law shall, notwithstanding that no adaptations have been made in such law by an Order made under clause (3) or clause (4), construe the law with all such adaptations as are necessary to bring it into accord with the provisions of the Constitution.

(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 thereof, or having

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<sup>1</sup> For such authorization, see Gazette of Pakistan, 1973, Extraordinary, Part II, page 2001.

extra-territorial validity, immediately before the commencing day

*Explanation.*—In this Article, “in force”, in relation to any law, means having effect as law whether or not the law has been brought into operation.

269. (1) All Proclamations, President’s Orders, Martial Law Regulations, Martial Law Orders and all other laws made between the twentieth day of December, one thousand nine hundred and seventy-one and the twentieth day of April, one thousand nine hundred and seventy-two (both days inclusive), are hereby declared notwithstanding any judgment of any court, to have been validly made by competent authority and shall not be called in question in any court on any ground whatsoever.

Validation of laws,  
acts, etc.

(2) All orders made, proceedings taken and acts done by any authority, or by any person, which were made, taken or done, or purported to have been made, taken or done, between the twentieth day of December, one thousand nine hundred and seventy-one, and the twentieth day of April, one thousand nine hundred and seventy-two (both days inclusive), in exercise of the powers derived from any President’s Orders, Martial Law Regulations, Martial Law Orders, enactments, notifications, rules, orders or bye-laws, or in execution of any orders made or sentences passed by any authority in the exercise or purported exercise of powers as aforesaid, shall notwithstanding any judgment of any court, be deemed to be and always to have been validly made, taken or done and shall not be called in question in any court on any ground whatsoever.

(3) No suit or other legal proceedings shall lie in any court against any authority or any person for or on account of or in respect of any order made, proceedings taken or act done

whether in the exercise or purported exercise of the powers referred to in clause (2) or in execution of or in compliance with orders made or sentences passed in exercise or purported exercise of such powers.

Temporary  
validation of  
certain laws, etc.

270. (1) <sup>1</sup> [Majlis-e-Shoora (Parliament)] may by law made in the manner prescribed for legislation for a matter in Part I of the Federal Legislative List validate all Proclamations, President's Orders, Martial Law Regulations, Martial Law Orders and other laws made between the twenty-fifth day of March, one thousand nine hundred and sixty-nine, and the nineteenth day of December, one thousand nine hundred and seventy-one (both days inclusive).

(2) Notwithstanding a judgment of any court, a law made by <sup>1</sup> [Majlis-e-Shoora (Parliament)] under clause (1) shall not be questioned in any court on any ground, whatsoever.

(3) Notwithstanding the provisions of clause (1), and a judgment of any court to the contrary, for a period of two years from the commencing day, the validity of all such instruments as are referred to in clause (1) shall not be called in question before any court on any ground whatsoever.

(4) All orders made, proceedings taken, and acts done by any authority, or any person, which were made, taken or done, or purported to have been made, taken or done, between the twenty-fifth day of March, one thousand nine hundred and sixty-nine and nineteenth day of December, one thousand nine hundred and seventy-one (both days inclusive), in exercise of powers derived from any President's Orders, Martial Law

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<sup>1</sup> See footnote 3 on page 5, *supra*

Regulations, Martial Law Orders, enactments, notifications, rules, orders or bye-laws, or in execution of any order made or sentence passed by any authority in the exercise or purported exercise of power as aforesaid shall, notwithstanding any judgment of any court, be deemed to be and always to have been validly made, taken or done, so however that any such order, proceeding or act may be declared invalid by <sup>1</sup> [Majlis-e-Shoora (Parliament)] at any time within a period of two years from the commencing day by resolution of both Houses, or in case of disagreement between the two Houses, by such resolution passed at a joint sitting and shall not be called in question before any court on any ground, whatsoever.

<sup>2</sup>[270A.—(1) The Proclamation of the fifth day of July, 1977, all President's Orders, Ordinances, Martial Law Regulations, Martial Law Orders, including the Referendum Order, 1984 (P.O. No. 11 of 1984), under which, in consequence of the result of the referendum held on the nineteenth day of December, 1984, General Mohammad Zia-ul-Haq became the President of Pakistan on the day of the first meeting of the Majlis-e-Shoora (Parliament) in joint sitting for the term specified in clause (7) of Article 41, the Revival of the Constitution of 1973 Order, 1985 (P.O. No. 14 of 1985), the Constitution (Second Amendment) Order, 1985 (P.O. No. 20 of 1985), the Constitution (Third Amendment) Order, 1985 (P.O. No. 24 of 1985), and all other laws made between the fifth day of July, 1977, and the date on which this Article comes into force are hereby affirmed, adopted and declared, notwithstanding any judgement of any court, to have been validly made by competent authority and, notwithstanding anything contained in

Affirmation of  
President's  
Orders, etc.

<sup>1</sup> See footnote 3 on page 5, *supra*.

<sup>2</sup> Articles 270A and 270B inserted by P.O. No. 14 of 1985 Art. 2 and Schedule. Article 270A substituted by Act XVIII of 1985 *w.e.f.* 30-12-85 *vide* S.R.O. No. 1279 (I)/85, dated 29-12-85 read with Proclamation of Withdrawal of Martial Law, dated 30-12-85. *see* Gazette of Pakistan, 1985, Ext., Part I, pages 431-432.

the Constitution, shall not be called in question in any court on any ground whatsoever :

Provided that a President's Order, Martial Law Regulation or Martial Law Order made after the thirtieth day of September, 1985, shall be confined only to making such provisions as facilitate, or are incidental to, the revocation of the Proclamation of the fifth day of July, 1977.

(2) All orders made, proceedings taken and acts done by any authority or by any person, which were made, taken or done, or purported to have been made, taken or done, between the fifth day of July, 1977, and the date on which this Article comes into force, in exercise of the powers derived from any Proclamation, President's Orders, Ordinances, Martial Law Regulations, Martial Law Orders, enactments, notifications, rules, orders or bye-laws, or in execution of or in compliance with any order made or sentence passed by any authority in the exercise or purported exercise of powers as aforesaid, shall, notwithstanding any judgement of any court, be deemed to be and always to have been validly made, taken or done and shall not be called in question in any court on any ground whatsoever.

(3) All President's Orders, Ordinances, Martial Law Regulations, Martial Law Orders, enactments, notifications, rules, orders or bye-laws in force immediately before the date on which this Article comes into force shall continue in force until altered, repealed or amended by competent authority.

*Explanation.*—In this clause, "competent authority" means.—

- (a) in respect of President's Orders, Ordinances, Martial Law Regulations, Martial Law Orders

and enactments, the appropriate Legislature;  
and

(b) in respect of notifications, rules, orders and bye-laws, the authority in which the power to make, alter, repeal or amend the same vests under the law.

(4) No suit, prosecution or other legal proceedings shall lie in any court against any authority or any person, for or on account of or in respect of any order made, proceedings taken or act done whether in the exercise or purported exercise of the powers referred to in clause (2) or in execution of or in compliance with orders made or sentences passed in exercise or purported exercise of such powers.

(5) For the purposes of clauses (1), (2) and (4), all orders made, proceedings taken, acts done or purporting to be made, taken or done by any authority or person shall be deemed to have been made, taken or done in good faith and for the purpose intended to be served thereby.

(6) Such of the President's Orders and Ordinances referred to in clause (1) as are specified in the Seventh Schedule may be amended in the manner provided for amendment of the Constitution, and all other laws referred to in the said clause may be amended by the appropriate Legislature in the manner provided for amendment of such laws.

*Explanation.*—In this Article “President's Orders” includes “President and Chief Martial Law Administrator's Orders” and “Chief Martial Law Administrator's Orders.”].

Elections to be deemed to be held under Constitution.

270B. Notwithstanding anything contained in the Constitution, the elections held under the Houses of (Parliament) and Provincial Assemblies (Elections) Order, 1977, to the Houses and the Provincial Assemblies shall be deemed to have been held under the Constitution and shall have effect accordingly.]

First National Assembly.

<sup>1</sup> 271. (1) Notwithstanding anything contained in the Constitution, but subject to <sup>2</sup>[Article 63,] Article 64 and Article 223,—

- <sup>3</sup> [(a) the first National Assembly shall consist of—
- (i) persons who have taken oath in the National Assembly of Pakistan existing immediately before the commencing day, and
  - (ii) the persons to be elected in accordance with law by the members of the Assembly to fill the seats referred to in clause (2A) of Article 51,

and, unless sooner dissolved, shall continue until the fourteenth day of August, one thousand nine hundred and seventy-seven; and reference to 'total membership' of National Assembly in the Constitution shall be construed accordingly ;]

- (b) the qualifications and disqualifications for being elected and being a member of the first

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<sup>1</sup> Article 271 shall, during the period of five years from the 27th October, 1973, have effect as if,—

- (a) after clause (2) thereof, the following new clause was inserted, namely:—  
“(2A) A person referred to in clause (2) shall resign one of his seats at any time on or before the 10th day of November, 1973, and, if he does not so resign, the seat to which he was elected first shall become vacant.”; and
- (b) in clause (3) thereof, after the words “election petition”, the words “or otherwise” were inserted, see the Removal of Difficulties (Bar against Double Membership) Order, 1973 (President's Order No. 22 of 1973).

