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**GOVERNMENT OF PAKISTAN**  
**MINISTRY OF LAW**



**THE CONSTITUTION**  
**OF THE**  
**ISLAMIC REPUBLIC OF PAKISTAN**

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**FEROZSONS, KARACHI**



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## **Preamble**

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

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

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

**AND WHEREAS** the Constituent Assembly, representing the people of Pakistan, have resolved to frame for the sovereign independent State of Pakistan a constitution;

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

**WHEREIN** the principles of democracy, freedom, equality,

tolerance and social justice as enunciated by Islam, should be fully observed;

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

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

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

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

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

WHEREIN the independence of the Judiciary should be fully secured;

WHEREIN the integrity of the territories of the Federation,

its independence and all its rights, including its sovereign rights over land, sea and air should be safeguarded;

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

Now **THEREFORE**, we the people of Pakistan in our Constituent Assembly this twenty-ninth day of February, 1956, and the seventeenth day of Rajab, 1375, do hereby adopt, enact and give to ourselves this Constitution.

## **PART I**

### **The Republic and its Territories**

**1.—(1)** Pakistan shall be a Federal Republic to be known as the Islamic Republic of Pakistan, and is hereinafter referred to as Pakistan.

**The Republic  
and its  
territories.**

**(2)** The territories of Pakistan shall comprise—

- (a)** the territories of the Provinces of East Pakistan and West Pakistan;
- (b)** the territories of States which are in accession with or may accede to Pakistan;
- (c)** the territories which are under the administration of the Federation but are not included in either Province; and
- (d)** such other territories as may be included in Pakistan.

***Explanation.*—**In the Constitution, the Province of East Pakistan shall mean the Province known immediately before the Constitution Day as the Province of East Bengal, and the Province of West Pakistan shall mean the Province of West

**Pakistan set up by the Establishment of West Pakistan Act, 1955.**

**Administra-  
tion of  
territories  
outside the  
Provinces.**

**2. Until Parliament by law otherwise provides, the President may, by Order, make provision for the government and administration of the territories specified in sub-clauses (b), (c) and (d) of clause (2) of Article 1.**

## **PART II**

### **Fundamental Rights**

**3.** In this Part, unless the context otherwise requires, “the State” includes the Federal Government, Parliament, the Provincial Governments, the Provincial Legislatures, and all local or other authorities in Pakistan.

**Definition  
of the State.**

**4.—(1)** Any existing law, or any custom or usage having the force of law, in so far as it is inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void.

**Laws  
inconsistent  
with or in  
derogation  
of the  
fundamental  
rights to be  
void.**

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

**(3)** Nothing in this Article shall apply to any law relating to the members of the Armed Forces, or the Forces charged with the maintenance of public order, for the purpose of ensuring the proper discharge of their duties or the maintenance of discipline among them.



**Equality  
before law.**

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

**(2)** No person shall be deprived of life or liberty save in accordance with law.

**Protection  
against  
retrospective  
offences or  
punishment.**

**6.** No person shall be punished for an act which was not punishable by law when the act was done, nor shall any person be subjected to a punishment greater than that prescribed by law for an offence when the offence was committed.

**Safeguards  
as to arrest  
and deten-  
tion.**

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

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

**(3)** Nothing in clauses (1) and (2) shall apply to any person—

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

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

**(4)** No law providing for preventive detention shall autho-

rise the detention of a person for a period exceeding three months unless the appropriate Advisory Board has reported before the expiration of the said period of three months that there is, in its opinion, sufficient cause for such detention.

*Explanation.*—In this clause “the appropriate Advisory Board” means, in the case of a person detained under a Central Act or an Act of Parliament, a Board consisting of persons appointed by the Chief Justice of Pakistan, or, in the case of a person detained under a Provincial Act or an Act of a Provincial Legislature, a Board consisting of persons appointed by the Chief Justice of the High Court for the Province.

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order:

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

**8.** Every citizen shall have the right to freedom of speech and expression, subject to any reasonable restrictions imposed by law in the interest of the security of Pakistan, friendly

**Freedom of  
speech.**

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

**Freedom of  
assembly.**

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

**Freedom of  
association.**

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

**Freedom of  
movement  
and right  
to hold and  
dispose of  
property.**

**11.** Subject to any reasonable restrictions imposed by law in the public interest, every citizen shall have the right—

- (a) to move freely throughout Pakistan and to reside and settle in any part thereof;
- (b) to acquire, hold and dispose of property.

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

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

Provided that nothing in this Article shall prevent—

- (a) the regulation of any trade or profession by a licensing system, or
- (b) the carrying on, by the Federal or a Provincial Government or by a corporation controlled by any

such Government, of any trade, business, industry or service, to the exclusion, complete or partial, of other persons.

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

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

(2) No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination.

(3) No citizen shall be denied admission to any educational institution receiving aid from public revenues on the ground only of race, religion, caste, or place of birth:

Provided that nothing in this Article shall prevent any public authority from making provision for the advancement of any socially or educationally backward class of citizens.

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

(5) Every religious community or denomination shall have the right to establish and maintain educational institutions of its own choice, and the State shall not deny

recognition to any such institution on the ground only that the management of such institution vests in that community or denomination.

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

14.—(1) In respect of access to places of public entertainment or resort, not intended for religious purposes only, there shall be no discrimination against any citizen on the ground only of race, religion, caste, sex or place of birth.

(2) Nothing in this Article shall prevent the making of any special provision for women.

**Protection of property rights.**

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

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

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

- (a) any existing law, or
- (b) any law permitting the compulsory acquisition or taking possession of any property for preventing danger to life, property or public health, or
- (c) any law relating to the administration or acquisition

of any property which is or is deemed to be evacuee property under any law, or

- (d) any law providing for the taking over by the State for a limited period of the management of any property for the benefit of its owner.

(4) In clauses (2) and (3), "property" shall mean immovable property, or any commercial or industrial undertaking, or any interest in any such undertaking.

**16.—(1)** No person shall be held in slavery.

**Slavery and forced labour prohibited.**

(2) All forms of forced labour are prohibited, but the State may require compulsory service for public purposes.

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

**Safeguard against discrimination in services.**

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

Provided further that in the interest of the said service, specified posts or services may be reserved for members of either sex.

(2) Nothing in clause (1) shall prevent any Provincial Government or any local or other authority from prescribing,

in relation to any class of service under that Government or authority, conditions as to residence in the Province prior to appointment under that Government or authority.

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

**18.** Subject to law, public order and morality—

(a) every citizen has the right to profess, practise and propagate any religion; and

(b) every religious denomination and every sect thereof has the right to establish, maintain and manage its religious institutions.

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

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

**Abolition  
of untouch-  
ability.**

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

**Safeguard  
against  
taxation for  
purposes of  
any particu-  
lar religion.**

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

**Remedies for  
enforcement  
of rights  
conferred by  
this Part.**

**22.—(1)** The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.

(2) The Supreme Court shall have power to issue to any person or authority, including in appropriate cases any Government, directions, orders or writs, including writs in the

**nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.**

**(3) The right guaranteed by this Article shall not be suspended except as otherwise provided by the Constitution.**

**(4) The provisions of this Article shall have no application in relation to the Special Areas.**



## **PART III**

### **Directive Principles of State Policy**

**23.—**(1) In this Part, unless the context otherwise requires, “the State” has the same meaning as in Part II.

**Definition of the State.**

(2) The State shall be guided in the formulation of its policies by the provisions of this Part, but such provisions shall not be enforceable in any court.

**24.** The State shall endeavour to strengthen the bonds of unity among Muslim countries, to promote international peace and security, to foster goodwill and friendly relations among all nations, and to encourage the settlement of international disputes by peaceful means.

**Promotion of Muslim unity and international peace.**

**25.—**(1) Steps shall be taken to enable the Muslims of Pakistan individually and collectively to order their lives in accordance with the Holy Quran and Sunnah.

**Promotion of Islamic principles.**

(2) The State shall endeavour, as respects the Muslims of Pakistan—

(a) to provide facilities whereby they may be enabled

to understand the meaning of life according to the Holy Quran and Sunnah;

- (b) to make the teaching of the Holy Quran compulsory;
- (c) to promote unity and the observance of Islamic moral standards; and
- (d) to secure the proper organization of zakat, wakfs and mosques.

**Parochial and other similar prejudices to be discouraged. Protection of minorities.**

**26.** The State shall discourage parochial, racial, tribal, sectarian and provincial prejudices among the citizens.

**27.** The State shall safeguard the legitimate rights and interests of the minorities, including their due representation in the Federal and Provincial Services.

**Principles of social uplift.**

**28.** The State shall endeavour to —

- (a) promote, with special care, the educational and economic interests of the people of the Special Areas, the backward classes and the Scheduled Castes;
- (b) remove illiteracy, and provide free and compulsory primary education within the minimum possible period;
- (c) make provision for securing just and humane conditions of work, ensuring that children and women are not employed in avocations unsuited

to their age and sex, and for maternity benefits for women in employment;

- (d) enable the people of different areas, through education, training and industrial development, to participate fully in all forms of national activities, including employment in the service of Pakistan;
- (e) prevent prostitution, gambling and the taking of injurious drugs; and
- (f) prevent the consumption of alcoholic liquor otherwise than for medicinal and, in the case of non-Muslims, religious purposes.

**29. The State shall endeavour to---**

- (a) secure the well-being of the people, irrespective of caste, creed, or race, by raising the standard of living of the common man, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriment of the interest of the common man, and by ensuring equitable adjustment of rights between employers and employees, and landlords and tenants;
- (b) provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure;

**Promotion  
of social and  
economic  
well-being of  
the people.**

- (c) provide for all persons in the service of Pakistan and private concerns social security by means of compulsory social insurance or otherwise;
- (d) provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or un-employment;
- (e) reduce disparity, to a reasonable limit, in the emoluments of persons in the various classes of service of Pakistan; and
- (f) eliminate *riba* as early as possible.

**Separation  
of the  
Judiciary  
from the  
Executive.**

**30.** The State shall separate the Judiciary from the Executive as soon as practicable.

**Provisions  
for equal  
participation in  
national  
activities by  
people of  
Pakistan.**

**31.—(1)** Endeavour shall be made by the State to enable people from all parts of Pakistan to participate in the Defence Services of the country.

**(2)** Steps shall be taken to achieve parity in the representation of East Pakistan and West Pakistan in all other spheres of Federal administration.

## **PART IV**

### **The Federation**

#### **CHAPTER I.—THE FEDERAL GOVERNMENT**

**32.**—(1) There shall be a President of Pakistan, in the Constitution referred to as the President, who shall be elected by an electoral college consisting of the members of the National Assembly and the Provincial Assemblies, in accordance with the provisions contained in the First Schedule.

**The President.**

(2) Notwithstanding anything in Part II, a person shall not be qualified for election as President unless he is a Muslim; nor shall he be so qualified—

- (a) if he is less than forty years of age; or
- (b) if he is not qualified for election as a member of the National Assembly; or
- (c) if he has previously been removed from the office of President by impeachment under Article 35.

(3) The validity of the election of the President shall not be questioned in any court.

**Term of  
office of  
President.**

**33.—(1)** Subject to clause (3) and Article 35 the President shall hold office for a term of five years from the date on which he enters upon his office:

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

(2) No person shall hold office as President for more than two terms.

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

(4) When a vacancy occurs in the office of President by the death, resignation or removal of the President, or by the expiration of the term of his office, it shall be filled, as soon as may be, in accordance with clause (1) of Article 32.

**Disabilities  
of the  
President.**

**34.—(1)** The President shall not hold any office of profit in the service of Pakistan, or any other position carrying the right to remuneration for the rendering of services, but nothing in this clause shall prevent him from holding or managing any private property.

(2) The President shall not be qualified for election as a member of the National or a Provincial Assembly; and if a member of any such Assembly is elected as President his seat in that Assembly shall become vacant on the day on which he enters upon his office.

**35.—(1)** The President may be impeached on a charge of violating the Constitution or gross misconduct.

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

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

**(4)** If, after the consideration of the charge, a resolution is passed by the National Assembly, by the votes of not less than three-fourths of the total number of members, declaring that the charge has been substantiated, the President shall vacate his office on the day on which the resolution is passed.

**(5)** Where the Speaker of the National Assembly is exercising the functions of the President under Article 36, the provisions of this Article shall apply subject to the modification that the reference to the Speaker in clause (2) shall be construed as a reference to the Deputy Speaker, and that the reference in clause (4) to the removal from office of the President shall be construed as a reference to

the removal of the Speaker from his office as Speaker; and on the passing of a resolution such as is referred to in clause (4) the Speaker shall cease to exercise the functions of President.

**Speaker of  
National  
Assembly  
to act as  
President.**

**36.—(1)** If a vacancy occurs in the office of President, or if the President is absent from Pakistan or is unable to discharge the duties of his office owing to illness or any other cause, the Speaker of the National Assembly shall exercise the functions of President until a President is elected, or until the President resumes the duties of his office, as the case may be.

(2) For any period during which the Speaker of the National Assembly exercises the functions of President he shall be entitled to the same remuneration and privileges as are admissible to the President, but he shall not, during any such period, exercise any of the functions of the office of the Speaker or of a member of the National Assembly, or be entitled to the remuneration and privileges admissible to the Speaker or such a member.

**The Cabinet.**

**37.—(1)** There shall be a Cabinet of Ministers with the Prime Minister at its head, to aid and advise the President in the exercise of his functions.

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



(3) The President shall, in his discretion, appoint from amongst the members of the National Assembly a Prime Minister, who, in his opinion, is most likely to command the confidence of the majority of the members of the National Assembly.

(4) Other Ministers, Ministers of State and Deputy Ministers shall be appointed and removed from office by the President, but no person shall be appointed a Minister of State or Deputy Minister unless he is a member of the National Assembly.