<sup>2</sup> Inserted by the Constitution (Fourth Amendment) Act, 1975 (71 of 1975), section 9 (with effect from the 21st November, 1975).

<sup>3</sup> Substituted *ibid.*



National Assembly shall, except in case of members filling casual vacancies <sup>1</sup>[, or to be elected to the additional seats referred to in clause (2A) of Article 51,] after the commencing day, be the same as under the Interim Constitution of the Islamic Republic of Pakistan :

Provided that no person holding an office of profit in the service of Pakistan shall continue to be a member of the first National Assembly after the expiration of three months from the commencing day.

(2) If a person referred to in paragraph (a) of clause (1) is, immediately before the commencing day, also a member of a Provincial Assembly, he shall not take a seat in the National Assembly or the Provincial Assembly until he resigns one of his seats.

(3) A casual vacancy in a seat in the first National Assembly, including a vacancy in a seat in the National Assembly of Pakistan existing before the commencing day which was not filled before that day, caused by reason of death or resignation of a member or consequent upon his incurring a disqualification or ceasing to be a member as a result of the final decision of an election petition may be filled in the same manner in which it would have been filled before the commencing day.

(4) A person referred to in paragraph (a) of clause (1) shall not sit or vote in the National Assembly until he has made the oath prescribed by Article 65 and, if, without the leave of the Speaker of the National Assembly granted on reasonable

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<sup>1</sup>Inserted by the Constitution (Fourth Amendment) Act, 1975 (71 of 1975), section 9 (with effect from the 21st November, 1975).

cause shown, he fails to make the oath within twenty one days from the day of the first meeting of the Assembly, his seat shall become vacant at the expiration of that period.

First <sup>2</sup> [constitu-  
tion of] Senate.

<sup>1</sup> 272. <sup>3</sup>\* Notwithstanding anything contained in the Constitution, but subject to <sup>4</sup>[ Article 63 and ] Article 223,—

- (a) the Senate shall, until the first National Assembly under the Constitution continues in existence, consist of forty-five members and the provisions of Article 59 shall have effect as if, in paragraph (a) of clause (1) thereof, for the word “fourteen” the word “ten” and in paragraph (b) of that clause for the word “five” the word “three”, were substituted, and reference to “total membership” of the Senate in the Constitution shall be construed accordingly;
- (b) the members elected or chosen as members of the Senate shall be divided into two groups by drawing of lots, the first group consisting of five members from each Province, two members from the Federally Administered Tribal Areas and one member from the Federal Capital and the second

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<sup>1</sup> Article 272 had, between the 9th June, 1973, and the 14th August, 1974, effect subject to the following modifications made by the Election to the Senate Order, 1973 (President’s Order No. 8 of 1973), namely :—

In the said Article, after clause (1), the following new clause shall be added, namely :—

- “(2) Until Parliament by law makes provision in that behalf, the President may, for the purpose of the due constitution of, and election to, the Senate, by Order, make provision for any of the matters referred to in—
- (a) paragraphs (d) and (e) of clause (1) of Article 63;
- (b) paragraphs (d), (e) and (f) of Article 222; and
- (c) Article 225.”

<sup>2</sup> Inserted by the Constitution (First Amendment) Act, 1974 (33 of 1974), section 16 (with effect from the 4th May, 1974).

<sup>3</sup> The brackets and figure “(1)” omitted by the Constitution (Fourth Amendment) Act, 1975 (71 of 1975), section 10 (with effect from the 21st November, 1975).

<sup>4</sup> Inserted *ibid.*

- group consisting of five members from each Province one member from the said Areas and one member from the Federal Capital ;
- (c) the term of office of members of the first group and of the second group shall respectively be two years and four years ;
  - (d) the term of office of persons elected or chosen to succeed the members of the Senate at the expiration of their respective terms shall be four years ;
  - (e) the term of office of a person elected or chosen to fill a casual vacancy shall be the unexpired term of the member whose vacancy he is elected or chosen to fill ;
  - (f) as soon as the first general election to the National Assembly is held, there shall be elected to the Senate four additional members from each Province and two additional members from the Federally Administered Tribal Areas ; and
  - (g) the term of office of such half of the members elected under paragraph (f) as may be determined by drawing of lots shall be the unexpired term of office of the members of the first group and the term of office of the other half shall be the unexpired term of the members of the second group.

<sup>1</sup>273. (1) Notwithstanding anything contained in the Constitution, but subject to <sup>2</sup>[Article 63,] Article 64 and Article 223,—

**First Provincial  
Assembly.**

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<sup>1</sup>Article 273 shall, during the period of five years from the 27th October, 1973, have effect as if, in clause (2) thereof, after the words "election petition", the words "or otherwise" were inserted, see the Removal of Difficulties (Bar against Double Membership) Order, 1973 (President's Order No. 22 of 1973).

<sup>2</sup>Inserted by the Constitution (Fourth Amendment) Act, 1975 (71 of 1975), section 11 (with effect from the 21st November, 1975).

- <sup>1</sup> [(a) the first Assembly of a Province under the Constitution shall consist of—
- (i) the members of the Assembly of that Province in existence immediately before the commencing day, and
  - (ii) the additional members to be elected in accordance with law by the members of the Assembly to fill the seats referred to in clause (3) of Article 106,
- and, unless sooner dissolved, shall continue until the fourteenth day of August, one thousand nine hundred and seventy-seven; and reference to “total membership” of the Assembly of a Province in the Constitution shall be construed accordingly;]
- (b) the qualifications and disqualifications for membership of the first Assembly of a Province shall, except in case of members filling casual vacancies <sup>2</sup>[, or to be elected to the additional seats referred to in clause (3) of Article 106,] after the commencing day, be the same as were provided in the Interim Constitution of the Islamic Republic of Pakistan :

Provided that no person holding an office of profit in the service of Pakistan shall continue to be a member of the Assembly after the expiration of three months from the commencing day.

(2) A casual vacancy in a seat in the first Assembly of a Province, including a vacancy in a seat in the Assembly of that

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<sup>1</sup> Substituted by the Constitution (Fourth Amendment) Act, 1975 (71 of 1975) section 11 (with effect from the 21st November, 1975).

<sup>2</sup> Inserted *ibid.*

Province in existence immediately before the commencing day which was not filled before that day, caused by reason of death or resignation of a member or consequent upon his incurring a disqualification or ceasing to be a member as a result of the final decision of an election petition may be filled in the same manner in which it would have been filled before the commencing day.

(3) A member referred to in paragraph (a) of clause (1) shall not sit or vote in the Provincial Assembly until he has made the oath prescribed by Article 65 read with Article 127 and, if, without leave of the Speaker of the Provincial Assembly granted on reasonable cause shown, he fails to make the oath within twenty-one days from the day of the first meeting of the Provincial Assembly, his seat shall become vacant at the expiration of that period.

274. (1) All property and assets which, immediately before the commencing day, were vested in the President or the Federal Government shall, as from that day, vest in the Federal Government unless they were used for purposes which, on that day, became purposes of the Government of a Province, in which case they shall, as from that day, vest in the Government of the Province.

**Vesting of  
property, assets,  
rights, liabilities  
and obligations.**

(2) All property and assets which, immediately before the commencing day, were vested in the Government of a Province, shall, as from that day, continue to be vested in the Government of that Province, unless they were used for purposes, which on that day, became purposes of the Federal Government in which case they shall, as from that day, vest in the Federal Government.

(3) All rights, liabilities and obligations of the Federal Government or of the Government of a Province, whether arising out of contract or otherwise, shall as from the commencing day, continue to be respectively the rights, liabilities and obligations of the Federal Government or of the Government of the Province, except that—

- (a) all rights, liabilities and obligations relating to any matter which, immediately before that day, was the responsibility of the Federal Government, but which under the 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 the Constitution, has become the responsibility of the Federal Government, shall devolve upon the Federal Government.

Continuance in office of persons in service of Pakistan, etc.

275. (1) Subject to the Constitution and until law is made under Article 240 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 under the Interim Constitution of the Islamic Republic of Pakistan immediately before that day.