(5) The Cabinet, together with the Ministers of State, shall be collectively responsible to the National Assembly.

(6) The Prime Minister shall hold office during the pleasure of the President, but the President shall not exercise his powers under this clause unless he is satisfied that the Prime Minister does not command the confidence of the majority of the members of the National Assembly.

(7) In the exercise of his functions, the President shall act in accordance with the advice of the Cabinet or the appropriate Minister or Minister of State, as the case may be, except in cases where he is empowered by the Constitution to act in his discretion, and except as respects the exercise of his powers under clause (6).

*Explanation.*—For the avoidance of doubt it is hereby

declared that for the purposes of clause (4) the appropriate Minister shall be the Prime Minister.

(8) A Minister who for any period of six consecutive months is not a member of the National Assembly shall, at the expiration of that period, cease to be a Minister, and shall not before the dissolution of that Assembly be again appointed a Minister unless he is elected a member of that Assembly.

(9) Nothing in this Article shall be construed as disqualifying the Prime Minister or any other Minister, or a Minister of State or Deputy Minister, for continuing in office during any period during which the National Assembly stands dissolved, or as preventing the appointment of any person as Prime Minister or other Minister, or as Minister of State or Deputy Minister, during any such period.

**Attorney-  
General.**

**38.—**(1) The President shall appoint an Attorney-General for Pakistan, who shall hold office during the pleasure of the President, shall receive such remuneration as may be determined by the President, and shall perform such duties as may be assigned to him by the President.

(2) No person shall be qualified for appointment as Attorney-General for Pakistan unless he is qualified for appointment as a Judge of the Supreme Court, but no person shall be appointed as Attorney-General if he is or has been a Judge of the Supreme Court or of a High Court.

(3) In the performance of his official duties the Attorney-General shall have a right of audience in all courts in Pakistan.

**39.—**(1) The executive authority of the Federation shall vest in the President and shall be exercised by him, either directly or through officers subordinate to him, in accordance with the Constitution.

**Extent of  
executive  
authority of  
the Federa-  
tion.**

(2) The executive authority of the Federation shall extend to all matters with respect to which Parliament has power to make laws:

Provided that, save as expressly provided in the Constitution or in any Act of Parliament which Parliament is, under the Constitution, competent to enact for a Province, the said authority shall not extend in any Province to any matter with respect to which the Provincial Legislature also has power to make laws.

**40.—**(1) The Supreme Command of the Armed Forces shall vest in the President, and the exercise thereof shall be regulated by law.

**Supreme  
Command  
of the Armed  
Forces.**

(2) Until Parliament makes provision by law in that behalf, the President shall have the power—

- (a) to raise and maintain the Naval, Military and Air Forces of Pakistan and the Reserves of such Forces;
- (b) to grant Commissions in such Forces; and
- (c) to appoint Commanders-in-Chief of the Army,

Navy and Air Forces and determine their salaries and allowances.

**Conduct of  
business of  
the Federal  
Government.**

41.—(1) All executive actions of the Federal Government shall be expressed to be taken in the name of the President.

(2) The President shall by rules specify the manner in which orders and other instruments made and executed in his name shall be authenticated, and the validity of any order or instrument so authenticated shall not be questioned in any court on the ground that it was not made or executed by the President.

(3) The President shall also make rules for the allocation and transaction of the business of the Federal Government.

**Duties of  
Prime  
Minister in  
relation to  
President.**

42. It shall be the duty of the Prime Minister—

- (a) to communicate to the President all decisions of the Cabinet relating to the administration of the affairs of the Federation and proposals for legislation;
- (b) to furnish such information relating to the administration of the affairs of the Federation and proposals for legislation as the President may call for; and
- (c) if the President so requires, to submit, for the consideration of the Cabinet any matter on which a decision has been taken by a Minister but which has not been considered by the Cabinet.

## CHAPTER II.—THE PARLIAMENT OF PAKISTAN

**43.** There shall be a Parliament of Pakistan consisting of the President and one House, to be known as the National Assembly.

**Parliament  
of Pakistan.**

**44.—(1)** Subject to the succeeding clauses, the National Assembly shall consist of three hundred members, one half of whom shall be elected by constituencies in East Pakistan, and the other half by constituencies in West Pakistan.

**Composition  
of the  
National  
Assembly.**

**(2)** In addition to the seats for the members mentioned in clause (1), there shall, for a period of ten years from the Constitution Day, be ten seats reserved for women members only, of whom five shall be elected by constituencies in East Pakistan, and five by constituencies in West Pakistan; and constituencies shall accordingly be delimited as women's territorial constituencies for this purpose:

Provided that a woman who, under this clause, is a member of the Assembly at the time of the expiration of the said period of ten years shall not cease to be a member until the Assembly is dissolved.

**(3)** Parliament may by Act alter the number of members of the National Assembly, provided that equality of representation between East Pakistan and West Pakistan is preserved.

**(4)** Parliament may by Act provide for the representation

in the National Assembly of any territory which is included in a Province after the Constitution Day, but no such Act shall alter the number of members to be elected by constituencies in that Province.

**Qualifica-  
tions and  
disqualifica-  
tions for  
membership.**

**45.—(1) A person shall be qualified to be elected to the National Assembly—**

- (a) if he is not less than twenty-five years of age, and is qualified to be an elector for any constituency for the National Assembly under Article 143; and**
- (b) if he is not disqualified for being a member by the Constitution or an Act of Parliament.**

**(2) If any question arises whether a member has, after his election, become subject to any disqualification, the Speaker of the National Assembly shall obtain the opinion of the Election Commission and, if the opinion is that the member has incurred any disqualification, his seat shall become vacant.**

**(3) If any person sits or votes in the National Assembly knowing that he is not qualified for, or is disqualified for membership thereof, he shall be liable in respect of every day on which he so sits or votes to a penalty of five hundred rupees, which may be recovered from him as a debt due to the Federation.**

**46.—(1)** No person shall at the same time be a member of the National Assembly for two or more constituencies.

**Bar against double membership.**

**(2)** Nothing in clause (1) shall prevent a person from being at the same time a candidate for two or more constituencies, but if a person has been elected as a member for two or more constituencies and does not, within thirty days of his election by the constituency by which he has been elected last, make a declaration in writing under his hand addressed to the Speaker specifying the constituency which he wishes to represent, all his seats in the National Assembly shall become vacant; but so long as a person is a member for two or more constituencies he shall not sit or vote in the Assembly.

**(3)** If a member of the National Assembly for one constituency permits himself to be nominated as a candidate for election by another constituency for the Assembly, his seat in respect of the former constituency shall become vacant.

**47.** If a member of the National Assembly is absent from the Assembly, without leave of the Assembly, for sixty consecutive sitting days, his seat shall become vacant.

**Absence from the National Assembly.**

**48.** If a member of the National Assembly fails to make and subscribe an oath or affirmation in accordance with the provisions of the Constitution within a period of six months

**Oath of members.**

from the date of the first meeting of the Assembly after his election, his seat shall become vacant:

Provided that the Speaker may, before the expiration of the said period, for good cause shown, extend the period.

**Resignation  
of members.**

**49.** A member of the National Assembly may resign his seat by notice in writing under his hand addressed to the Speaker.

*Meetings and Procedure of the National Assembly*

**Duration,  
summoning,  
prorogation  
and dissolution  
of the  
National  
Assembly.**

**50.—(1)** The President may summon, prorogue or dissolve the National Assembly and shall, when summoning the Assembly, fix the time and place of the meeting:

Provided that at least one session of the National Assembly in each year shall be held at Dacca.

(2) Whenever a Prime Minister is appointed, the National Assembly, if, at the time of the appointment, it is not sitting and does not stand dissolved, shall be summoned so as to meet within two months thereafter.

(3) Unless sooner dissolved, the National Assembly shall stand dissolved on the expiration of five years from the date of its first meeting.

**Sessions of  
the National  
Assembly.**

**51.** There shall be at least two sessions of the National Assembly in every year, and six months shall not intervene between the last sitting of the Assembly in one session and its first sitting in the next session.



**52.** The President may address the National Assembly and may send messages thereto.

**President's address and messages to the National Assembly.**

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

**Right of Ministers and the Attorney-General to address the National Assembly.**

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

**Speaker and Deputy Speaker of the National Assembly.**

**(2)** A member holding office as Speaker or Deputy Speaker shall vacate his office if he ceases to be a member of the National Assembly, may at any time resign his office by writing under his hand addressed to the President, and may be removed from his office by a resolution of the Assembly passed by a majority of the total number of members thereof; but no resolution for the purpose of this clause shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution:

Provided that whenever the National Assembly is dissolved, the Speaker shall not, by virtue of the dissolution,

vacate his office until immediately before the first meeting of the Assembly after the dissolution.

(3) While the office of Speaker is vacant, or the Speaker is acting as President, or is otherwise unable to perform the duties of his office, those duties shall be performed by the Deputy Speaker, or if the office of Deputy Speaker is also vacant, by such member of the Assembly as the President may appoint for the purpose; and during any absence of the Speaker from any sitting of the Assembly the Deputy Speaker, or if he also is absent, such person as may be determined by the rules of procedure of the Assembly, shall act as Speaker.

**Rules of  
procedure,  
quorum, etc.**

**55.—(1) Subject to the provisions of the Constitution—**

- (a) the procedure of the National Assembly shall be regulated by rules of procedure framed by the Assembly;
- (b) a decision in the National Assembly shall be taken by a majority of the members present and voting; but the person presiding shall not vote except when there is an equality of votes, in which case he shall have and exercise a casting vote;
- (c) the National Assembly shall have power to act, notwithstanding any vacancy in the membership thereof, and any proceedings in the Assembly shall

not be invalid only for the reason that some person who was not entitled to do so, sat or voted or otherwise took part in the proceedings.

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

**56.—**(1) The validity of any proceedings in the National Assembly shall not be questioned in any court.

(2) No officer or member of the National Assembly in whom powers are vested for the regulation of procedure, or the conduct of business, or the maintenance of order in the Assembly, shall, in relation to the exercise by him of any of those powers, be subject to the jurisdiction of any court.

(3) No member of the National Assembly, and no person entitled to speak therein, shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Assembly or any committee thereof.

(4) No person shall be liable to any proceedings in any court in respect of the publication by or under the authority of the National Assembly of any report, paper, vote or proceedings.

**Privileges,  
etc., of  
members of  
the National  
Assembly.**

(5) Subject to this Article, the privileges of the National Assembly, the committees and members thereof, and the persons entitled to speak therein, may be determined by Act of Parliament.

**President's  
assent to  
Bills.**

57.—(1) When a Bill has been passed by the National Assembly it shall be presented to the President, who shall, within ninety days—

- (a) assent to the Bill; or
- (b) declare that he withholds assent therefrom; or
- (c) in the case of a Bill, other than a Money Bill, return the Bill to the Assembly with a message requesting that the Bill, or any specified provision thereof, be reconsidered, and that any amendments specified by him in the message be considered.

(2) When the President has declared that he withholds assent from a Bill the National Assembly shall be competent to reconsider the Bill, and if it is again passed, with or without amendment, by the Assembly, by the votes of not less than two-thirds of the members present and voting, it shall be again presented to the President, and the President shall assent thereto.

(3) When the President has returned a Bill to the National Assembly it shall be reconsidered by the Assembly, and if it is again passed, with or without amendment, by the Assembly,

by a majority of the total number of members of the Assembly, it shall be again presented to the President, and the President shall assent thereto.

### *Financial Procedure*

**58.—**(1) In this Part, “Money Bill” means a Bill containing only provisions dealing with all or any of the following matters, that is to say—

### **Money Bills.**

- (a) the imposition, abolition, remission, alteration or regulation of any tax;
- (b) the borrowing of money, or the giving of any guarantee, by the Federal Government, or the amendment of the law relating to the financial obligations of that Government;
- (c) the custody of the Federal Consolidated Fund, the payment of moneys into or the issue or appropriation of moneys from, such Fund;
- (d) the imposition of a charge upon the Federal Consolidated Fund, or the abolition or alteration of any such charge;
- (e) the receipt of moneys on account of the Federal Consolidated Fund, or the Public Account of the Federation, or the custody or issue of such moneys, or the audit of the accounts of the Federal or a Provincial Government; and

(f) any matter incidental to any of the matters specified in the aforesaid sub-clauses.

(2) A Bill shall not be deemed to be a Money Bill by reason only that—

(a) it provides for the imposition or alteration of any fine, or other pecuniary penalty, or for the demand or payment of a licence fee, or a fee or charge for any service rendered; or

(b) it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

(3) Every Money Bill, when it is presented to the President for his assent, shall bear a certificate under the hand of the Speaker that it is a Money Bill, and such certificate shall be conclusive for all purposes and shall not be questioned in any court.

**President's  
recommen-  
dation  
required for  
financial  
measures.**

**59.** No Bill or amendment which makes provision for any of the matters specified in clause (1) of Article 58, or which if enacted and brought into operation would involve expenditure from the revenues of the Federation, shall be introduced or moved in the National Assembly except on the recommendation of the President.

**No taxation  
except by  
an Act of  
Parliament.**

**60.** No tax shall be levied for the purposes of the Federation except by or under the authority of an Act of Parliament.

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

**Federal Consolidated Fund and the Public Account of the Federation.**

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

**62.—(1)** The custody of the Federal Consolidated Fund, the payment of moneys into such Fund, the withdrawal of moneys therefrom, the custody of public moneys other than those credited to such Fund received by or on behalf of the Federal Government, their payment into the Public Account of the Federation and the withdrawal of moneys from such Account, and all matters connected with or ancillary to matters aforesaid, shall be regulated by Act of Parliament and, until provision in that behalf is so made, by rules made by the President.