(2) Clause (1) shall also 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, or Chief Justice or other Judge of a High Court ;

- (b) Governor of a Province ;
- (c) Chief Minister of a Province ;
- (d) Speaker or Deputy Speaker of the National Assembly or a Provincial Assembly ;
- (e) Chief Election Commissioner ;
- (f) Attorney-General for Pakistan or Advocate-General for a Province ;
- (g) Auditor-General of Pakistan.

(3) Notwithstanding anything contained in the Constitution, for a period of six months from the commencing day, a Federal Minister or a Minister of State or the Chief Minister of a Province or a Provincial Minister may be a person who is not a member of <sup>1</sup> [Majlis-e-Shoora (Parliament)] or, as the case may be, the Provincial Assembly of that Province; and such Chief Minister and Provincial Minister shall have the right to speak and otherwise take part in the proceedings of the Provincial Assembly or any committee thereof of which he may be named a member, but shall not by virtue of this clause be entitled to vote.

(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 Third Schedule shall, as soon as is practicable after the commencing day make before the appropriate person oath in that form.

(5) Subject to the Constitution and law—

- (a) all civil, criminal and revenue courts exercising jurisdiction and functions immediately before

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<sup>1</sup> See footnote 3 on page 5, *supra*.

the commencing day shall, as from that day, continue to exercise their respective jurisdictions and functions ; and

- (b) all authorities and all offices (whether judicial, executive, revenue or ministerial) throughout Pakistan exercising functions immediately before the commencing day shall, as from that day, continue to exercise their respective functions.

Oath of first President.

276. Notwithstanding anything contained in the Constitution, the first President may, in the absence of the Chief Justice of Pakistan, make the oath referred to in Article 42 before the Speaker of the National Assembly.

Transitional financial provisions.

277. (1) The schedule or authorized expenditure authenticated by the President for the financial year ending on the thirtieth day of June, one thousand nine hundred and seventy-four, shall continue to remain a valid authority for expenditure from the Federal Consolidated Fund for that year.

(2) The President may, in respect of expenditure of the Federal Government for any financial year preceding the financial year commencing on the first day of July, one thousand nine hundred and seventy-three (being expenditure in excess of the authorized expenditure for that year), authorize the withdrawal of moneys from the Federal Consolidated Fund

(3) The provisions of clauses (1) and (2) 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 Federal Government shall be read as a reference to the Government of the Province; and
- (c) any reference in those provisions to the Federal Consolidated Fund shall be read as a reference to the Provincial Consolidated Fund of the Province.

278. The Auditor-General shall perform the same functions and exercise the same powers in relation to accounts which have not been completed or audited before the commencing day as, by virtue of the Constitution, he is empowered to perform or exercise in relation to other accounts, and Article 171 shall, with the necessary modifications, apply accordingly.

**Accounts not audited before commencing day.**

279. Notwithstanding anything contained in the 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.

**Continuance of taxes.**

280. The Proclamation of Emergency issued on the twenty-third day of November, one thousand nine hundred and seventy-one, shall be deemed to be a Proclamation of Emergency issued under Article 232, and for the purposes of clause (7) and clause (8) thereof to have been issued on the commencing day, and any law, rule or order made or purporting to have been made in pursuance of that Proclamation shall be deemed to have been validly made <sup>1</sup>[and shall not be called in question in any Court on the ground of inconsistency with any of the rights conferred by Chapter I of Part II.]

**Continuance of Proclamation of Emergency**

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<sup>1</sup> Added and shall be deemed always to have been so added by the Constitution (Fifth Amendment) Act, 1976 (62 of 1976), section 17.



<sup>1</sup>[ANNEX*(Article 2A)***The Objectives Resolution**

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

*(In the name of Allah, the most Beneficent,  
the most Merciful.)*

Whereas sovereignty over the entire universe belongs to Allah Almighty alone and the authority which He has delegated to the State of Pakistan, through its people for being exercised within the limits prescribed by Him is a sacred trust ;

This Constituent Assembly representing the people of Pakistan resolves to frame a constitution for the sovereign independent State of Pakistan;

Wherein the State shall exercise its powers and authority through the chosen representatives of the people;

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

Wherein the Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam as set out in the Holy Quran and the Sunnah;

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<sup>1</sup>Inserted by P.O. No. 14 of 1985. Art. 2 and Sch.

Wherein adequate provision shall be made for the minorities to profess and practise their religions and develop their cultures;

Wherein the territories now included in or in accession with Pakistan and such other territories as may hereafter be included in or accede to Pakistan shall form a Federation wherein the units will be autonomous with such boundaries and limitations on their powers and authority as may be prescribed;

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

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

Wherein the independence of the Judiciary shall be fully secured;

Wherein the integrity of the territories of the Federation, its independence and all its rights including its sovereign rights on land, sea and air shall be safeguarded;

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

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## ' [ FIRST SCHEDULE

[ *Article 8(3) (b) and (4)* ]

Laws exempted from the operation of Article 8(1) and (2).

## PART I

## I. President's Orders

- 1 The Acceding State (Property) Order, 1961 (P.O. No. 12 of 1961).
2. The Economic Reforms Order, 1972 (P.O. No. 1 of 1972)

## II. Regulations

1. The Land Reforms Regulation, 1972.
2. The Land Reforms (Baluchistan Pat Feeder Canal) Regulation, 1972.
3. The Economic Reforms (Protection of Industries) Regulation, 1972.
4. The Distribution of Property (Chitral) Regulation, 1974 (II of 1974).

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<sup>1</sup>The First Schedule as amended by the Constitution (First Amendment) Act, 1974 (33 of 1974), section 17 (with effect from the 4th May, 1974), has been substituted by the Constitution (Fourth Amendment) Act, 1975 (71 of 1975), section 12 (with effect from the 21st November, 1975).

5. The Settlement of Disputes of Immovable Property (Chitral) Regulation, 1974 (III of 1974).

6. The Dir and Swat (Devolution and Distribution of Property and Settlement of Disputes of Immovable Property) (Amendment) Regulation, 1975 (II of 1975).

<sup>1</sup>[7. The Settlement of Disputes of Immovable Property (Chitral) (Amendment) Regulation, 1976 (II of 1976)].

### III. Federal Acts

1. The Land Reforms (Amendment) Act, 1974 (XXX of 1974).

2. The Land Reforms (Amendment) Act, 1975 (XXXIX of 1975).

<sup>2</sup>[3. The Flour Milling Control and Development Act, 1976 (LVII of 1976).

4. The Rice Milling Control and Development Act, 1976 (LVIII of 1976).

5. The Cotton Ginning Control and Development Act, 1976 (LIX of 1976).]

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<sup>1</sup>Entry 7 added by the Constitution (Fifth Amendment) Act, 1976 (62 of 1976), section 18 (with effect from the 13th September, 1976).

<sup>2</sup>Entries 3 to 5 added *ibid.* (with effect from the 13th September, 1976).

**IV. Ordinances Promulgated by the President.**

The Land Reforms (Amendment) Ordinance, 1975 (XXI of 1975), and the Federal Act enacted to replace the said Ordinance.

**V. Provincial Acts**

1. The Land Reforms (Baluchistan Amendment) Act, 1974 (Baluchistan Act XI of 1974).
2. The Land Reforms (Pat Feeder Canal Regulation) (Amendment) Act, 1975 (Baluchistan Act VII of 1975).

<sup>1</sup> [ VI. Provincial Ordinance

The Land Reforms (Pat Feeder Canal) (Amendment) Ordinance, 1976 ]

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<sup>1</sup>Sub-heading VI and the entry added by the Constitution (Fifth Amendment) Act, 1976 (62 of 1976) section 18 (with effect from the 13th September, 1976).

**PART II****I. President's Orders**

1. The Minerals (Acquisition and Transfer) Order, 1961 (P.O. No. 8 of 1961).
2. The Companies (Managing Agency and Election of Directors) Order, 1972 (P. O. No. 2 of 1972).
3. The Co-operative Societies (Reforms) Order, 1972 (P. O. No. 9 of 1972).
4. The Life Insurance (Nationalization) Order, 1972 (P. O. No. 10 of 1972).
5. The Martial Law (Pending Proceedings) Order, 1972 (P. O. No. 14 of 1972).
6. The Rulers of Acceding States (Abolition of Privy Purses and Privileges) Order, 1972 (P. O. No. 15 of 1972).
7. The Industrial Sanctions and Licences (Cancellation) Order, 1972 (P. O. No. 16 of 1972).
8. The Criminal Law Amendment (Special Court) Order, 1972 (P.O. No. 20 of 1972).