**Custody of public moneys of the Federation.**

**(2)** All moneys received by or deposited with—

**(a)** any officer employed in connection with the affairs of the Federation in his capacity as such, other than revenues or public moneys raised or received by the Federal Government;

**(b)** any court to the credit of any cause, matter,

account or person in connection with the affairs  
of the Federation;

shall be paid into the Public Account of the Federation.

**Annual  
Financial  
Statement.**

63.—(1) The President shall, in respect of every financial year, cause to be laid before the National Assembly a statement of the estimated receipts and expenditure of the Federal Government for that year, in this Part referred to as the Annual Financial Statement.

(2) The Annual Financial Statement shall show separately—

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

and shall distinguish expenditure on revenue account from other expenditure.

**Charges on  
the Federal  
Consolidated  
Fund.**

64. The following expenditure shall be charged upon the Federal Consolidated Fund:—

- (a) the remuneration payable to the President and other expenditure relating to his office, and the remuneration payable to—
  - (i) the Judges of the Supreme Court;



- (ii) the members of the Federal Public Service Commission;
  - (iii) the Comptroller and Auditor-General;
  - (iv) the Election Commissioners and Regional Election Commissioners;
  - (v) the Speaker and Deputy Speaker of the National Assembly; and
  - (vi) the members of the Delimitation Commission;
- (b) the administrative expenses, including the remuneration payable to officers and servants, of the Supreme Court, the Federal Public Service Commission, the department of the Comptroller and Auditor-General, the Election Commission, the Secretariat of the National Assembly, and the Delimitation Commission;
- (c) all debt charges for which the Federal Government is liable, including interest, sinking fund charges, the repayment or amortisation of capital, and other expenditure in connection with the raising of loans, and the service and redemption of debt on the security of the Federal Consolidated Fund;
- (d) any sums required to satisfy any judgment, decree or award against Pakistan by any court or tribunal; and

- (c) any other sums declared by the Constitution or by an Act of Parliament to be so charged.

**Procedure  
relating to  
Annual  
Financial  
Statement.**

**65.**—(1) So much of the Annual Financial Statement as relates to expenditure charged upon the Federal Consolidated Fund may be discussed in, but shall not be submitted to the vote of, the National Assembly.

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

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

**Appropriation  
Bill.**

**66.**—(1) As soon as may be after the grants under the last preceding Article have been made by the National Assembly, there shall be introduced in the Assembly a Bill to provide for appropriation out of the Federal Consolidated Fund of all moneys required to meet---

(a) the grants so made by the National Assembly;  
and

(b) the expenditure charged on the Federal Consolidated Fund;

but not exceeding in any case the amount shown in the

statment previously laid before the National Assembly.

(2) No amendment shall be proposed in the National Assembly to any such Bill which shall have the effect of varying the amount or altering the destination of any grant so made.

(3) Subject to the provisions of the Constitution, no money shall be withdrawn from the Federal Consolidated Fund except under appropriation made by law passed in accordance with the provisions of this Article.

**67.** If in respect of any financial year it is found---

- (a) that the amount authorized to be expended for a particular service for the current financial year is insufficient, or that a need has arisen for expenditure upon some new service not included in the Annual Financial Statement for that year; or
- (b) that any money has been spent on any service during a financial year in excess of the amount granted for that service for that year;

**Supplemen-  
tary and  
Excess  
Grants.**

the President shall have power to authorize expenditure from the Federal Consolidated Fund, whether the expenditure is charged by the constitution upon that Fund or not, and shall cause to be laid before the National Assembly a Supplementary Financial Statement, or as the case may be, an Excess Financial Statement, setting out the amount of

that expenditure, and the provisions of Articles 63 to 66 shall apply to the aforesaid statements as they apply to the Annual Financial Statement.

**Votes on  
Account,  
Votes of  
Credit, etc.**

**68.** - (1) Notwithstanding anything in the foregoing provisions of this chapter, the National Assembly shall have power—

- (a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in Article 65 for the voting of such grant and the passing of law in accordance with the provisions of Article 66 in relation to that expenditure;
- (b) to make a grant for meeting an unexpected demand upon the resources of the Federation when on account of the magnitude or the indefinite character of the service, the demand cannot be specified with the details ordinarily given in an Annual Financial Statement;
- (c) to make an exceptional grant which forms no part of the current service of any financial year;

and Parliament shall have power to authorize by law the withdrawal of moneys from the Federal Consolidated Fund for the purposes for which the said grants are made.

(2) The provisions of Articles 65 and 66 shall have effect in relation to the making of any grant under clause (1) and to any law to be made under that clause as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the Annual Financial Statement and law to be made for the authorization of appropriation of money out of the Federal Consolidated Fund to meet such expenditure.

### *Legislative Powers of the President*

**69.** - (1) If at any time, except when the National Assembly is in session, the President is satisfied that circumstances exist which render immediate action necessary, he may make and promulgate such Ordinances as the circumstances appear to him to require, and any Ordinance so made shall have the like force of law as an Act of Parliament, but the power of making Ordinances under this clause shall be subject to the like restriction as the power of Parliament to make laws, and any Ordinance made under this clause may be controlled or superseded by any such Act.

Promulga-  
tion of  
Ordinances  
when  
National  
Assembly is  
not in  
session.

(2) An Ordinance promulgated under clause (1) shall be laid before the National Assembly, and shall cease to operate at the expiration of six weeks from the next meeting of the

Assembly, or if a resolution disapproving it is passed by the Assembly, upon the passing of that resolution.

(3) At any time when the National Assembly stands dissolved, the President may, if he is satisfied that circumstances exist which render such action necessary, make and promulgate an Ordinance authorizing expenditure from the Federal Consolidated Fund, whether the expenditure is charged by the Constitution upon that Fund or not, pending compliance with the provisions of Articles 63, 65 and 66.

(4) As soon as may be after the date of the reconstitution of the National Assembly, any Ordinance promulgated under clause (3) shall be laid before the Assembly, and the provisions of Articles 63, 65 and 66 shall be complied with within six weeks from that date.

## **PART V**

### **The Provinces**

#### **CHAPTER I.—THE PROVINCIAL GOVERNMENT**

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

**The Govern-  
nors.**

(2) No person shall be eligible for appointment as Governor unless he is a citizen of Pakistan and is not less than forty years of age.

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

(4) Subject to the foregoing provisions of this Article, a Governor shall hold office for a period of five years from the date on which he enters upon his office.

(5) A Governor shall not be a member of the National or a Provincial Assembly, and if a member of any such Assembly is appointed a Governor, his seat in that Assembly shall become vacant on the date on which he enters upon his office.

**The Cabinet.**

**71.—(1)** There shall be a Cabinet of Ministers with the Chief Minister at its head, to aid and advise the Governor in the exercise of his functions.

(2) The question whether any, and if so, what, advice has been tendered by the Cabinet or a Minister to the Governor shall not be inquired into in any court.

(3) The Governor shall, in his discretion, appoint from amongst the members of the Provincial Assembly a Chief Minister, who, in his opinion, is most likely to command the confidence of the majority of the members of the Provincial Assembly.

(4) Other Ministers, Deputy Ministers and Parliamentary Secretaries shall be appointed and removed from office by the Governor, but no person shall be appointed a Deputy Minister or Parliamentary Secretary unless he is a member of the Provincial Assembly.

(5) The Cabinet shall be collectively responsible to the Provincial Assembly.

(6) The Chief Minister shall hold office during the pleasure of the Governor, but the Governor shall not exercise his powers under this clause unless he is satisfied that the Chief Minister does not command the confidence of the majority of the members of the Provincial Assembly.

(7) In the exercise of his functions, the Governor shall act



in accordance with the advice of the Cabinet or the appropriate Minister, as the case may be, except in cases where he is empowered by the Constitution to act in his discretion, and except as respects the exercise of his powers under clause (6).

*Explanation.*—For the avoidance of doubt it is hereby declared that for the purposes of clause (4) the appropriate Minister shall be the Chief Minister.

(8) A Minister who for any period of six consecutive months is not a member of the Provincial Assembly shall, at the expiration of that period, cease to be a Minister, and shall not before the dissolution of that Assembly be again appointed a Minister unless he is elected a member of that Assembly.

(9) Nothing in this Article shall be construed as disqualifying the Chief Minister or any other Minister, or a Deputy Minister or Parliamentary Secretary, for continuing in office during any period during which the Provincial Assembly stands dissolved, or as preventing the appointment of any person as Chief Minister or other Minister, or as Deputy Minister or Parliamentary Secretary, during any such period.

**72.—(1)** The Governor shall appoint an Advocate-General for the Province, who shall hold office during the pleasure of the Governor, shall receive such remuneration as may be

**The Advocate-General  
for the  
Province.**

determined by the Governor, and shall perform such duties as may be assigned to him by the Governor.

(2) No person shall be qualified for appointment as Advocate-General unless he is qualified for appointment as a Judge of a High Court, but no person shall be appointed as Advocate-General if he is or has been a Judge of the Supreme Court or of a High Court.

(3) A person shall not hold office as Advocate-General after he has attained the age of sixty-five years.

**Extent of  
executive  
authority of  
a Province.**

73.—(1) The executive authority of a Province shall vest in the Governor and shall be exercised by him either directly or through officers subordinate to him, in accordance with the Constitution.

(2) Except as expressly provided in the Constitution, the executive authority of a Province shall extend to all matters with respect to which the Provincial Legislature has power to make laws.

**Conduct of  
business  
of the  
Provincial  
Government.**

74.—(1) All executive actions of the Government of a Province shall be expressed to be taken in the name of the Governor thereof.

(2) The Governor shall by rules specify the manner in which orders and other instruments made and executed in his name shall be authenticated, and the validity of any order or instrument so authenticated shall not be questioned in any

court on the ground that it was not made or executed by the Governor.

(3) The Governor shall also make rules for the allocation and transaction of the business of the Provincial Government.

75. It shall be the duty of the Chief Minister of each Province—

**Duties of  
Chief  
Minister in  
relation to  
Governor.**

- (a) to communicate to the Governor of the Province all decisions of the Cabinet relating to the administration of the affairs of the Province and proposals for legislation;
- (b) to furnish such information relating to the administration of the affairs of the Province and proposals for legislation as the Governor may call for; and
- (c) if the Governor so requires, to submit for the consideration of the Cabinet any matter on which a decision has been taken by a Minister but which has not been considered by the Cabinet.

## **CHAPTER II.—THE PROVINCIAL LEGISLATURE**

76. There shall be a Provincial Legislature for each Province consisting of the Governor and one House, to be known as the Provincial Assembly.

**The Pro-  
vincial  
Legislature.**

77.—(1) Subject to the succeeding clauses, each Provincial Assembly shall consist of three hundred members.

**Composition  
of Provincial  
Assembly.**

**(2) In addition to the seats in each Provincial Assembly for the members mentioned in clause (1), there shall, for a period of ten years from the Constitution Day, be ten seats reserved in each Provincial Assembly for women members only; and constituencies shall accordingly be delimited as women's territorial constituencies for this purpose:**

**Provided that a woman who, under this clause, is a member of a Provincial Assembly at the time of the expiration of the said period of ten years, shall not cease to be a member until the Assembly is dissolved.**

**(3) Parliament may by Act alter the number of the members of the Provincial Assemblies, provided that the number of members of the two Assemblies shall remain equal.**

**(4) Parliament may, with the consent of a Provincial Assembly, by Act provide for the representation in that Assembly of any territory which is included in the Province after the Constitution Day, but no such Act shall alter the number of members of the Assembly.**

**(5) Until the fourteenth day of October, 1965, the number of members of the Provincial Assembly of the Province of West Pakistan elected by constituencies in the territory which, immediately before the commencement of the Establishment of West Pakistan Act, 1955, constituted the**

Province of Punjab, shall not be more than two-fifths of the total number of members of that Assembly.

**78.—(1)** A person shall be qualified to be elected to a Provincial Assembly—

- (a) if he is not less than twenty-five years of age and is qualified to be an elector for any constituency for the Provincial Assembly under Article 143; and
- (b) if he is not disqualified for being a member by the Constitution or an Act of Parliament.

**Qualifications and disqualifications for membership.**

(2) If any question arises whether a member has, after his election, become subject to any disqualification, the Speaker of the Provincial Assembly shall obtain the opinion of the Election Commission and, if the opinion is that the member has incurred any disqualification, his seat shall become vacant.

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

**79.—(1)** No person shall at the same time be a member of the National Assembly and of a Provincial Assembly, and if a person has been elected as a member both of the National

**Bar against double membership.**

Assembly and of a Provincial Assembly, and does not, within thirty days of his election to the Assembly to which he has been elected last, resign one of his seats, his seat in the Provincial Assembly shall become vacant.

(2) No person shall at the same time be a member of both the Provincial Assemblies, and if a person has been elected as a member of both the Assemblies and does not, within thirty days of his election to the second Assembly, resign one of his seats, his seats in both the Assemblies shall become vacant.

(3) No person shall at the same time be a member of a Provincial Assembly for two or more constituencies; but nothing in this clause shall prevent a person from being at the same time a candidate for two or more constituencies, but if a person has been elected as a member for two or more constituencies and does not, within thirty days of his election by the constituency by which he has been elected last, make a declaration in writing under his hand addressed to the Speaker specifying the constituency which he wishes to represent, all his seats in the Assembly shall become vacant; but so long as a person is a member for two or more constituencies he shall not sit or vote in the Assembly.

(4) If a member of a Provincial Assembly for one constituency permits himself to be nominated as a candidate for

election by another constituency for the Assembly, his seat in respect of the former constituency shall become vacant.

**80.** If a member of a Provincial Assembly is absent from the Assembly, without leave of the Assembly, for sixty consecutive sitting days, his seat shall become vacant.

**Absence  
from  
Provincial  
Assembly.**

**81.** If a member of a Provincial Assembly fails to make and subscribe an oath or affirmation in accordance with the provisions of the Constitution within a period of six months from the date of the first meeting of the Assembly after his election, his seat shall become vacant:

**Oath of  
members.**

Provided that the Speaker may, before the expiration of the said period, for good cause shown, extend the period.

**82.** A member of Provincial Assembly may resign his seat by notice in writing under his hand addressed to the Speaker.

**Resignation  
of members.**

### *Meetings and Procedure of Provincial Assembly*

**83.—(1)** The Governor may summon, prorogue or dissolve the Provincial Assembly and shall, when summoning the Assembly, fix the time and place of the meeting.

**Duration,  
summoning,  
prorogation  
and dissolution of a  
Provincial  
Assembly.**

**(2)** Whenever a Chief Minister of a Provincial Government is appointed, the Provincial Assembly, if, at the time of the appointment, it is not sitting and does not stand dissolved, shall be summoned so as to meet within two months thereafter.

(3) Unless sooner dissolved, a Provincial Assembly shall stand dissolved on the expiration of five years from the date of its first meeting.

**Sessions of a  
Provincial  
Assembly.**

84. There shall be at least two sessions of a Provincial Assembly in every year, and six months shall not intervene between the last sitting of the Assembly in one session, and its first sitting in the next session.

**Governor's  
address and  
messages  
to the  
Provincial  
Assembly.**

85. The Governor of a Province may address the Provincial Assembly and may send messages thereto.

**Right of  
Ministers  
and the  
Advocate-  
General to  
address a  
Provincial  
Assembly.**

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

**Speaker and  
Deputy  
Speaker.**

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

(2) A member holding office as Speaker or Deputy Speaker shall vacate his office if he ceases to be a member of the



Provincial Assembly, may at any time resign his office by writing under his hand addressed to the Governor, and may be removed from his office by a resolution of the Assembly passed by a majority of the total number of members thereof; but no resolution for the purpose of this clause shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution:

Provided that whenever the Provincial Assembly is dissolved the Speaker shall not, by virtue of the dissolution, vacate his office until immediately before the first meeting of the Assembly after the dissolution.

(3) While the office of Speaker is vacant, or the Speaker is for any reason unable to perform the duties of his office, those duties shall be performed by the Deputy Speaker, or if the office of Deputy Speaker is also vacant, by such member of the Assembly as the Governor may appoint for the purpose; and during any absence of the Speaker from any sitting of the Assembly the Deputy Speaker, or if he also is absent, such person as may be determined by the rules of procedure of the Assembly, shall act as Speaker.

**88.—(1)** Subject to the provisions of the Constitution—

- (a) the procedure of a Provincial Assembly shall be regulated by rules of procedure framed by the Assembly;

**Rules of  
procedure,  
quorum, etc.**

- (b) a decision in a Provincial Assembly shall be taken by a majority of the members present and voting; but the person presiding shall not vote except when there is an equality of votes, in which case he shall have and exercise a casting vote;
- (c) a Provincial Assembly shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Assembly shall not be invalid only for the reason that some person who was not entitled to do so sat or voted, or otherwise took part in the proceedings.

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

**Privileges,  
etc., of the  
members  
of the  
Provincial  
Assembly.**

**89.—**(1) The validity of any proceedings in a Provincial Assembly shall not be questioned in any court.

(2) No officer or member of a Provincial Assembly in whom powers are vested for the regulation of procedure, or the conduct of business, or the maintenance of order in the Assembly, shall, in relation to the exercise by him of any of those powers, be subject to the jurisdiction of any court.

(3) No member of a Provincial Assembly, and no person entitled to speak therein, shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Assembly or any committee thereof.

(4) No person shall be liable to any proceedings in any court in respect of the publication by or under the authority of a Provincial Assembly of any report, paper, vote or proceedings.

(5) Subject to this Article, the privileges of a Provincial Assembly, the committees and members thereof, and the persons entitled to speak therein, may be determined by Act of the Provincial Legislature; but such privileges may not exceed those conferred on the National Assembly, its committees and members, and the persons entitled to speak therein.

**90.—**(1) When a Bill has been passed by a Provincial Assembly it shall be presented to the Governor, who shall, within ninety days—

**Governor's  
assent to  
Bills.**

- (a) assent to the Bill; or
- (b) reserve the Bill for the consideration of the President; or
- (c) declare that he withholds assent from the Bill; or
- (d) in the case of a Bill other than a Money Bill, return the Bill to the Assembly with a message

requesting that the Bill, or any specified provision thereof, be reconsidered, and that any amendments specified by him in the message be considered.

(2) When the Governor has reserved a Bill for the consideration of the President it shall be presented to the President, who shall, within ninety days—

(a) assent to the Bill; or

(b) declare that he withholds assent therefrom.

(3) When the Governor has declared that he withholds assent from a Bill, the Provincial Assembly shall be competent to reconsider the Bill, and if it is again passed, with or without amendment, by the Assembly, by the votes of not less than two-thirds of the members present and voting, it shall be again presented to the Governor, and the Governor shall assent thereto.

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

#### *Financial Procedure*

#### **Money Bills.**

91.—(1) In this Part “Money Bill” means a Bill containing only provisions dealing with all or any of the

**following matters, that is to say,—**

- (a) the imposition, abolition, remission, alteration or regulation of any tax;**
- (b) the borrowing of money, or the giving of any guarantee, by the Provincial Government, or the amendment of the law relating to the financial obligations of that Government;**
- (c) the custody of the Provincial Consolidated Fund, the payment of moneys into, or the issue or appropriation of moneys from, such Fund;**
- (d) the imposition of a charge upon the Provincial Consolidated Fund, or the abolition or alteration of any such charge;**
- (e) the receipt of moneys on account of the Provincial Consolidated Fund, or the Public Account of the Province, or the custody or issue of such moneys; and**
- (f) any matter incidental to any of the matters specified in the aforesaid sub-clauses.**

**(2) A Bill shall not be deemed to be a Money Bill by reason only that—**

- (a) it provides for the imposition or alteration of any fine or other pecuniary penalty, or for the demand or payment of a licence fee, or a fee or charge for any service rendered; or**

(b) it provides for the imposition, abolition, remission, alteration, or regulation of any tax by any local authority or body for local purposes.

(3) Every Money Bill, when it is presented to the Governor for his assent, shall bear a certificate under the hand of the Speaker that it is a Money Bill, and such certificate shall be conclusive for all purposes and shall not be questioned in any court.

**Governor's  
recommendation  
required for  
financial  
measures.**

**92.** No Bill or amendment which makes provision for any of the matters specified in clause (1) of Article 91, or which if enacted and brought into operation would involve expenditure from the revenues of the Province, shall be introduced or moved in a Provincial Assembly except on the recommendation of the Governor.

**No taxation  
except by  
Act of the  
Provincial  
Legislature.**

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

**Provincial  
Consolidated  
Fund and  
the Public  
Account of  
the Province.**

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

(2) All other public moneys received by or on behalf

of the Provincial Government shall be credited to the Public Account of the Province.

**95.—**(1) The custody of the Provincial Consolidated Fund, the payment of moneys into such Fund, the withdrawal of moneys therefrom, the custody of public moneys other than those credited to such Fund received by or on behalf of the Provincial Government, their payment into the Public Account of the Province, and the withdrawal of moneys from such Account, and all matters connected with or ancillary to matters aforesaid, shall be regulated by Act of the Provincial Legislature and, until provision in that behalf is so made, by rules made by the Governor.

**Custody of  
public  
moneys in a  
Province.**

(2) All moneys received by or deposited with—

- (a) any officer employed in connection with the affairs of a Province in his capacity as such, other than revenues or public moneys raised or received by the Provincial Government;
- (b) any court to the credit of any cause, matter, account or person in connection with the affairs of the Province;

shall be paid into the Public Account of the Province.

**96.—**(1) The Governor shall, in respect of every financial year, cause to be laid before the Provincial Assembly a statement of the estimated receipts and expenditure of the

**Annual  
Financial  
Statement.**

Provincial Government for that year, in this part referred to as the Annual Financial Statement.

(2) The Annual Financial Statement shall show separately—

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

and shall distinguish expenditure on revenue account from other expenditure.

**Charges  
on the  
Provincial  
Consolidated  
Fund.**

97. The following expenditure shall be charged on the Provincial Consolidated Fund:—

- (a) the remuneration payable to the Governor and other expenditure relating to his office, and the remuneration payable to—
  - (i) the Judges of the High Court;
  - (ii) the members of the Provincial Public Service Commission; and
  - (iii) the Speaker and Deputy Speaker of the Provincial Assembly;
- (b) the administrative expenses, including the remuneration payable to officers and servants, of the



High Court, the Provincial Public Service Commission, and the Secretariat of the Provincial Assembly;

- (c) all debt charges for which the Provincial Government is liable, including interest, sinking fund charges, the repayment or amortisation of capital and other expenditure in connection with the raising of loans and the service and redemption of debt on the security of the Provincial Consolidated Fund;
- (d) any sums required to satisfy any judgment, decree or award against the Province by any court, or tribunal; and
- (e) any other sums declared by the Constitution or by an Act of the Provincial Legislature to be so charged.

**98.—**(1) So much of the Annual Financial Statement as relates to expenditure charged upon the Provincial Consolidated Fund may be discussed in, but shall not be submitted to the vote of, the Provincial Assembly.

**Procedure  
relating to  
Annual  
Financial  
Statement.**

(2) So much of the Annual Financial Statement as relates to other expenditure shall be submitted to the Provincial Assembly in the form of demands for grants, and that Assembly shall have power to assent to, or to refuse to assent

to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

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

**Appropriation Bill.**

**99.**—(1) As soon as may be after the grants under the last preceding Article have been made by the Provincial Assembly, there shall be introduced in the Assembly a Bill to provide for appropriation out of the Provincial Consolidated Fund of all moneys required to meet—

(a) the grants so made by the Provincial Assembly;  
and

(b) the expenditure charged on the Provincial Consolidated Fund,

but not exceeding in any case the amount shown in the statement previously laid before the Provincial Assembly.

(2) No amendment shall be proposed in the Provincial Assembly to any such Bill which shall have the effect of varying the amount or altering the destination of any grant so made.

(3) Subject to the provisions of the Constitution, no money shall be withdrawn from the Provincial Consolidated Fund except under appropriation made by law passed in accordance with the provisions of this Article.

**100.** If in respect of any financial year it is found—

- (a) that the amount authorized to be expended for a particular service for the current financial year is insufficient, or that a need has arisen for expenditure upon some new service not included in the Annual Financial Statement for that year, or
- (b) that any money has been spent on any service during a financial year in excess of the amount granted for that service for that year;

**Supplementary and Excess Grants.**

the Governor shall have power to authorize expenditure from the Provincial Consolidated Fund, whether the expenditure is charged by the Constitution upon that Fund or not, and shall cause to be laid before the Provincial Assembly a Supplementary Financial Statement or, as the case may be, an Excess Financial Statement, setting out the amount of that expenditure, and the provisions of Articles 96 to 99 shall apply to the aforesaid statements as they apply to the Annual Financial Statement.

**101.**—(1) Notwithstanding anything in the foregoing provisions of this chapter, the Provincial Assembly shall have power—

**Votes on Account, Votes of Credit, etc.**

- (a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure

prescribed in Article 98 for the voting of such grant and the passing of the law in accordance with the provisions of Article 99 in relation to that expenditure;

(b) to make a grant for meeting an unexpected demand upon the resources of the Province when on account of the magnitude or the indefinite character of the service the demand cannot be specified with the details ordinarily given in an Annual Financial Statement;

(c) to make an exceptional grant which forms no part of the current service of any financial year;

and the Provincial Legislature shall have power to authorize by law the withdrawal of moneys from the Provincial Consolidated Fund for the purposes for which the said grants are made.

(2) The provisions of Articles 98 and 99 shall have effect in relation to the making of any grant under clause (1) and to any law to be made under that clause as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the Annual Financial Statement and law to be made for the authorization of appropriation of money out of the Provincial Consolidated Fund to meet such expenditure.

## *Legislative Powers of the Governor*

**102.**—(1) If at any time, except when the Provincial Assembly is in session, the Governor is satisfied that circumstances exist which render immediate action necessary, he may make and promulgate such Ordinances as the circumstances appear to him to require, and any Ordinance so made shall have the like force of law as an Act of the Provincial Legislature; but the power of making Ordinances under this clause shall be subject to the like restrictions as the power of the Provincial Legislature to make laws, and any Ordinance made under this clause may be controlled or superseded by any such Act:

**Promulga-  
tion of  
Ordinances  
when  
Provincial  
Assembly is  
not in session.**

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

(2) An Ordinance promulgated under clause (1) shall be laid before the Provincial Assembly and shall cease to operate at the expiration of six weeks from the next meeting of the Assembly, or if a resolution disapproving it is passed by the Assembly, upon the passing of that resolution.

(3) At any time when the Provincial Assembly stands dissolved, the Governor may, if he is satisfied that circumstances

exist which render such action necessary, make and promulgate an Ordinance authorizing expenditure from the Provincial Consolidated Fund, whether the expenditure is charged by the Constitution upon that Fund or not, pending compliance with the provisions of Articles 96, 98 and 99.

(4) As soon as may be after the date of the reconstitution of the Provincial Assembly, any Ordinance promulgated under clause (3) shall be laid before the Assembly; and the provisions of Articles 96, 98 and 99 shall be complied with within six weeks from that date.

#### *Excluded and Special Areas*

#### **Excluded areas.**

**103.**—(1) In this Article the expression “excluded area” means an area which was an excluded area immediately before the Constitution Day.

(2) The executive authority of a Province shall extend to any excluded area therein but, notwithstanding anything in the Constitution, no Act of Parliament or of a Provincial Legislature shall apply to an excluded area unless the Governor by public notification so directs, and in giving such a direction with respect to any Act he may direct that the Act shall in its application to the area, or any specified part thereof, have effect subject to such exceptions or modifications as may be specified in the direction.