**II. Regulations**

1. Rawalpindi (Requisition of Property) Regulation, 1959.
2. The Pakistan Capital Regulation, 1960.



3. The Scrutiny of Claims (Evacuee Property) Regulation, 1961.
4. The Income Tax (Correction of Returns and False Declaration) Regulation, 1969.
5. The Improper Acquisition of Property Regulation, 1969.
6. The Removal from Service (Special Provisions) Regulation, 1969.
7. The Living Beyond Ostensible Means (Punishment) Regulation, 1969.
8. The Government Agricultural Land (Recovery of Illegal Possession) Regulation, 1969
9. The Enemy Property (Payment of Money Due to Enemy) Regulation, 1970.
10. The Withdrawal of Currency Notes (High Denomination) Regulation, 1971.
11. The Price of Evacuee Property and Public Dues (Recovery) Regulation, 1971.
12. The Peshawar District and Tribal Areas (Settlement of Disputes) Regulation, 1971.
13. The Convention Muslim League and Awami League (Scrutiny of Funds) Regulation, 1971.

14. The Foreign Exchange Repatriation Regulation, 1972.
15. The Foreign Assets (Declaration) Regulation, 1972.
16. The Removal from Service (Review Petition) Regulation, 1972.
17. The Privately Managed Schools and Colleges (Taking Over) Regulation, 1972.
18. The Enemy Property (Revocation of Sales) Regulation, 1972.
19. The Dir and Swat (Devolution and Distribution of Property) Regulation, 1972.
20. The Dir and Swat (Settlement of Disputes of Immovable Property) Regulation, 1972.
21. The West Pakistan Industrial Development Corporation (Revocation of Sale or Transfer) Regulation, 1972.
22. The National Press Trust (Suspension of Board of Trustees and Directors) Regulation, 1972.
23. The Co-operative Banks (Repayment of Loans) (Punjab) Regulation, 1972.
24. The Co-operative Societies (Repayment of Loans) (Sind) Regulation, 1972.

**III. Ordinances Promulgated by the President.**

- 1 The Control of Shipping Ordinance, 1959 (XIII of 1959).
- 2 The Jammu and Kashmir (Administration of Property) Ordinance, 1961 (III of 1961).
- 3 The Muslim Family Laws Ordinance, 1961 (VIII of 1961).
4. The Security of Pakistan (Amendment) Ordinance, 1961 (XIV of 1961).
5. The Associated Press of Pakistan (Taking Over) Ordinance, 1961 (XX of 1961).
- 6 The Trade Organisations Ordinance, 1961 (XLV of 1961).

**IV. Federal Acts**

The Censorship of Films Act, 1963 (XVIII of 1963)

**V. Ordinances Promulgated by the Governor of Former Province of West Pakistan.**

1. The West Pakistan Government Educational and Training Institutions Ordinance, 1960 (W.P. Ordinance No XI of 1960).
2. The West Pakistan Wakf Properties Ordinance, 1961 (W.P. Ordinance No. XXVIII of 1961).

3. The Societies Registration (West Pakistan Amendment) Ordinance, 1962 (W.P. Ordinance No. IX of 1962).
4. The West Pakistan Industries (Control on Establishment and Enlargement) Ordinance, 1963 (W. P. Ordinance No. IV of 1963).

**VI. Ordinances Promulgated by the Governor of the  
North-West Frontier Province.**

1. The North-West Frontier Province Government Educational and Training Institutions Ordinance, 1971 (N.W.F.P. Ordinance No. III of 1971).
  2. The North-West Frontier Province Chashma Right Bank Canal Project (Control and Prevention of Speculation in Land) Ordinance, 1971 (N.W.F.P. Ordinance No. V of 1971).
  3. The North-West Frontier Province Gomal Zam Project (Control and Prevention of Speculation in Land) Ordinance, 1971 (N.W.F.P. Ordinance No. VIII of 1971). ]
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## ' [SECOND SCHEDULE

## [Article 41 (3)]

## Election of President

1. The Chief Election Commissioner shall hold and conduct election to the office of President, and shall be the Returning Officer for such election.
2. The Chief Election Commissioner shall appoint Presiding Officers to preside at the meeting of the members of Majlis-e-Shoora (Parliament) and at the meetings of the members of the Provincial Assemblies.
3. The Chief Election Commissioner shall by public notification fix the time and place for depositing nomination papers, holding a scrutiny, making withdrawals, if any, and holding the poll, if necessary.
4. At any time before noon on the day fixed for nomination any member of the Majlis-e-Shoora (Parliament) or of a Provincial Assembly may nominate for election as President a person qualified for election as President by delivering to the Presiding Officer a nomination paper, signed by himself as proposer and by another member of the Majlis-e-Shoora (Parliament) or, as the case may be Assembly as seconder, together with a statement signed by the person nominated that he consents to the nomination :

Provided that no person shall subscribe, whether as proposer or as seconder, more than one nomination paper at any one election.

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<sup>1</sup> Substituted by P.O. No. 14 of 1985, Art. 2 and Sch.

5. The scrutiny shall be held by the Chief Election Commissioner at the time and place fixed by him, and if after scrutiny only one person remains validly nominated, the Chief Election Commissioner shall declare that person to be elected, or if more than one person remains validly nominated, he shall announce, by public notification, the names of the persons validly nominated, to be hereinafter called the candidates.

6. A candidate may withdraw his candidature at any time before noon on the day fixed for this purpose by delivering a notice in writing under his hand to the Presiding Officer with whom his nomination paper has been deposited, and a candidate who has given a notice of withdrawal of his candidature under this paragraph shall not be allowed to cancel that notice.

7. If all but one of the candidates have withdrawn, that one shall be declared by the Chief Election Commissioner to be elected.

8. If there is no withdrawal, or if, after withdrawals have taken place, two or more candidates are left, the Chief Election Commissioner shall announce by public notification the names of the candidates, and their proposers and seconders, and shall proceed to hold a poll by secret ballot in accordance with the provisions of the succeeding paragraphs.

9. If a candidate whose nomination has been found to be in order dies after the time fixed for nomination, and a report of his death is received by the Presiding Officer before the commencement of the poll, the Presiding Officer shall, upon being satisfied of the fact of the death of the candidate,

countermand the poll and report the fact to the Chief Election Commissioner, and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election :

Provided that no further nomination shall be necessary in the case of a candidate whose nomination was valid at the time of the countermanding of the poll :

Provided further that no person who has under paragraph 6 of this Schedule given notice of withdrawal of his candidature before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

10. The poll shall be taken at the meetings of Majlis-e-Shoora (Parliament) and of each Provincial Assembly, and the respective Presiding Officers shall conduct the poll with the assistance of such officers as they may, with the approval of the Chief Election Commissioner, respectively appoint.

11. A ballot paper shall be issued to every member of Majlis-e-Shoora (Parliament), and of each Provincial Assembly, who presents himself for voting at the meeting of the members of the Majlis-e-Shoora (Parliament) or, as the case may be of the Provincial Assembly of which he is a member (hereinafter referred to as a person voting), and he shall exercise his vote personally by marking the paper in accordance with the provisions of the succeeding paragraphs.

12. The poll shall be by secret ballot by means of ballot papers containing the names of all the candidates in alphabetical order who have not withdrawn, and a person voting shall vote by placing a mark against the name of the person for whom he wishes to vote.

13. Ballot papers shall be issued from a book of ballot papers with counterfoils, each counterfoil being numbered; and when a ballot paper is issued to a person voting his name shall be entered on the counterfoil, and the ballot paper shall be authenticated by the initials of the Presiding Officer.

14. A ballot paper having been marked by the person voting shall be deposited by that person in a ballot box to be placed in front of the Presiding Officer.

15. If a ballot paper is spoiled by a person voting he may return it to the Presiding Officer, who shall issue a second ballot paper, cancelling the first ballot paper and marking the cancellation on the appropriate counterfoil.

16. A ballot paper shall be invalid if—

- (i) there is upon it any name, word or mark, by which the person voting may be identified; or
- (ii) it does not contain the initials of the Presiding Officer; or
- (iii) it does not contain a mark; or
- (iv) a mark is placed against the names of two or more candidates; or
- (v) there is any uncertainty as to the identity of the candidate against whose name the mark is placed.

17. After the close of the poll each Presiding Officer shall, in the presence of such of the candidates or their authorized representatives as may desire to be present, open and empty the ballot boxes and examine the ballot papers therein, rejecting any which are invalid, count the number of votes recorded for each candidate on the valid ballot papers, and communicate the number of the votes so recorded to the Chief Election Commissioner.



18. (1) The Chief Election Commissioner shall determine the result of the election in the following manner, namely :—

- (a) the number of votes cast in the Majlis-e-Shoora (Parliament) in favour of each candidate shall be counted;
- (b) the number of votes cast in a Provincial Assembly in favour of each candidate shall be multiplied by the total number of seats in the Provincial Assembly for the time being having the smallest number of seats and divided by the total number of seats in the Provincial Assembly in which the votes have been cast; and
- (c) the number of votes calculated in the manner referred to in clause (b) shall be added to the number of votes counted under clause (a).