(3) The Governor may make regulations for the peace and

good government of any excluded area in the Province, and any such regulations may repeal or amend any Act of Parliament, or of the Provincial Legislature, or any other law in force in the area:

Provided that no regulation repealing or amending an Act of Parliament shall take effect until it has been approved by the President.

(4) The President may by Order direct that the whole or any specified part of an excluded area shall cease to be an excluded area, and any such Order may contain such incidental and consequential provisions as appear to the President to be necessary and proper.

**104.—**(1) The executive authority of the Province of West Pakistan shall extend to the Special Areas, but notwithstanding anything in the Constitution, no Act of Parliament or of the Provincial Legislature shall apply to a Special Area or to any part thereof unless the Governor, with the previous approval of the President, so directs, and in giving such a direction with respect to any Act the Governor may direct that the Act shall, in its application to a Special Area, or to any specified part thereof, have effect subject to such exceptions and modifications as may be specified in the direction.

**Special  
Areas.**

(2) The Governor may, with the previous approval of the President, make regulations for the peace and good govern-

ment of a Special Area, or any part thereof, and any regulation so made may repeal or amend any Act of Parliament, or of the Provincial Legislature, or any other law in force in the area.

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

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

Provided that before making any Order under this clause, the President shall ascertain, in such manner as he considers appropriate, the views of the people of the area concerned.



## **PART VI**

### **Relations between the Federation and the Provinces**

#### **CHAPTER I.—LEGISLATIVE POWERS**

**105.** Subject to the provisions of the Constitution, Parliament may make laws, including laws having extra-territorial operation, for the whole or any part of Pakistan, and a Provincial Legislature may make laws for the Province or any part thereof.

**Extent of  
Federal and  
Provincial  
laws.**

**106.—(1)** Notwithstanding anything in the two next succeeding clauses, Parliament shall have exclusive power to make laws with respect to any of the matters enumerated in the Federal List.

**Subject-  
matter of  
Federal and  
Provincial  
laws.**

**(2)** Notwithstanding anything in clause (3), Parliament, and subject to clause (1) a Provincial Legislature also, shall have power to make laws with respect to any of the matters enumerated in the Concurrent List.

**(3)** Subject to clauses (1) and (2), a Provincial Legislature shall have exclusive power to make laws for a Province or

any part thereof with respect to any of the matters enumerated in the Provincial List.

(4) Parliament shall have power to make laws with respect to matters enumerated in the Provincial List, except for a Province or any part thereof.

**Power of  
Parliament  
to legislate  
for Provinces  
by consent.**

**107.** If it appears to the Provincial Assemblies to be desirable that any of the matters enumerated in the Provincial List, or any matter not enumerated in any list in the Fifth Schedule should be regulated in the Provinces by Act of Parliament, and if resolutions to that effect are passed by the Provincial Assemblies, it shall be lawful for Parliament to pass an Act regulating that matter accordingly, but any Act so passed may, as respects any Province, be amended or repealed by an Act of the Legislature of that Province.

**Power of  
Parliament  
to give  
effect to  
international  
agreements,  
etc.**

**108.** Parliament shall have power to make laws for the whole or any part of Pakistan for implementing any treaty, agreement or convention between Pakistan and any other country, or any decision taken at any international body, notwithstanding that it deals with a matter enumerated in the Provincial List or a matter not enumerated in any list in the Fifth Schedule:

Provided that no law under this Article shall be enacted except after consultation with the Governor of the Province to which the law is to be applied.

**109.** Subject to the provisions of Articles 107 and 108, the Provincial Legislature shall have exclusive power to make laws with respect to any matter not enumerated in any list in the Fifth Schedule, including any law imposing a tax not mentioned in any such list; and the executive authority of the Province shall extend to the administration of any law so made.

**Residuary  
power of  
legislation.**

**110.—(1)** If any provision of an Act of a Provincial Legislature is repugnant to any provision of an Act of Parliament, which Parliament is competent to enact, or to any provision of any existing law with respect to any of the matters enumerated in the Concurrent List, then, subject to the provisions of clause (2), the Act of Parliament, whether passed before or after the Act of the Provincial Legislature, or, as the case may be, the existing law, shall prevail and the Act of the Provincial Legislature shall, to the extent of the repugnancy, be void.

**Inconsistency  
between laws  
made by  
Parliament  
and laws  
made by the  
Provincial  
Legislature.**

**(2)** Where an Act of a Provincial Legislature with respect to any of the matters in the Concurrent List contains any provision repugnant to the provisions of an earlier Act of Parliament or an existing law with respect to that matter, then, if the Act of the Provincial Legislature, having been reserved for the consideration of the President, has received his assent, the Act of the Provincial Legislature shall prevail in the Province concerned, but nevertheless Parliament may

at any time enact any law with respect to the same matter, amending or repealing the law so made by the Provincial Legislature.

**Provisions  
as to recom-  
mendations.**

111.—(1) Where under any provision of the Constitution the previous recommendation of the President or of a Governor is required to the introduction of a Bill or the moving of an amendment, the making of the recommendation shall not preclude him from exercising subsequently in regard to the Bill in question any powers conferred on him by the Constitution with respect to the withholding of assent to, or the returning or reservation of, Bills.

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

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

**CHAPTER II.—FINANCIAL PROVISIONS**

**Property of  
the Federal  
and  
Provincial  
Governments  
exempted  
from taxes.**

112.—(1) The Government of a Province shall not be liable to taxation under any Act of Parliament in respect of lands or buildings situated in Pakistan, or income accruing, arising or received in Pakistan:

Provided that where a trade or business of any kind is carried on by or on behalf of the Government of a Province outside that Province, nothing in this Article shall exempt that Government from any Federal taxation in respect of that trade or business, or any operation connected therewith, or any income arising in connection therewith, or any property occupied for the purposes thereof.

(2) Property vested in the Federal Government shall, save in so far as an Act of Parliament may otherwise provide, be exempt from all taxes imposed by, or by any authority within, a Province.

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

**113.** Save in so far as Parliament may by law otherwise provide, no Act of a Provincial Legislature shall impose or authorize the imposition of a tax upon the consumption or sale of electricity which is consumed by the Federal Government, and any Act of a Provincial Legislature imposing or authorizing the imposition of a tax on the sale of electricity shall secure that the price of electricity sold to the Federal Government for consumption by that Government shall be less by the amount of the tax than the price charged to other consumers of a substantial quantity of electricity.

**Exemption  
from taxes  
on electricity.**

**114.** Parliament may by law make grants in aid of the revenues of a Province which may be in need of assistance.

**Grant-in-aid  
to Provinces.**

**Borrowing  
by the  
Federation.**

**115.** The executive authority of the Federation shall extend to borrowing upon the security of the Federal Consolidated Fund within such limits, if any, as may be determined by Act of Parliament, and to the giving of guarantees within such limits, if any, as may be so determined.

**Loans to and  
borrowing  
by the  
Provinces.**

**116.—(1)** Subject to the provisions of this Article the executive authority of a Province shall extend to borrowing upon the security of the Provincial Consolidated Fund within such limits, if any, as may be determined by Act of the Provincial Legislature, and to the giving of guarantees within such limits, if any, as may be so determined.

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

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

(4) A consent under this Article may be granted subject to such conditions, if any, as the Federal Government may think fit to impose, but no such consent shall be unreasonably withheld, nor shall the Federal Government refuse, if sufficient cause is shown, to make a loan to, or to give a guarantee in respect of a loan raised by, a Province, or seek to impose in respect of any of the matters aforesaid any condition which is unreasonable; and, if any dispute arises whether a refusal of consent, or a refusal to make a loan or to give a guarantee, or any condition insisted upon, is or is not justifiable, the dispute shall be settled in accordance with the procedure prescribed in Article 129.

117.—(1) Notwithstanding anything contained in Article 106, no Provincial law relating to taxes for the benefit of a Province or of a municipality, district board, local board, or other local authority therein in respect of professions, trades, callings or employments shall be invalid on the ground that it relates to a tax on income.

**Taxes on professions, trades, callings and employments.**

(2) The total amount payable in respect of any one person to a Province or to any one municipality, district board, local board or other local authority in the Province by way of taxes on professions, trades, callings and employments shall not exceed fifty rupees per annum.

(3) The fact that a Provincial Legislature has power to make laws as aforesaid with respect to taxes on professions, trades, callings and employments shall not be construed as limiting, in relation to professions, trades, callings and employments, the generality of the entry in the Federal List relating to taxes on income.

**National  
Finance  
Commission.**

**118.**—(1) As soon as may be after the Constitution Day, and thereafter at intervals not exceeding five years, the President shall constitute a National Finance Commission consisting of the Minister of Finance of the Federal Government, the Ministers of Finance of the Provincial Governments, and such other persons as may be appointed by the President after consultation with the Governors of the Provinces.

(2) It shall be the duty of the National Finance Commission to make recommendations to the President as to—

- (a) the distribution between the Federation and the Provinces of the net proceeds of the taxes mentioned in clause (3);
- (b) the making of grants-in-aid by the Federal Government to the Governments of the Provinces;
- (c) the exercise by the Federal Government and Provincial Governments of the borrowing powers conferred by the Constitution; and



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

***Explanation.***—In this Article “net proceeds” means, in relation to any tax, the proceeds thereof reduced by the cost of collection.

(3) The taxes referred to in paragraph (a) of clause (2) are the following taxes raised under the authority of Parliament, namely:—

- (a) export duty on jute and cotton, and any other specified export duty;
- (b) taxes on income other than corporation tax;
- (c) specified duties of Federal excise;
- (d) taxes on sales and purchases; and
- (e) any other specified tax.

(4) As soon as may be after receiving the recommendations of the National Finance Commission, the President shall by Order specify, in accordance with the recommendations of the Commission under sub-clause (a) of clause (2), the share of the net proceeds of the taxes mentioned in clause (3) which is to be allocated to each Province, and that share shall be paid to the Government of the Province concerned, and shall not form part of the Federal Consolidated Fund.

(5) The recommendations of the National Finance Commission, together with an explanatory memorandum

as to the action taken thereon, shall be laid before the National Assembly and the Provincial Assemblies.

**Inter-  
Provincial  
trade.**

**119. No Provincial Legislature or Provincial Government shall have power —**

- (a) to pass any law, or take any executive action, prohibiting or restricting the entry into, or export from, the Province of goods of any class or description; or
- (b) to impose any taxes, cesses, tolls or dues which, as between goods manufactured or produced in the Province and similar goods not so manufactured or produced, discriminate in favour of the former, or which, in the case of goods manufactured or produced outside the Province, discriminate between goods manufactured or produced in any locality and similar goods produced in any other locality:

**Provided that no Act of a Provincial Legislature which imposes any reasonable restriction in the interest of public health, public order or morality shall be invalid under this Article if it is otherwise valid under the Constitution; but any Bill for this purpose passed by the Provincial Assembly shall be reserved for the assent of the President, and shall not become law unless the President assents thereto.**

### CHAPTER III.—AUDIT AND ACCOUNTS

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

**Comptroller and Auditor-General of Pakistan.**

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

**121.**—(1) A person who has held office as Comptroller and Auditor-General shall not be eligible for further appointment in the service of Pakistan.

**Removal of the Comptroller and Auditor-General and ineligibility for further service.**

(2) The Comptroller and Auditor-General shall not be removed from office before the expiration of the term of his office except on the like grounds and in the like manner as a Judge of a High Court.

**122.** The Comptroller and Auditor-General shall perform such duties and exercise such powers, in relation to the expenditure and accounts of the Federation and of the Provinces, as may be provided by Act of Parliament.

**Duties and powers of Comptroller and Auditor-General.**

**123.** The accounts of the Federation and of the Provinces shall be kept in such form as the Comptroller and Auditor-General may, with the approval of the President, prescribe.

**Form of public accounts.**

**124.** The reports of the Comptroller and Auditor-General relating to the accounts of the Federation shall be submitted to the President, who shall cause them to be laid before the

**Reports of Comptroller and Auditor-General.**

National Assembly, and his reports relating to the accounts of a Province shall be submitted to the Governor, who shall cause them to be laid before the Provincial Assembly.

CHAPTER IV.—ADMINISTRATIVE RELATIONS BETWEEN  
THE FEDERATION AND THE PROVINCES

**Protection of  
Provinces by  
Federation.**

**125.** It shall be the duty of the Federal Government to protect each Province against external aggression and internal disturbance, and to ensure, subject to the provisions of Part XI. that the Government of every Province is carried on in accordance with the provisions of the Constitution.

**Directions to  
Provincial  
Governments  
in certain  
cases.**

**126.—(1)** The executive authority of every Province shall be so exercised—

- (a) as to ensure compliance with Acts of Parliament and existing laws which apply to that Province, and
- (b) as not to impede or prejudice the exercise of the executive authority of the Federation.

**(2)** The executive authority of the Federation shall extend to the giving of such directions to a Province as may appear to the Federal Government to be necessary for the purposes of clause (1), and the said authority shall also extend to the giving of directions to a Province—

- (a) as to the construction and maintenance of means of communication declared in such direction to be of national or military importance;

- (b) as to the measures to be taken for the protection of railways within the Province;
- (c) as to the manner in which the executive authority of the Province is to be exercised for the purpose of preventing any grave menace to the peace or tranquillity or economic life of Pakistan, or any part thereof; and
- (d) as to the carrying into execution in the Province of any Act of Parliament which relates to a matter enumerated in Part II of the Concurrent List and authorizes the giving of such directions.

(3) Where in carrying out any direction given to a Province under sub-clauses (a) and (b) of clause (2), costs have been incurred in excess of those which would have been incurred by the Provincial Government in the discharge of the normal duties of that Government if such directions had not been given, there shall be paid by the Federal Government to the Provincial Government such sums as may be agreed, or in default of agreement, as may be determined in accordance with the procedure prescribed in Article 129.