*Explanation.*—In this paragraph, “total number of seats” includes seats reserved for non-Muslims and women

(2) A fraction shall be rounded off to the nearest whole.

19. The candidate who has obtained the largest number of votes compiled in the manner specified in paragraph 18 shall be declared by the Chief Election Commissioner to be elected.

20. Where at any poll any two or more candidates obtain an equal number of votes, the selection of the candidate to be elected shall be by drawing of lots.

21. When, after any poll, the counting of the votes has been completed, and the result of the voting determined, the Chief Election Commissioner shall forthwith announce the result to those present, and shall report the result to the Federal Government, who shall forthwith cause the result to be declared by a public notification.

22. The Chief Election Commissioner may, by public notification, with the approval of the President, make rules for carrying out the purposes of this Schedule.]

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## THIRD SCHEDULE

## Oaths of Office

PRESIDENT

[ Article 42 ]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

*(In the name of Allah, the most Beneficent,  
the most Merciful.)*

I, \_\_\_\_\_, do solemnly swear that I am a Muslim and believe in the Unity and Oneness of Almighty Allah, the Books of Allah, the Holy Quran being the last of them, the Prophethood of Muhammad (peace be upon him) as the last of the Prophets and that there can be no Prophet after him, the Day of Judgment, and all the requirements and teachings of the Holy Quran and Sunnah

That I will bear true faith and allegiance to Pakistan :

That, as President of Pakistan, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions :

That I will preserve, protect and defend the Constitution of the Islamic Republic of Pakistan :

That, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will :

And that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as President of Pakistan, except as may be required for the due discharge of my duties as President.

<sup>1</sup> [May Allah Almighty help and guide me (A'meen).]

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<sup>1</sup> Added by P.O. No. 14 of 1985, Art. 2 and Sch.

## PRIME MINISTER

[ Article 91 (4) ]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

*(In the name of Allah, the most Beneficent,  
the most Merciful.)*

I, \_\_\_\_\_, do solemnly swear that I am a Muslim and believe in the Unity and Oneness of Almighty Allah, the Books of Allah, the Holy Quran being the last of them, the Prophethood of Muhammad (peace be upon him) as the last of the Prophets and that there can be no Prophet after him, the Day of Judgment, and all the requirements and teachings of the Holy Quran and Sunnah

That I will bear true faith and allegiance to Pakistan

That, as Prime Minister of Pakistan, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions :

That I will preserve, protect and defend the Constitution of the Islamic Republic of Pakistan :

That, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will :

And that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as Prime Minister, except as may be required for the due discharge of my duties as Prime Minister.

<sup>1</sup> [May Allah Almighty help and guide me (A'meen).]

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<sup>1</sup> Added by P.O. No. 14 of 1985, Art. 2 and Sch.

FEDERAL MINISTER OR MINISTER OF STATE

[ Article 92 (2) ]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

*(In the name of Allah, the most Beneficent,  
the most Merciful.)*

I, \_\_\_\_\_, do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, as Federal Minister (or Minister of State); I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions :

That I will preserve, protect and defend the Constitution of the Islamic Republic of Pakistan :

That, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will :

And that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought

under my consideration or shall become known to me as Federal Minister (or Minister of State), except as may be required for the due discharge of my duties as Federal Minister (or Minister of State), or as may be specially permitted by the Prime Minister.

<sup>1</sup> [May Allah Almighty help and guide me (A'meen).]

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<sup>1</sup> Added by P.O. No. 14 of 1985, Art 2 and Sch



SPEAKER OF NATIONAL ASSEMBLY OR  
CHAIRMAN OF SENATE.

[ Articles 53 (2) and 61 ]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

*(In the name of Allah, the most Beneficent  
the most Merciful.)*

I, \_\_\_\_\_, do solemnly swear  
that I will bear true faith and allegiance to Pakistan :

That, as Speaker of the National Assembly (or Chairman of the Senate) and whenever I am called upon to act as President of Pakistan, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully, in accordance with the Constitution of the Islamic Republic of Pakistan, the law and as Speaker of the National Assembly in accordance with the rules of the Assembly (or as Chairman of the Senate in accordance with the rules of the Senate), and always in the interest of the sovereignty, integrity, solidarity well-being and prosperity of Pakistan .

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan .

That I will not allow my personal interest to influence my official conduct or my official decisions :

That I will preserve, protect and defend the Constitution of the Islamic Republic of Pakistan :

And that, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will.

<sup>1</sup> [May Allah Almighty help and guide me (A'meen).]

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<sup>1</sup> Added by P.O. No. 14 of 1985, Art. 2 and Sch.

DEPUTY SPEAKER OF NATIONAL ASSEMBLY OR  
DEPUTY CHAIRMAN.

[Articles 53 (2) and 61]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

(In the name of Allah, the most Beneficent,  
the most Merciful.)

I, \_\_\_\_\_, do solemnly  
swear that I will bear true faith and allegiance to Pakistan :

That, whenever I am called upon to act as Speaker of the National Assembly (or Chairman of the Senate), I will discharge my duties and perform my functions honestly, to the best of my ability, faithfully, in accordance with the Constitution of the Islamic Republic of Pakistan, the law and the rules of the Assembly (or Senate), and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions :

That I will preserve, protect and defend the Constitution of the Islamic Republic of Pakistan :

And that, in all circumstances, I will do right to all manner of people, according to law, without fear or favour affection or ill-will.

[ May Allah Almighty help and guide me (A'meen). ]

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<sup>1</sup> Added by P.O. No. 14 of 1985, Art. 2 and Sch.

MEMBER OF NATIONAL ASSEMBLY OR  
MEMBER OF SENATE

[Article 65]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

*(In the name of Allah, the most Beneficent  
the most Merciful.)*

I, \_\_\_\_\_, do solemnly  
swear that I will bear true faith and allegiance to Pakistan :

That, as a member of the National Assembly (or Senate),  
I will perform my functions honestly, to the best of my ability,  
faithfully, in accordance with the Constitution of the Islamic  
Republic of Pakistan and the law, and the rules of the Assembly  
(or Senate), and always in the interest of the sovereignty,  
integrity, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which  
is the basis for the creation of Pakistan :

And that I will preserve, protect and defend the Consti-  
tution of the Islamic Republic of Pakistan.

<sup>1</sup> [May Allah Almighty help and guide me (A'meen).]

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<sup>1</sup> Added by P.O. No. 14 of 1985, Art. 2 and Sch.

## GOVERNOR OF PROVINCE

[Article 102]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

*(In the name of Allah, the most Beneficent,  
the most Merciful.)*

I, \_\_\_\_\_, do solemnly swear  
that I will bear true faith and allegiance to Pakistan :

That, as the Governor of the Province of \_\_\_\_\_  
I will discharge my duties, and perform my functions, honestly,  
to the best of my ability, faithfully in accordance with the  
Constitution of the Islamic Republic of Pakistan and the law,  
and always in the interest of the sovereignty, integrity,  
solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which  
is the basis for the creation of Pakistan :

That I will not allow my personal interest to influence  
my official conduct or my official decisions :

That I will preserve, protect and defend the Constitution  
of the Islamic Republic of Pakistan :

That, in all circumstances, I will do right to all manner  
of people, according to law, without fear or favour, affection  
or ill-will :

And that I will not directly or indirectly communicate  
or reveal to any person any matter which shall be brought

under my consideration or shall become known to me as Governor of the Province of . . . . . except as may be required for the due discharge of my duties as Governor.

<sup>1</sup> [May Allah Almighty help and guide me (A'meen).]

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<sup>1</sup> Added by P.O. No. 14 of 1985, Art. 2 and Sch.

## CHIEF MINISTER OR PROVINCIAL MINISTER

[ *Articles 131 (4) and 132 (2)* ]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

*(In the name of Allah, the most Beneficent,  
the most Merciful.)*

I, \_\_\_\_\_, do solemnly swear that  
I will bear true faith and allegiance to Pakistan :

That, as a Chief Minister (or Minister) of the Govern-  
ment of the Province of . . . . . , I will  
discharge my duties and perform my functions honestly, to the  
best of my ability, faithfully in accordance with the Constitu-  
tion of the Islamic Republic of Pakistan and the law, and always  
in the interest of the sovereignty, integrity, solidarity, well-  
being and prosperity of Pakistan .

That I will strive to preserve the Islamic Ideology which is  
the basis for the creation of Pakistan

That I will not allow my personal interest to influence  
my official conduct or my official decisions :

That I will preserve, protect and defend the Constitution  
of the Islamic Republic of Pakistan

That, in all circumstances, I will do right to all manner  
of people, according to law, without fear or favour, affection  
or ill-will :



And that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as Chief Minister (or Minister) except as may be required for the due discharge of my duties as Chief Minister (or Minister or as may be specially permitted by the Chief Minister).