**127.—**(1) Notwithstanding anything in the Constitution, the President may, with the consent of a Provincial Government, entrust either conditionally or unconditionally to that Government, or to any officer thereof, functions in

**Delegation  
of powers to  
Provinces.**

relation to any matter to which the executive authority of the Federation extends.

(2) An Act of Parliament may, notwithstanding that it relates to a matter with respect to which a Provincial Legislature has not the power to make laws, confer powers and impose duties, or authorise the conferment of powers and the imposition of duties, upon a Province or officers or authorities thereof.

(3) Where by virtue of this Article powers and duties have been conferred or imposed upon a Province, or officers or authorities thereof, there shall be paid by the Federal Government to the Provincial Government such sums as may be agreed, or, in default of agreement, as may be determined in accordance with the procedure prescribed in Article 129, in respect of any extra costs incurred by the Provincial Government in connection with the exercise of those powers and duties.

**Acquisition  
of land for  
federal  
purposes.**

**128.** The Federal Government may, if it deems it necessary to acquire any land situate in a Province for any purpose connected with a matter with respect to which Parliament has power to make laws, require the Provincial Government to acquire the land on behalf, and at the expense of the Federal Government or, if the land belongs to the Province, to transfer it to the Federal Government on such

terms as may be agreed or, in default of agreement, as may be determined in accordance with the procedure prescribed in Article 129.

**Settlement of  
disputes.**

**129.---(1)** Any dispute between the Federal Government and one or both Provincial Governments, or between the two Provincial Governments, which under the law or the Constitution is not within the jurisdiction of the Supreme Court, may be referred by any of the Governments involved in the dispute to the Chief Justice of Pakistan, who shall appoint a tribunal to settle the dispute.

**(2)** Subject to the provisions of any Act of Parliament, the practice and procedure of any such tribunal, including the fees to be charged and the award of costs, shall be determined by rules made by the Supreme Court and approved by the President.

**(3)** The report of the tribunal shall be forwarded to the Chief Justice, who shall determine whether the purpose for which the tribunal was appointed has been carried out, and shall return the report to the tribunal for re-consideration if he is of opinion that the purpose has not been carried out; and when the report is in order the Chief Justice shall forward the report to the President, who shall make such order as may be necessary to give effect to the report.

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

(5) An order by the President under this Article may be varied by the President in accordance with an agreement made by the parties concerned.

**Inter-  
Provincial  
Council.**

**130.** If at any time it appears to the President that the public interest would be served by the establishment of an Inter-Provincial Council charged with the duty of—

- (a) investigating and discussing subjects in which the Provinces, or the Federation and one or both of the Provinces, have a common interest; or
- (b) making recommendations upon any such subject and, in particular, recommendations for the better co-ordination of policy and action with respect to that subject,

the President may, with the consent of the Governors of the Provinces, establish such a Council and define the nature of the duties to be performed by it, and its organization and procedure.

**Broad-  
casting.**

**131.—(1)** Notwithstanding anything in the Constitution it shall be competent to the Provincial Government to construct



**and use transmitters with respect to broadcasting in the Province:**

**Provided that when a Provincial Government constructs and uses transmitters in the Province, it shall be entitled to a part of the net proceeds of the fees received by the Federal Government in respect of the use of any receiving apparatus in the Province, in such proportion as may be agreed, or, in default of agreement, as may be determined in accordance with the procedure prescribed in Article 129.**

**(2) Any Act of Parliament with respect to broadcasting shall be such as to secure that effect can be given to the foregoing provisions of this Article.**

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

**132.—(1) Parliament may by law provide for the transfer of the railways in each Province to the Government of the Province or to an authority constituted in the Province for that purpose, and for all conditions, reservations and other matters appertaining to the said transfer; and until a transfer made by or under any such law takes effect railways shall remain within the purposes of the Government of the Federation, and Parliament shall, notwithstanding**

**Transfer of  
railways to  
Provincial  
control.**

anything contained in Article 106, have exclusive power to make laws with respect thereto.

(2) Notwithstanding anything contained in Article 106, a Provincial Legislature shall not have power to make any law affecting any provisions of a law made under clause (1).

## PART VII

### Property, Contracts and Suits

**133.** Any property which has no rightful owner, or which but for the enactment of the Constitution, would have accrued to Her Majesty by escheat or lapse, or as *bona vacantia* for want of a rightful owner, shall, if it is property situate in a Province, vest in the Provincial Government, and shall, in any other case, vest in the Federal Government:

**Property accruing by escheat or lapse or as *bona vacantia*.**

Provided that any property which at the date when it would have accrued to Her Majesty was in the possession or under the control of the Federal Government or a Provincial Government shall, according as the purposes for which it was then held were purposes of the Federation or of a Province, vest in the Federal Government or the Provincial Government, as the case may be.

**134.—(1)** The executive authority of the Federation and of each Province shall extend to the purchase or acquisition of property for their respective purposes, and any such property shall vest in the Federal Government or, as the case may be,

**Power to acquire and dispose of property and make contracts.**

in the Provincial Government.

(2) The executive authority of the Federation and of each Province shall extend to the transfer by grant, sale, mortgage or otherwise of property vested in the Federal Government or the Provincial Government, as the case may be, and to the making of contracts.

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

**Contracts.**

**135.**—(1) All contracts made in the exercise of the executive authority of the Federation or of a Province shall be expressed to be made by the President or the Governor of the Province, as the case may be, and all such contracts and all assurances of property made in the exercise of that authority, shall be executed on behalf of the President, or the Governor, by such person and in such manner as he may direct or authorize.

(2) Neither the President nor the Governor shall be personally liable in respect of any contract or assurance made or executed in pursuance of any provision of the Constitution, or of any Federal or Provincial law, nor shall any person making or executing any such contract or assurance on behalf of any of them be personally liable in respect thereof:

Provided that nothing in this clause shall be construed as

restricting the right of any person to bring appropriate proceedings against the Federal Government or the Government of a Province.

**136.** The Federal Government may sue and be sued by the name of Pakistan, and the Government of a Province may sue and be sued by the name of the Province.

**Suits and  
proceedings.**



## **PART VIII**

### **Elections**

**137.**—(1) There shall be an Election Commission consisting of a Chief Election Commissioner, who shall be the Chairman of the Commission, and such number of other Election Commissioners as the President may determine.

(2) The Chief Election Commissioner and every other Election Commissioner shall be appointed by the President.

(3) The President may, after consultation with the Election Commission, appoint such Regional Election Commissioners as he may consider necessary, to assist the Election Commission in the discharge of its functions under this Part.

(4) In the exercise of his functions under this Article the President shall act in his discretion.

**138.**—(1) The conditions of service of the Election Commissioners and Regional Election Commissioners shall be determined by Act of Parliament, and until so determined, by rules made by the President.

(2) The Chief Election Commissioner shall not be removed from his office except on the like grounds and in the like

**Composition  
of Election  
Commission  
and Regional  
Commis-  
sions.**

**Conditions  
of service of  
Election  
Commission-  
ers and  
Regional  
Election  
Commission-  
ers.**

manner as a Judge of a High Court, but any other Election Commissioner or a Regional Election Commissioner may be removed from his office by the President, in his discretion, after consultation with the Chief Election Commissioner.

(3) The term of office of the Election Commissioners and Regional Election Commissioners shall be five years:

Provided that no such Commissioner shall continue to hold office after he has attained the age of sixty-five years.

(4) On the expiration of his term of office—

- (a) the Chief Election Commissioner shall be eligible for re-appointment for one further term of office, but shall not otherwise be eligible for any appointment in the service of Pakistan;
- (b) any other Election Commissioner shall be eligible for re-appointment for one further term of office, or for appointment as Chief Election Commissioner, but shall not otherwise be eligible for any appointment in the service of Pakistan; and
- (c) a Regional Election Commissioner shall be eligible for re-appointment for one further term of office, or for appointment as an Election Commissioner, but shall not otherwise be eligible for any appointment in the service of Pakistan.



**139.—**(1) It shall be the duty of all executive authorities in the Federation and in the Provinces to assist the Election Commission in the discharge of its functions, and for this purpose the President may, after consultation with the Election Commission, issue such directions as he may consider necessary.

(2) When so requested by the Election Commission, it shall be the duty of the Federal Government and of each Provincial Government to make available to the Commission such staff as may be necessary for the discharge of its functions, and in the event of any disagreement as to what staff is necessary for this purpose the question shall be decided by the President in his discretion.

**140.** The Election Commission shall be charged with the duty of—

- (a) preparing electoral rolls for elections to the National Assembly and the Provincial Assemblies, and revising such rolls annually; and
- (b) organizing and conducting elections to the National Assembly and the Provincial Assemblies.

**141.** Whenever the National Assembly or a Provincial Assembly is dissolved, a general election for the reconstitution of the Assembly shall be held not later than six months from the date of dissolution; and whenever a casual vacancy occurs

in any such Assembly, a by-election to fill the vacancy shall be held not later than three months from the date of the occurrence of the vacancy:

Provided that the Chief Election Commissioner may, if in his opinion climatic conditions so require, hold a by-election at any time after three months, but not later than six months, from the date of the occurrence of the vacancy.

**Delimitation  
Commission.**

**142.**—(1) The President may from time to time constitute a Delimitation Commission consisting of a Chairman who is, or has been a Judge of a High Court, and two other members who shall not be members of the National Assembly or of a Provincial Assembly.

(2) The Chairman and other members of the Delimitation Commission shall be appointed by the President for such period as the President may fix, shall hold office during the pleasure of the President, and shall be entitled to such remuneration and privileges as may be determined by the President.

(3) In the exercise of his functions under the two preceding clauses the President shall act in his discretion.

(4) The Delimitation Commission shall have power to delimit territorial constituencies for election to the National Assembly and Provincial Assemblies and shall publish lists of such constituencies by public notification.

(5) The validity of anything done by or under the authority of the Delimitation Commission shall not be called in question in any court.

**143.—(1)** A person shall be entitled to be an elector in a constituency if—

**Qualifica-  
tions of  
electors.**

- (a) he is a citizen of Pakistan;
- (b) he is not less than twenty-one years of age on the first day of January in the year in which the preparation or revision of the electoral roll commences;
- (c) he is not declared by a competent court to be of unsound mind;
- (d) he has been resident in the constituency for a period of not less than six months immediately preceding the first day of January in the year in which the preparation or revision of the electoral roll commences;
- (e) he is not subject to any disqualification imposed by the Constitution or Act of Parliament.

(2) Until Parliament by Act otherwise provides, the word “resident”, for the purposes of this Article, shall have the same meaning as in the Fourth Schedule.

**Electoral  
laws.**

**144.** Subject to the provisions of the Constitution, Parliament may by Act provide for—

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

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

**Principle of  
electorate.**

**145.** Parliament may, after ascertaining the views of the Provincial Assemblies and taking them into consideration, by Act provide whether elections to the National Assembly and Provincial Assemblies shall be held on the principle of joint electorate or separate electorate, and may in any such Act provide for all matters incidental and consequential thereto.

**Election  
Tribunals.**

**146.** No election to the National Assembly or a Provincial Assembly shall be called in question except by an election

petition presented to such authority and in such manner as may be provided by Act of Parliament.

**147.** Nothing in this Part shall apply to the Special Areas; but the President may by Order make such provision for the representation of the Special Areas in the National Assembly and the Provincial Assembly of West Pakistan as he may think fit.

**Special  
provision  
for Special  
Areas.**

## **PART IX**

### **The Judiciary**

#### **CHAPTER I.—THE SUPREME COURT**

**148.** There shall be a Supreme Court of Pakistan consisting of a Chief Justice, to be known as the Chief Justice of Pakistan, and not more than six other Judges:

Provided that Parliament may by Act increase the number of other Judges beyond six.

**149.—(1)** The Chief Justice of Pakistan shall be appointed by the President, and the other Judges shall be appointed by the President after consultation with the Chief Justice.

**(2)** A person shall not be qualified for appointment as a Judge of the Supreme Court unless he is a citizen of Pakistan, and—

- (a)** has been for at least five years a Judge of a High Court or two or more High Courts in succession; or
- (b)** has been for at least fifteen years an advocate or a pleader of a High Court, or of two or more High Courts.

**Establishment and constitution of the Supreme Court.**

**Appointment of Judges of Supreme Court.**

(3) For the purpose of computing any such period as is referred to in sub-clause (a) of clause (2) there shall be included any period during which a person has been a Judge of a High Court in Pakistan before the Constitution Day.

(4) For the purpose of computing any such period as is referred to in sub-clause (b) of clause (2) there shall be included any period during which a person was an advocate or a pleader of a High Court in Pakistan before the Constitution Day or of any High Court in British India.

**Age of  
retirement  
and dis-  
abilities of  
Judges of  
Supreme  
Court.**

**150.**—(1) Subject to Articles 151 and 173, a Judge of the Supreme Court shall hold office until he attains the age of sixty-five years.

(2) A person who has held office as a permanent Judge of the Supreme Court shall not plead or act before any court or authority in Pakistan.

**Removal of  
Judges of  
Supreme  
Court.**

**151.**—(1) A Judge of the Supreme Court shall not be removed from his office except by an order of the President made after an address by the National Assembly, supported by the majority of the total number of members of the Assembly and by the votes of not less than two-thirds of the members present and voting, has been presented to the President for the removal of the Judge on the ground of proved misbehaviour or infirmity of mind or body:

Provided that no proceedings for the presentation of the

address shall be initiated in the National Assembly unless notice of the motion to present the address is supported by not less than one-third of the total number of members of the Assembly.

(2) Parliament may by law prescribe the procedure for the presentation of an address and for the investigation and proof of misbehaviour or infirmity of mind or body of a Judge, and until such a law is made the President may by order prescribe the said procedure.

**152.** If the office of Chief Justice of Pakistan becomes vacant, or if the Chief Justice is, by reason of absence or otherwise, unable to perform the duties of his office, those duties shall, until some person permanently appointed to the vacant office has entered on the duties thereof, or until the Chief Justice has resumed his duties, as the case may be, be performed by such one of the other Judges of the Supreme Court as the President may appoint as Acting Chief Justice.

**Temporary  
appointment  
of Chief  
Justice.**

**153.** When any Judge of the Supreme Court is appointed to act temporarily as Chief Justice of Pakistan, or when any such Judge is unable to perform his duties on account of absence through grant of leave or for any other reason, the President may appoint a Judge of a High Court, who is qualified for appointment as a Judge of the Supreme Court, to act temporarily as a Judge of that court, and the person

**Temporary  
appointment  
of acting  
Puisne  
Judges.**



so appointed shall be deemed to be a Judge of the Supreme Court until the President revokes the appointment.

**Appointment  
of *ad hoc*  
Judges.**

**154.** If at any time for want of a quorum of the Judges of the Supreme Court it is not possible to hold or continue any sittings of the Court, the Chief Justice of Pakistan may, in writing, require a Judge of a High Court qualified for appointment as a Judge of the Supreme Court to attend the sittings of the Court as an *ad hoc* Judge for such period as may be necessary; and while so sitting such *ad hoc* Judge shall have the same power and jurisdiction as a Judge of the Supreme Court:

Provided that no Judge shall be so nominated by the Chief Justice of Pakistan without previous consultation with the Chief Justice of the High Court concerned.

**Seat of the  
Supreme  
Court.**

**155.** The Supreme Court shall sit in Karachi and at such other place as the Chief Justice of Pakistan may, with the approval of the President, from time to time appoint:

Provided that the Court shall sit in Dacca at least twice in every year, for such period as the Chief Justice of Pakistan may deem necessary.

**Original  
jurisdiction  
of the  
Supreme  
Court.**

**156.—(1)** Subject to the provisions of the Constitution, the Supreme Court shall, to the exclusion of any other Court, have original jurisdiction in any dispute between—

(a) the Federal Government and the Government of

one or both Provinces; or

(b) the Federal Government and the Government of a Province on the one side, and the Government of the other Province on the other; or

(c) the Governments of the Provinces,

if and in so far as the dispute involves—

(i) any question, whether of law or of fact, on which the existence or extent of a legal right depends; or

(ii) any question as to the interpretation of the Constitution.

(2) The Supreme Court in the exercise of its original jurisdiction shall not pronounce any judgment other than a declaratory judgment.

**157.**—(1) An appeal shall lie to the Supreme Court from any judgment, decree or final order of a High Court in civil, criminal or other proceedings, if the High Court certifies that the case involves a substantial question of law as to the interpretation of the Constitution.

**Appellate jurisdiction of the Supreme Court in matters involving interpretation of Constitution.**

(2) Where the High Court has refused to give such a certificate, the Supreme Court may, if it is satisfied that the case involves a substantial question of law as to the interpretation of the Constitution, grant special leave to appeal from such judgment, decree or final order.

(3) Where such a certificate is given or such leave is granted, any party in the case may appeal to the Supreme

Court on the ground that any such question as aforesaid has been wrongly decided, and with the leave of the Supreme Court, on any other ground.

**Appellate  
jurisdiction  
of the  
Supreme  
Court in civil  
matters.**

**158.**—(1) An appeal shall lie to the Supreme Court from any judgment, decree or final order of a High Court in civil proceedings—

- (a) if the amount or value of the subject-matter of the dispute in the court of first instance was, and also in dispute on appeal is, not less than fifteen thousand rupees or such other sum as may be specified in that behalf by Act of Parliament; or
- (b) if the judgment, decree or final order involves directly or indirectly some claim or question respecting property of the like amount or value; or
- (c) if the High Court certifies that the case is a fit one for appeal to the Supreme Court.

(2) Notwithstanding anything in this Article, no appeal shall, unless an Act of Parliament otherwise provides, lie to the Supreme Court from the judgment, decree or final order of a Judge of a High Court sitting alone.

**Appellate  
jurisdiction  
of the Sup-  
reme Court  
in criminal  
matters.**

**159.** An appeal shall lie to the Supreme Court from any judgment, final order or sentence of a High Court in criminal proceedings, if the High Court—

- (a) has on appeal reversed an order of acquittal of an

accused person and sentenced him to death or to transportation for life; or

- (b) has withdrawn for trial before itself any case from any court subordinate to its authority, and has in such trial convicted the accused person and sentenced him as aforesaid; or
- (c) certifies that the case is a fit one for appeal to the Supreme Court; or
- (d) has imposed any punishment on any person for contempt of the High Court:

Provided that where a certificate is issued under paragraph (c) of this Article an appeal shall lie subject to such rules as may be made in that behalf under paragraph 3 of the Third Schedule, and to such other rules, not inconsistent with the aforesaid rules, as may be made in that behalf by the High Court.

**160.** Notwithstanding anything in this Part, the Supreme Court may grant special leave to appeal from any judgment, decree, order or sentence of any court or tribunal in Pakistan, other than a court or tribunal constituted by or under any law relating to the Armed Forces.

**Appeal to  
the Supreme  
Court by  
special leave  
of the Court.**

**161.** The Supreme Court shall have power, subject to the provisions of any Act of Parliament and of any rules made by

**Review of  
judgments or  
orders by the**

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**Supreme  
Court.**

the Supreme Court, to review any judgment pronounced, or order made, by it.

**Advisory  
jurisdiction  
of the  
Supreme  
Court.**

**162.** If at any time it appears to the President that a question of law has arisen, or is likely to arise, which is of such a nature and of such public importance that it is expedient to obtain the opinion of the Supreme Court upon it, he may refer the question to that court for consideration, and the court may, after such hearing as it thinks fit, report its opinion thereon to the President.

**Enforcement  
of the  
decrees and  
orders of the  
Supreme  
Court and  
powers of  
the Supreme  
Court.**

**163.—(1)** The law declared by the Supreme Court shall be binding on all courts in Pakistan.

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

(3) The Supreme Court shall have power to issue such directions, orders, decrees or writs as may be necessary for doing complete justice in any cause or matter pending before it, and any such direction, order, decree or writ shall be enforceable throughout Pakistan, and shall be executed as if it had been issued by the High Court of the appropriate Province.

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

(5) The Supreme Court shall have power to issue any order for the purpose of securing the attendance of any person or the discovery or production of any document.

(6) Any order of Her Majesty-in-Council made before the Constitution Day on an appeal or petition shall be enforceable as if it were an order issued by the Supreme Court.

**164.** In this Part, references to any substantial question of law as to the interpretation of the Constitution shall include references to any substantial question of law as to the interpretation of the Government of India Act, 1935, or the Indian Independence Act, 1947, including any enactment amending or supplementing the said Acts or any Order made under the said Acts.

**Interpreta-  
tion.**

## **CHAPTER II.—THE HIGH COURTS**

**165.—(1)** There shall be a High Court for each Province.

**Constitution  
of High  
Courts.**

(2) The High Courts for the Provinces of East Bengal and West Pakistan functioning immediately before the Constitution Day shall be deemed to be High Courts, under the Constitution, for the Provinces of East Pakistan and West Pakistan, respectively.

(3) A High Court shall consist of a Chief Justice and such number of other Judges as the President may determine.

**166.—(1)** Every Judge of a High Court shall be appointed by the President, after consultation with the Chief Justice of

**Appointment  
of High  
Court Judges.**

Pakistan, the Governor of the Province to which the appointment relates, and if the appointment is not that of the Chief Justice, the Chief Justice of the High Court of that Province.

(2) Subject to Articles 169 and 173, a Judge of a High Court shall hold office until he attains the age of sixty years.

(3) A person who has held office as a permanent Judge of a High Court shall not plead or act before that court or any court or authority within its jurisdiction.

**Qualifica-  
tions of  
High Court  
Judges.**

**167.—**(1) A person shall not be qualified for appointment as a Judge of a High Court unless he is a citizen of Pakistan and—

- (a) has been, for at least ten years, an advocate or a pleader of a High Court, or of two or more High Courts; or
- (b) is a member of the Civil Service of Pakistan of at least ten years' standing, who has for at least three years served as, or exercised the powers of, a District Judge; or
- (c) has for at least ten years held a Judicial office in Pakistan:

Provided that a person shall not be qualified for appointment as a permanent Chief Justice of a High Court unless—

- (i) he is, or, when first appointed to a Judicial office, was, an advocate or a pleader in a High Court; or

- (ii) he has served for not less than three years as a Judge of a High Court in Pakistan:

Provided further that a person who was immediately before the Constitution Day a Judge of a High Court shall not be disqualified from continuing as such on the ground only that he is not a citizen of Pakistan.

(2) For the purpose of computing any period referred to in sub-clause (a) of clause (1) there shall be included—

- (a) any period during which a person has held Judicial office after he became an advocate or a pleader; and
- (b) any period during which a person was an advocate or a pleader of a High Court in British India.

(3) For the purpose of computing any period referred to in sub-clause (c) of clause (1) there shall be included any period during which a person held Judicial office in British India.

**168.—**(1) If the office of the Chief Justice of a High Court becomes vacant, or if any such Chief Justice is, by reason of absence or otherwise, unable to perform the duties of his office, those duties shall, until some person permanently appointed to the vacant office has entered on the duties thereof, or until the Chief Justice has resumed his duties, as the case may be, be performed by such one of the other Judges of the Court as the President may appoint as acting Chief Justice.

**Temporary  
appointment  
of Chief  
Justice and  
Judges of  
High Courts.**

(2) If the office of any other Judge of a High Court



becomes vacant, or if any such Judge is appointed to act temporarily as a Chief Justice or is by reason of absence, or otherwise, unable to perform the duties of his office, the President may appoint a person qualified for appointment as a Judge of a High Court to act as a Judge of that Court, and the person so appointed shall, unless the President revokes his appointment, be deemed to be a Judge of that Court, until some person permanently appointed to the vacant office has entered on the duties thereof, or until the permanent Judge has resumed his duties.

**Removal of  
Judges of  
High Courts.**

**169.** A Judge of a High Court shall not be removed from his office except by an order of the President made on the ground of misbehaviour or infirmity of mind or body, if the Supreme Court on reference being made to it by the President, reports that the Judge ought to be removed on any of those grounds.

**Power of  
High Courts  
to issue  
certain writs,  
etc.**

**170.** Notwithstanding anything in Article 22, each High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases any Government, directions, orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, for the enforcement of any of the rights conferred by Part II and for any other purpose.

**171.** If a High Court is satisfied that a case pending in a court subordinate to it involves a substantial question of law as to the interpretation of the Constitution, the determination of which is necessary for the disposal of the case, it shall withdraw the case from that court and may—

**Power of High Court to transfer cases to itself from subordinate courts.**

- (a) either dispose of the case itself; or
- (b) determine the said question of law, and return the case to the court from which the case has been so withdrawn, together with a copy of its judgment on such question, and the said court shall, on receipt thereof, proceed to dispose of the case in conformity with such judgment.

**172.**—(1) The President may transfer a Judge of a High Court from one High Court to the other High Court, but no such Judge shall be transferred except with his consent and after consultation with the Chief Justice of Pakistan and the Chief Justice of the High Court of which he is a Judge.

**Transfer of High Court Judges.**

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

**CHAPTER III.—GENERAL PROVISIONS AS TO THE SUPREME  
COURT AND HIGH COURTS**

**Resignation  
of Judges of  
Supreme  
Court and  
High Courts.**

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

**Ineligibility  
of Supreme  
Court and  
High Court  
Judges for  
employment  
as Governor.**

**174.** A person who is or has been a Judge of the Supreme Court or of a High Court, shall not be eligible for appointment as Governor of a Province.

**Remunera-  
tion, etc., of  
Judges of  
the Supreme  
Court and  
High Courts.**

**175.—(1)** The remuneration and other conditions of service of a Judge of the Supreme Court or of a High Court shall not be varied to his disadvantage during his tenure of office.

**(2)** Subject to Article 151, the conduct of a Judge of the Supreme Court or of a Judge of a High Court shall not be discussed in the National or a Provincial Assembly.

**Supreme  
Court and  
High Courts  
to be courts  
of record.**

**176.** The Supreme Court and each High Court shall be a court of record and shall have all the powers of such a court, including the power to make any order for the investigation or punishment of any contempt of itself.

**Application  
of Third  
Schedule.**

**177.** Until other provisions in that behalf are made by Act of Parliament, the provisions of the Third Schedule shall apply in relation to the Supreme Court and High Courts in respect of matters specified therein.

**178.** Notwithstanding anything in the Constitution, neither the Supreme Court nor a High Court shall, unless Parliament by law otherwise provides, exercise any jurisdiction under the Constitution in relation to the Special Areas.

**Exclusion of the Supreme Court and High Court jurisdiction from Special Areas.**

## **PART X**

### **The Services of Pakistan**

#### **CHAPTER I.—SERVICES**

**179.—(1)** No person who is not a citizen of Pakistan shall be eligible to hold any office in the service of Pakistan:

Provided that the President or, in relation to a Province, the Governor, may authorize the temporary employment of a person who is not a citizen of Pakistan:

Provided further that a person who is, immediately before the Constitution Day, a servant of the Crown in Pakistan shall not be disqualified from holding any office in the service of Pakistan on the ground only that he is not a citizen of Pakistan.

**(2)** Except as expressly provided by the Constitution, the appointment and conditions of service of persons in the service of Pakistan may be regulated by Act of the appropriate legislature.