<sup>1</sup> [May Allah Almighty help and guide me (A'meen).]

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## SPEAKER OF A PROVINCIAL ASSEMBLY

[Articles 53 (2) and 127]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

*(In the name of Allah, the most Beneficent,  
the most Merciful.)*

I, \_\_\_\_\_, do solemnly swear that  
I will bear true faith and allegiance to Pakistan :

That, as Speaker of the Provincial Assembly of the  
Province of . . . . ., I will discharge  
my duties, and perform my functions, honestly, to the best of  
my ability, faithfully in accordance with the Constitution of the  
Islamic Republic of Pakistan, the law and the rules of the  
Assembly, and always in the interest of the sovereignty,  
integrity, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic ideology which  
is the basis for the creation of Pakistan :

That I will not allow my personal interest to influence  
my official conduct or my official decisions :

That I will preserve, protect and defend the Constitution  
of the Islamic Republic of Pakistan :

And that, in all circumstances, I will do right to all  
manner of people, according to law, without fear or favour,  
affection or ill-will.

<sup>1</sup> [May Allah Almighty help and guide me (A'meen).]

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<sup>1</sup> Added by P.O. No. 14 of 1985, Art. 2 and Sch.

DEPUTY SPEAKER OF A PROVINCIAL ASSEMBLY  
[Articles 53 (2) and 127]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

*(In the name of Allah, the most Beneficent,  
the most Merciful.)*

I, \_\_\_\_\_, do solemnly swear that  
I will bear true faith and allegiance to Pakistan :

That, whenever I am called upon to act as Speaker  
of the Provincial Assembly of the Province of . . . . . ,  
I will discharge my duties, and perform my functions, honestly,  
to the best of my ability, faithfully in accordance with the  
Constitution of the Islamic Republic of Pakistan, the law and  
the rules of the Assembly, and always in the interest of the  
sovereignty, integrity, solidarity, well-being and prosperity of  
Pakistan :

That I will strive to preserve the Islamic Ideology which is  
the basis for the creation of Pakistan :

That I will not allow my personal interest to influence  
my official conduct or my official decisions :

That I will preserve, protect and defend the Constitution  
of the Islamic Republic of Pakistan :

And that, in all circumstances, I will do right to all  
manner of people, according to law, without fear or favour,  
affection or ill-will.

[May Allah Almighty help and guide me (A meen).]

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— <sup>1</sup>Added by P.O. No. 14 of 1985, Art. 2 and Sch.

## MEMBER OF A PROVINCIAL ASSEMBLY

[Articles 65 and 127]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

*(In the name of Allah, the most Beneficent  
the most Merciful.)*

I, \_\_\_\_\_, do solemnly swear that  
I will bear true faith and allegiance to Pakistan :

That, as a member of the Provincial Assembly of . . . . .  
. . . . . , I will perform my functions honestly, to the best  
of my ability, faithfully in accordance with the Constitution of  
the Islamic Republic of Pakistan, the law and the rules of the  
Assembly, and always in the interest of the sovereignty, integ-  
rity, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which is  
the basis for the creation of Pakistan :

And that I will preserve, protect and defend the Constitu-  
tion of the Islamic Republic of Pakistan.

<sup>1</sup> [May Allah Almighty help and guide me (A'meen).]

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<sup>1</sup> Added by P.O. No. 14 of 1985, Art. 2 and Sch.

CONSTITUTION OF PAKISTAN  
AUDITOR-GENERAL OF PAKISTAN

245

[ Article 168 (2) ]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
(In the name of Allah, the most Beneficent,  
the most Merciful.)

I, \_\_\_\_\_, do solemnly swear that  
I will bear true faith and allegiance to Pakistan :

That, as Auditor-General of Pakistan, I will discharge  
my duties and perform my functions honestly, faithfully in  
accordance with the Constitution of the Islamic Republic of  
Pakistan and the law and to the best of my knowledge, ability  
and judgment, without fear or favour, affection or ill-will, and  
that I will not allow my personal interest to influence my  
official conduct or my official decisions.

<sup>1</sup> [May Allah Almighty help and guide me (A'meen).]

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<sup>1</sup> Added by P.O. No. 14 of 1985, Art. 2 and Sch

CHIEF JUSTICE OF PAKISTAN OR OF A HIGH COURT  
OR JUDGE OF THE SUPREME COURT  
OR A HIGH COURT.

[Articles 178 and 194]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

*(In the name of Allah, the most Beneficent,  
the most Merciful.)*

I, \_\_\_\_\_, do solemnly swear that  
I will bear true faith and allegiance to Pakistan :

That, as Chief Justice of Pakistan (or a Judge of the  
Supreme Court of Pakistan or Chief Justice or a Judge of the  
High Court for the Province or Provinces of . . . . .  
. . . . .), I will discharge my duties, and perform my functions,  
honestly, to the best of my ability and faithfully in accordance  
with the Constitution of the Islamic Republic of Pakistan and  
the law :

That I will abide by the code of conduct issued by the  
Supreme Judicial Council :

That I will not allow my personal interest to influence  
my official conduct or my official decisions :

That I will preserve, protect and defend the Constitution  
of the Islamic Republic of Pakistan :

And that, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will.

' [ May Allah Almighty help and guide me (A'meen). ]

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<sup>1</sup>Added by P.O No. 14 of 1985, Art 2 and Sch

<sup>1</sup>[<sup>2</sup>[CHIEF JUSTICE] OR <sup>2</sup>[JUDGE] OF THE  
FEDERAL SHARIAT COURT.

[Article 203C (7)]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

*(In the name of Allah, the most Beneficent,  
the most Merciful.)*

I, \_\_\_\_\_, do solemnly swear that,  
as the <sup>2</sup>[Chief Justice] (or a <sup>2</sup>[Judge]) of the Federal Shariat  
Court, I will discharge my duties, and perform my functions,  
honestly, to the best of my ability and faithfully in accordance  
with law ;

And that I will not allow my personal interest to influ-  
ence my official conduct or my official decisions.]

<sup>3</sup>[May Allah Almighty help and guide me (A'meen).]

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<sup>1</sup>Inserted by P.O. No. 1 of 1980, Art. 4.

<sup>2</sup>Substituted by P.O. No. 14 of 1985, Art. 2 and Sch.

<sup>3</sup>Added *ibid.*



CHIEF ELECTION COMMISSIONER

[Article 214]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

*(In the name of Allah, the most Beneficent  
the most Merciful.)*

I, \_\_\_\_\_, do solemnly swear that as Chief Election Commissioner I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and without fear or favour, affection or ill-will, and that I will not allow my personal interest to influence my official conduct or my official decisions.

<sup>1</sup> [May Allah Almighty help and guide me (A'meen) ]

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<sup>1</sup> Added by P.O. No. 14 of 1985, Art. 2 and Sch

## MEMBERS OF THE ARMED FORCES

[ Article 244 ]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

*(In the name of Allah, the most Beneficent,  
the most Merciful.)*

I, \_\_\_\_\_, do solemnly swear that I will bear true faith and allegiance to Pakistan and uphold the Constitution of the Islamic Republic of Pakistan which embodies the will of the people, that I will not engage myself in any political activities whatsoever and that I will honestly and faithfully serve Pakistan in the Pakistan Army (or Navy or Air Force) as required by and under the law.

[ May Allah Almighty help and guide me (A'meen). ]

**FOURTH SCHEDULE**

[*Article 70(4)*]

**LEGISLATIVE LISTS****Federal Legislative List****PART I**

1. The defence of the Federation or any part thereof in peace or war; the military, naval and air forces of the Federation and any other armed forces raised or maintained by the Federation; any armed forces which are not forces of the Federation but are attached to or operating with any of the Armed Forces of the Federation including civil armed forces; Federal Intelligence Bureau; preventive detention for reasons of State connected with defence, external affairs, or the security of Pakistan or any part thereof; persons subjected to such detention; industries declared by Federal law to be necessary for the purpose of defence or for the prosecution of war.

2. Military, naval and air force works; local self-government in cantonment areas, the constitution and powers within such areas of cantonment authorities, the regulation of house accommodation in such areas, and the delimitation of such areas.

3. External affairs; the implementing of treaties and agreements, including educational and cultural pacts and agreements, with other countries; extradition, including the surrender of criminals and accused persons to Governments outside Pakistan

## Nationality, citizenship and naturalisation

5. Migration from or into, or settlement in, a Province or the Federal Capital.
6. Admission into, and emigration and expulsion from, Pakistan, including in relation thereto the regulation of the movements in Pakistan of persons not domiciled in Pakistan: pilgrimages to places beyond Pakistan.
7. Posts and telegraphs, including telephones, wireless, broadcasting and other like forms of communications; Post Office Saving Bank.
8. Currency, coinage and legal tender.
9. Foreign exchange; cheques, bills of exchange, promissory notes and other like instruments.
10. Public debt of the Federation, including the borrowing of money on the security of the Federal Consolidated Fund. foreign loans and foreign aid.
11. Federal Public Services and Federal Public Service Commission.
12. Federal pensions, that is to say, pensions payable by the Federation or out of the Federal Consolidated Fund.
13. Federal Ombudsmen.
14. Administrative Courts and Tribunals for Federal subjects.

15. Libraries, museums, and similar institutions controlled or financed by the Federation.
16. Federal agencies and institutes for the following purposes, that is to say, for research, for professional or technical training, or for the promotion of special studies.
17. Education as respects Pakistani students in foreign countries and foreign students in Pakistan.
18. Nuclear energy, including—
  - (a) mineral resources necessary for the generation of nuclear energy ;
  - (b) the production of nuclear fuels and the generation and use of nuclear energy ; and
  - (c) ionizing radiations.
19. Port quarantine, seamen's and marine hospitals and hospitals connected with port quarantine.
20. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.
21. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of port authorities therein.
22. Aircraft and air navigation ; the provision of aerodromes ; regulation and organisation of air traffic and of aerodromes.
23. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.

24. Carriage of passengers and goods by sea or by air.
25. Copyright, inventions, designs, trade-marks and merchandise marks.
26. Opium so far as regards sale for export.
27. Import and export across customs frontiers as defined by the Federal Government, inter-provincial trade and commerce, trade and commerce with foreign countries; standard of quality of goods to be exported out of Pakistan.
28. State Bank of Pakistan; banking, that is to say, the conduct of banking business by corporations other than corporations owned or controlled by a Province and carrying on business only within that Province.
29. The law of insurance, except as respects insurance undertaken by a Province, and the regulation of the conduct of insurance business, except as respects business undertaken by a Province; Government insurance, except so far as undertaken by a Province by virtue of any matter within the legislative competence of the Provincial Assembly.
30. Stock exchanges and futures markets with objects and business not confined to one Province.
31. Corporations, that is to say, the incorporation, regulation and winding-up of trading corporations, including banking, insurance and financial corporations, but not including corporations owned or controlled by a Province and carrying on business only within that Province, or co-operative societies, and of

corporations, whether trading or not, with objects not confined to a Province, but not including universities.

32. National planning and national economic coordination including planning and coordination of scientific and technological research.

33. State lotteries.

34. National highways and strategic roads.

35. Federal surveys including geological surveys and Federal meteorological organisations.

36. Fishing and fisheries beyond territorial waters.

37. Works, lands and buildings vested in, or in the possession of Government for the purposes of the Federation (not being military, naval or air force works), but, as regards property situate in a Province, subject always to Provincial legislation, save in so far as Federal law otherwise provides.

38. Census.

39. Establishment of standards of weights and measures.

40. Extension of the powers and jurisdiction of members of a police force belonging to any Province to any area in another Province, but not so as to enable the police of one Province to exercise powers and jurisdiction in another Province without the consent of the Government of that Province; extension of the powers and jurisdiction of members of a police force

belonging to any Province to railway areas outside that Province

41. Elections to the office of President, to the National Assembly, the Senate and the Provincial Assemblies; Chief Election Commissioner and Election Commissions.

42. The salaries, allowances and privileges of the President, Speaker and Deputy Speaker of the National Assembly, Chairman and Deputy Chairman of the Senate, Prime Minister, Federal Ministers, Ministers of State, the salaries, allowances and privileges of the members of the Senate and the National Assembly; and the punishment of persons who refuse to give evidence or produce documents before committees thereof.

43. Duties of customs, including export duties.

44. Duties of excise, including duties on salt, but not including duties on alcoholic liquors, opium and other narcotics.

45. Duties in respect of succession to property.

46. Estate duty in respect of property.

47. Taxes on income other than agricultural income.

48. Taxes on corporations.

<sup>1</sup>[49. Taxes on the sales and purchases of goods imported, exported, produced, manufactured or consumed.]

50. Taxes on the capital value of the assets, not including taxes on capital gains on immovable property.

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<sup>1</sup>Substituted by the Constitution (Fifth Amendment) Act, 1976 (62 of 1976), section 19, for the original entry 49 (with effect from the 13th September, 1976)



51. Taxes on mineral oil, natural gas and minerals for use in generation of nuclear energy.
52. Taxes and duties on the production capacity of any plant, machinery, undertaking, establishment or installation in lieu of the taxes and duties specified in entries 44, 47, 48 and 49 or in lieu of any one or more of them.
53. Terminal taxes on goods or passengers carried by railway, sea or air ; taxes on their fares and freights.
54. Fees in respect of any of the matters in this Part, but not including fees taken in any court.
55. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List and, to such extent as is expressly authorised by or under the Constitution, the enlargement of the jurisdiction of the Supreme Court, and the conferring thereon of supplemental powers.
56. Offences against laws with respect to any of the matters in this Part.
57. Inquiries and statistics for the purposes of any of the matters in this Part.
58. Matters which under the Constitution are within the legislative competence of <sup>1</sup>[Majlis-e-Shoora (Parliament)] or relate to the Federation.
59. Matters incidental or ancillary to any matter enumerated in this Part.

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<sup>1</sup> See footnote 3 on page 5, *supra*.

## PART II

1. Railways.
2. Mineral oil and natural gas; liquids and substances declared by Federal law to be dangerously inflammable.
3. Development of industries, where development under Federal control is declared by Federal law to be expedient in the public interest; institutions, establishments, bodies and corporations administered or managed by the Federal Government immediately before the commencing day, including the <sup>1</sup>[Pakistan Water and Power Development Authority and the Pakistan Industrial Development Corporation]; all undertakings, projects and schemes of such institutions, establishments, bodies and corporations, industries, projects and undertakings owned wholly or partially by the Federation or by a corporation set up by the Federation.
4. Council of Common Interests.
5. Fees in respect of any of the matters in this Part but not including fees taken in any court.
6. Offences against laws with respect to any of the matters in this Part.
7. Inquiries and statistics for the purposes of any of the matters in this Part.
8. Matters incidental or ancillary to any matter enumerated in this Part.

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<sup>1</sup>Substituted by the Constitution (Fifth Amendment) Act, 1976 (62 of 1976), section 19. for "West Pakistan Water and Power Development Authority and the West Pakistan Industrial Development Corporation" (with effect from the 13th September, 1976).

**Concurrent Legislative List**

1. Criminal law, including all matters included in the Pakistan Penal Code on the commencing day, but excluding offences against laws with respect to any of the matters specified in the Federal Legislative List and excluding the use of naval, military and air forces in aid of civil power.
2. Criminal procedure, including all matters included in the Code of Criminal Procedure, on the commencing day.
3. Civil procedure, including the law of limitation and all matters included in the Code of Civil Procedure on the commencing day; the recovery in a Province or the Federal Capital of claims in respect of taxes and other public demands, including arrears of land revenue and sums recoverable as such, arising outside that Province.
4. Evidence and oath; recognition of laws, public acts and records and judicial proceedings.
5. Marriage and divorce, infants and minors; adoption.
6. Wills, intestacy and succession, save as regards agricultural land.
7. Bankruptcy and insolvency, administrators-general and official trustees.
8. Arbitration

9. Contracts, including partnership, agency, contracts of carriage, and other special forms of contracts, but not including contracts relating to agricultural land.
10. Trust and trustees.
11. Transfer of property other than agricultural land, registration of deeds and documents.
12. Actionable wrongs, save in so far as included in laws with respect to any of the matters specified in the Federal Legislative List.
13. Removal of prisoners and accused persons from one Province to another Province.
14. Preventive detention for reasons connected with the maintenance of public order, or the maintenance of supplies and services essential to the community ; persons subjected to such detention.
15. Persons subjected to preventive detention under Federal authority.
16. Measures to combat certain offences committed in connection with matters concerning the Federal and Provincial Governments and the establishment of a police force for that purpose.
17. Arms, fire-arms and ammunition.
18. Explosives.

19. Opium, so far as regards cultivation and manufacture.
20. Drugs and medicines.
21. Poisons and dangerous drugs.
22. Prevention of the extension from one Province to another of infectious or contagious diseases or pests affecting men, animals or plants.
23. Mental illness and mental retardation, including places for the reception or treatment of the mentally ill and mentally retarded.
24. Environmental pollution and ecology.
25. Population planning and social welfare.
26. Welfare of labour ; conditions of labour, provident funds ; employers' liability and workmen's compensation, health insurance including invalidity pensions, old age pensions.
27. Trade unions ; industrial and labour disputes.
28. The setting up and carrying on of labour exchanges, employment information bureaus and training establishments.
29. Boilers
30. Regulation of labour and safety in mines, factories and oil-fields.
31. Unemployment insurance.

32. Shipping and navigation on inland waterways as regards mechanically propelled vessels, and the rule of the road on such waterways; carriage of passengers and goods on inland waterways.

33. Mechanically propelled vehicles

34. Electricity

35. Newspapers, books and printing presses.

36. Evacuee property.

37. Ancient and historical monuments, archaeological sites and remains

38. Curriculum, syllabus, planning, policy, centres of excellence and standards of education.

39. Islamic education

40. *Zakat*.

<sup>1</sup>[41. Production, censorship and exhibition of cinematograph films.]

42. Tourism.

43. Legal, medical and other professions

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<sup>1</sup>Substituted by the Constitution (Fifth Amendment) Act, 1976 (62 of 1976), section 19, for the original entry 41 (with effect from the 13th September, 1976).

<sup>1</sup>[43A. Auqaf.]

44. Fees in respect of any of the matters in this List, but not including fees taken in any court.
45. Inquiries and statistics for the purpose of any of the matters in this List.
46. Offences against laws with respect to any of the matters in this List; jurisdiction and powers of all courts except the Supreme Court, with respect to any of the matters in this List.
47. Matters incidental or ancillary to any matter enumerated in this List.

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<sup>1</sup>Entry 43A inserted by the Constitution (Fourth Amendment) Act, 1975 (71 of 1975), section 13 (with effect from the 21st November, 1975).

## FIFTH SCHEDULE

[ *Article 205* ]

Remuneration and Terms and Conditions of  
Service of Judges.

## THE SUPREME COURT

1. There shall be paid to the Chief Justice of Pakistan a salary of Rs. <sup>1</sup>[ 7,900 ] per mensem, and to every other Judge of the Supreme Court a salary of Rs. <sup>1</sup>[ 7,400 ] per mensem.
  
2. Every Judge of the Supreme Court shall be entitled to such privileges and allowances, and to such rights in respect of leave of absence and pension, as may be determined by the President, and until so determined, to the privileges, allowances and rights to which, immediately before the commencing day, the Judges of the Supreme Court of Pakistan were entitled.
  
3. The pension payable to a retired Judge of the Supreme Court shall not be less than Rs. <sup>1</sup>[ 3,600 ] per mensem or more than Rs. <sup>1</sup>[ 4,600 ] per mensem, depending on the length of his service as Judge in that Court or a High Court :

Provided that pension payable to a Judge of Supreme Court shall not be less favourable than that payable to him as such Judge, immediately before the commencing day.

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<sup>1</sup>Substituted by P.O. No. 6 of 1985, Art. 2 (with effect from the 1st July, 1983).



- [4. The widow of a Judge of the Supreme Court shall be entitled to a pension at the following rates, namely :—
- (a) if the Judge dies after retirement—50 per cent of the net pension payable to him ; or
  - (b) if the Judge dies after having rendered not less than three years' service as Judge and while still serving as such—50 per cent of the pension admissible to him at the minimum rate.
5. The pension shall be payable to the widow for life or, if she remarries, until her marriage.
6. If the widow dies, the pension shall be payable—
- (a) to the sons of the Judge who are less than twenty-one years of age, until they attain that age; and
  - (b) to the unmarried daughters of the Judge who are less than twenty-one years of age, until they attain that age or are married, whichever first occurs.]

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<sup>1</sup>Added by P.O. No. 6 of 1985, Art. 2 (with effect from the 1st July, 1981).

## THE HIGH COURT

1. There shall be paid to the Chief Justice of a High Court a salary of Rs. <sup>1</sup>[7,200] per mensem, and to every other Judge of a High Court a salary of Rs. <sup>1</sup>[6,500] per mensem.

2. Every Judge of a High Court shall be entitled to such privileges and allowances, and to such rights in respect of leave of absence and pension, as may be determined by the President, and until so determined, to the privileges, allowances and rights to which, immediately before the commencing day, the Judges of the High Court were entitled.

3. The pension payable to a Judge of a High Court who retires after having put in not less than five years service as Judge shall not be less than Rs. <sup>1</sup>[2,400] per mensem or more than Rs. <sup>1</sup>[4,200] per mensem, depending on the length of his service as Judge and total service, if any, in the service of Pakistan.

<sup>2</sup>[4. The widow of a Judge of the High Court shall be entitled to a pension at the following rates, namely :—

- (a) if the Judge dies after retirement— 50 per cent of the net pension payable to him; or
- (b) if the Judge dies after having rendered not less than five years' service as Judge and while still serving as such—50 per cent of the pension admissible to him at the minimum rate.

5. The pension shall be payable to the widow for life or, if she remarries, until her marriage.

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<sup>1</sup>Substituted by P.O. No. 6 of 1985, Art. 2 (with effect from the 1st July, 1983).

<sup>2</sup>Added. *ibid.* (with effect from the 1st July, 1981).

6. If the widow dies, the pension shall be payable—
- (a) to the sons of the Judge who are less than twenty-one years of age, until they attain that age; and
  - (b) to the unmarried daughters of the Judge who are less than twenty-one years of age, until they attain that age or are married, whichever first occurs.]
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## SIXTH SCHEDULE

[Article 268 (2)]

Laws not to be Altered, Repealed or Amended without  
the Previous Sanction of the President.

<i>Number</i>	<i>Description of Regulation</i>
1.	The Improper Acquisition of Property Regulation, 1969.
2.	The Removal from Service (Special Provisions) Regulation, 1969.
3.	The Living Beyond Ostensible Means (Punishment) Regulation, 1969.
4.	The Government Agricultural Land (Recovery of Illegal Possession) Regulation, 1969.
5.	The Enemy Property (Payment of Money Due to Enemy) Regulation, 1970.
6.	The Withdrawal of Currency Notes (High Denomination) Regulation, 1971.
7.	The Price of Evacuee Property and Public Dues (Recovery) Regulation, 1971.
8.	The Peshawar District and Tribal Areas (Settlement of Disputes) Regulation, 1971.
9.	The Convention Muslim League and Awami League (Scrutiny of Funds) Regulation, 1971.
10.	The Foreign Exchange Repatriation Regulation, 1972.
11.	The Foreign Assets (Declaration) Regulation, 1972.
12.	The Removal from Service (Special Provisions) Regulation, 1972.
13.	The Land Reforms Regulation, 1972.
14.	The Removal from Service (Review Petition) Regulation, 1972.

<i>Number</i>	<i>Description of Regulation</i>
15.	The Land Reforms (Baluchistan Pat Feeder Canal) Regulation, 1972.
16.	The Privately Managed Schools and Colleges (Taking Over) Regulation, 1972.
17.	The Enemy Property (Revocation of Sales) Regulation, 1972.
18.	The Dir and Swat (Devolution and Distribution of Property) Regulation, 1972.
19.	The Dir and Swat (Settlement of Disputes of Immovable Property) Regulation, 1972.
20.	The West Pakistan Industrial Development Corporation (Revocation of Sales or Transfer) Regulation, 1972.
21.	The Economic Reforms (Protection of Industries) Regulation, 1972.
22.	The National Press Trust (Suspension of Board of Trustees and Directors) Regulation, 1972.
23.	The Cooperative Banks (Repayment of Loans) (Punjab) Regulation, 1972.
24.	The Cooperative Societies (Repayment of Loans) (Sind) Regulation, 1972.

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## [SEVENTH SCHEDULE

[ Article 270A (6) ]

Laws to be amended in the manner provided for amendment of the Constitution.

## PRESIDENT'S ORDERS

- (1) The Zulfiqar Ali Bhutto Trust and Peoples Foundation Trust (Renaming and Administration) Order, 1978 (P.O. No. 4 of 1978).
- (2) The Cantonments (Urban Immovable Property Tax and Entertainments Duty) Order, 1979 (P.O. No. 13 of 1979).
- (3) The Pakistan Defence Officers Housing Authority Order, 1980 (P.O. No. 7 of 1980).
- (4) The Foreign Currency Loans (Rate of Exchange) Order, 1982 (P.O. No. 3 of 1982).
- (5) The Establishment of the office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (P.O. No. 1 of 1983).
- (6) The Aga Khan University Order, 1983 (P.O. No. 3 of 1983).
- (7) The National College of Textile Engineering (Governing Body and Cess) Order, 1983 (P.O. No. 11 of 1983).

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<sup>1</sup> Added by the Constitution (Eighth Amendment) Act, 1985 (18 of 1985), s. 20.

- (8) The Lahore University of Management Sciences Order, 1985 (P.O. No. 25 of 1985).

ORDINANCES

- (1) The International Islamic University Ordinance, 1985 (XXX of 1985).]