**Conditions  
of service of  
persons in  
the service of  
Pakistan.**

**Tenure of  
office of  
persons  
employed  
in public  
services.**

**180.** Except as expressly provided by the Constitution—

- (a) every person who is a member of a defence service, or of a civil service of the Federation, or of an All-Pakistan Service, or holds any post connected with defence, or a civil post in connection with the affairs of the Federation, shall hold office during the pleasure of the President, and
- (b) every person who is a member of a civil service of a Province or holds any civil post in connection with the affairs of a Province, other than a person mentioned in paragraph (a) of this Article, shall hold office during the pleasure of the Governor.

**Dismissal,  
disciplinary  
matters, etc.**

**181.—(1)** No person who is a member of a civil service of the Federation or of a Province, or of an All-Pakistan Service, or holds a civil post in connection with the affairs of the Federation, or of a Province, shall be dismissed or removed from service, or reduced in rank, by an authority subordinate to that by which he was appointed.

(2) No such person as aforesaid shall be dismissed or removed from service, or reduced in rank, until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him:

Provided that this clause shall not apply—

- (a) where a person is dismissed or removed from

service or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or

- (b) where an authority empowered to dismiss or remove from service a person, or to reduce him in rank, is satisfied that for some reason, to be recorded by that authority, it is not reasonably practicable to give that person an opportunity of showing cause; or
- (c) where the President or the Governor, as the case may be, is satisfied, for reasons to be recorded by him, that in the interest of the security of Pakistan or any part thereof, it is not expedient to give to that person such an opportunity.

**182.**—(1) Except as expressly provided by the Constitution or an Act of the appropriate legislature, appointments to the civil services of, and civil posts in the service of, Pakistan shall be made—

**Recruitment  
and condi-  
tions of  
service.**

- (a) in the case of services of the Federation and posts in connection with the affairs of the Federation, by the President or such person as he may direct;
- (b) in the case of services of a Province and posts in connection with the affairs of a Province, by the

Governor of the Province, or such person as he may direct.

(2) Except as expressly provided by the Constitution, or an Act of the appropriate legislature, the conditions of service of persons serving in a civil capacity shall, subject to the provisions of this Article, be such as may be prescribed—

- (a) in the case of persons serving in connection with the affairs of the Federation, by rules made by the President, or by some person authorized by the President to make rules for the purpose;
- (b) in the case of persons serving in connection with the affairs of a Province, by rules made by the Governor of the Province, or by some person authorized by the Governor to make rules for the purpose:

Provided that it shall not be necessary to make rules regulating the conditions of service of persons employed temporarily on the condition that their employment may be terminated on one month's notice or less; and nothing in this clause shall be construed as requiring the rules regulating the conditions of service of any class of persons to extend to any matter which appears to the rule-making authority to be a matter not suitable for regulation by



rule in the case of that class:

Provided further that no such Act as is referred to in this clause shall contain anything inconsistent with the provisions of clause (3).

(3) The rules under clause (2) shall be so framed as to secure—

- (a) that the tenure and conditions of service of any person to whom this Article applies shall not be varied to his disadvantage; and
- (b) that every such person shall have at least one appeal against any order which—
  - (i) punishes or formally censures him; or
  - (ii) alters or interprets to his disadvantage any rule affecting his conditions of service; or
  - (iii) terminates his employment otherwise than upon his reaching the age fixed for superannuation;

Provided that when any such order is the order of the President or the Governor, the person affected shall have no right of appeal, but may apply for review of that order.

**183.—**(1) In the Constitution “All-Pakistan Services” means the services common to the Federation and the Provinces which were the All-Pakistan Services immediately before the Constitution Day.

**All-Pakistan  
Services.**

(2) Parliament shall have exclusive power to make laws with respect to the All-Pakistan Services.

(3) Articles 182 and 188 shall apply to the All-Pakistan Services as they apply to Services of the Federation.

(4) No member of an All-Pakistan Service shall be transferred to a Province to serve in connection with the affairs of that Province, or be transferred from that Province, except by order of the President made after consultation with the Governor of that Province.

(5) While a member of an All-Pakistan Service is serving in connection with the affairs of a Province, his promotion and transfer within that Province, and the initiation of any disciplinary proceedings against him in relation to his conduct in that Province, shall take place by order of the Governor of that Province.

## CHAPTER II.—PUBLIC SERVICE COMMISSIONS

### Public Service Commis- sions.

184.—(1) Subject to the provisions of this Article, there shall be a Public Service Commission for the Federation, and a Public Service Commission for each Province.

(2) The Public Service Commission for the Federation, if requested so to do by the Governor of a Province, may, with the approval of the President, exercise all or any of the functions of the Public Service Commission of the Province.

(3) Where the Federal Public Service Commission is exercising the functions of a Provincial Public Service Commission in respect of any matter, references in the Constitution or in any Act to the Provincial Public Service Commission shall, unless the context otherwise requires, be construed, in relation to that matter, as references to the Federal Public Service Commission.

**185.** In the case of the Federal Public Service Commission the President, and in the case of a Provincial Public Service Commission the Governor, may by regulations determine—

**Composition  
of Public  
Service  
Commissions.**

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

**186.—(1)** The Chairman and other members of a Public Service Commission shall be appointed, in the case of the Federal Public Service Commission by the President in his discretion, and in the case of a Provincial Public Service Commission by the Governor of the Province in his discretion.

**Appointment,  
etc., of  
members of  
Public  
Service  
Commissions.**

(2) Not less than one half of the members of a Public Service Commission shall be persons who have held office in the service of Pakistan for not less than fifteen years.

*Explanation.*—For the purposes of this Article the service of Pakistan shall be deemed to include the service of the Crown in British India, and the service of the Crown in Pakistan before the Constitution Day.

(3) The term of office of the Chairman and other members of the Federal Public Service Commission and of a Provincial Public Service Commission shall be five years.

(4) Any member of a Public Service Commission may resign his office by writing under his hand addressed, in the case of the Federal Public Service Commission to the President, and in the case of a Provincial Public Service Commission to the Governor.

(5) On ceasing to hold office—

- (a) the Chairman of the Federal Public Service Commission shall not be eligible for further employment in the service of Pakistan;
- (b) the Chairman of a Provincial Public Service Commission shall be eligible for appointment as Chairman or other member of the Federal Public Service Commission, or as Chairman of another Provincial Public Service Commission, but shall not be eligible for any other employment in the service of Pakistan; and

- (c) a member of a Public Service Commission, other than the Chairman thereof, shall be eligible for appointment as Chairman or other member of any Public Service Commission other than that on which he has already served, but shall not be eligible for any other employment in the service of Pakistan:

Provided that a person who is a member of a Public Service Commission may be appointed as Chairman of that Commission for the unexpired term of his office.

**187.—(1)** A member of a Public Service Commission shall not be removed from office except on the ground of misbehaviour or infirmity of mind or body.

**Removal of  
the members  
of Public  
Service  
Commis-  
sions.**

**(2)** A member of the Federal Public Service Commission shall not be removed from office except in the manner applicable to a Judge of a High Court.

**(3)** A member of a Provincial Public Service Commission shall not be removed from office except by an order of the Governor of the Province made in a case where the Supreme Court, on reference having been made to it by the Governor, has reported that the member ought to be removed on a ground such as is mentioned in clause (1).

**188.**—(1) It shall be the duty of the Federal Public Service Commission and a Provincial Public Service Commission to conduct examinations for appointment to the services and posts connected with the affairs of the Federation, or the Province, as the case may be.

(2) The President, in respect of services and posts in connection with the affairs of the Federation, and the Governor of a Province, in respect of services and posts in connection with the affairs of the Province, may make regulations specifying the matters in which generally or in any particular class of case, or in any particular circumstances, it shall not be necessary for a Public Service Commission to be consulted; but, subject to such regulations, the appropriate Public Service Commission shall be consulted—

- (a) on all matters relating to methods of recruitment to civil services and posts, and qualifications of candidates for such services and posts;
- (b) on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another, and on the suitability of candidates for such appointments, promotions or transfers;
- (c) on all disciplinary matters affecting a person in the service of the Federal or a Provincial Government

in a civil capacity, including compulsory retirement whether for disciplinary reasons or otherwise, and memorials or petitions relating to such matters;

- (d) on any claim by or in respect of a person who is serving or has served under the Federal or a Provincial Government in a civil capacity that any costs incurred by him in defending any legal proceedings instituted against him in respect of acts done or purported to be done in the execution of his duty should be paid out of the Federal Consolidated Fund or the Provincial Consolidated Fund, as the case may be;
- (e) on any proposal to withhold a special or additional pension or to reduce an ordinary pension; and
- (f) on any claim for the award of a pension or allowance in respect of injuries sustained while serving under the Federal or a Provincial Government in a civil capacity, and any question as to the amount of any such award;

and it shall be the duty of the Public Service Commission to advise on any matter so referred to them, and on any other matter which the President or the Governor, as the case may be, may refer to the Commission.

(3) Where under the Constitution or any law, rules are made for regulating the appointment or conditions of service of persons in the service of Pakistan, but not under the control of the Federal Government or a Provincial Government, such rules may provide for consultation with the appropriate Public Service Commission; and, subject to any express provision of the Constitution or of the said law, clause (2) shall apply *mutatis mutandis*.

**Power to  
extend  
functions  
of Public  
Service  
Commis-  
sions.**

**189.** An Act of Parliament may provide for the exercise of additional functions by the Federal Public Service Commission, and an Act of a Provincial Legislature may provide for the exercise of additional functions by the Provincial Public Service Commission.

**Reports of  
Public Ser-  
vice Com-  
missions.**

**190.**—(1) It shall be the duty of the Federal Public Service Commission to present to the President annually a report on the work done by the Commission, and the President shall cause a copy of the report to be laid before the National Assembly; and it shall be the duty of each Provincial Public Service Commission to present to the Governor annually a report on the work done by the Commission, and the Governor shall cause a copy of the report to be laid before the Provincial Assembly.



(2) The report shall be accompanied by a memorandum setting out—

- (a) the cases, if any, in which the advice of the Commission was not accepted and the reasons therefor;
- (b) the matters, if any, on which the Commission ought to have been consulted, but was not consulted, and the reasons therefor.

## **PART XI**

### **Emergency Provisions**

**191.**—(1) If the President is satisfied that a grave emergency exists in which the security or economic life of Pakistan, or any part thereof, is threatened by war or external aggression, or by internal disturbance beyond the power of a Provincial Government to control, he may issue a Proclamation of Emergency, in this Article referred to as a Proclamation.

**Proclamation of emergency on account of war, internal disturbance, etc.**

(2) While a Proclamation is in operation, notwithstanding anything in the Constitution—

- (a) Parliament shall have power to make laws for a Province, or any part thereof, with respect to any matter not enumerated in the Federal or the Concurrent List;
- (b) the executive authority of the Federation shall extend to the giving of directions to a Province as to the manner in which the executive authority of the Province is to be exercised; and

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

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

(3) The power of Parliament to make laws for a Province with respect to any matter shall include power to make laws conferring powers and imposing duties, or authorizing the conferring of powers and the imposition of duties, upon the Federation, or officers and authorities of the Federation, as respects that matter.

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

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

**(6) A Proclamation shall be laid before the National Assembly as soon as conditions make it practicable for the President to summon that Assembly, and if approved by the Assembly, shall remain in force until it is revoked, or if disapproved, shall cease to operate from the date of disapproval.**

**(7) A Proclamation declaring that the security of Pakistan or any part thereof is threatened by war or external aggression**

may be made before the actual occurrence of war or any such aggression if the President is satisfied that there is imminent danger thereof.

**President's  
power to  
suspend  
fundamental  
rights, etc.,  
during emer-  
gency period.**

**192.** 1) While a Proclamation issued under Article 191 is in operation, the President may, by Order, declare that the right to move any court for the enforcement of such of the rights conferred by Part II as may be specified in the Order, and all proceedings pending in any court for the enforcement of the rights so specified, shall remain suspended for the period during which the Proclamation is in force.

(2) While a Proclamation issued under Article 191 is in operation, the President shall have power by Order to suspend the operation of the proviso to clause (1) of Article 50.

(3) Every Order made under this Article shall, as soon as may be, be laid before the National Assembly.

**Proclamation  
of assump-  
tion of power  
by the Feder-  
ation in case  
of failure of  
constitutional  
machinery in  
Provinces.**

**193.—**(1) If the President, on receipt of a report from the Governor of a Province, is satisfied that a situation has arisen in which the government of the Province cannot be carried on in accordance with the provisions of the Constitution, the President may by Proclamation—

(a) assume to himself, or direct the Governor of the Province to assume on behalf of the President, all or any of the functions of the Government of the Province, and all or any of the powers vested in,

- or exercisable by, any body or authority in the Province, other than the Provincial Legislature;
- (b) declare that the powers of the Provincial Legislature shall be exercisable by, or under the authority of Parliament;
  - (c) make such incidental and consequential provisions as appear to the President to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provisions of the Constitution relating to any body or authority in the Province:

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

(2) A Proclamation under this Article (not being a Proclamation revoking a previous Proclamation) shall be laid before the National Assembly, and shall cease to operate at the expiration of two months, unless before the expiration of that period it has been approved by a resolution of the National Assembly, and may by a like resolution be extended for a

further period not exceeding four months; but no such Proclamation shall in any case remain in force for more than six months:

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

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

- (a) to Parliament to confer on the President the power of the Provincial Legislature to make laws;
- (b) to Parliament, or the President, when he is empowered under sub-clause (a), to make laws conferring powers and imposing duties, or authorizing the conferring of powers and the imposition

of duties, upon the Federation, or officers and authorities thereof;

- (c) to the President, when the National Assembly is not in session, to authorize expenditure from the Provincial Consolidated Fund, whether the expenditure is charged by the Constitution upon that Fund or not, pending the sanction of such expenditure by Parliament;
- (d) to the National Assembly by resolution to sanction expenditure authorized by the President under sub-clause (c).

(4) Any law made in exercise of the power of the Provincial Legislature by Parliament or the President, which Parliament or the President would not, but for the issue of a Proclamation under this Article have been competent to make, shall, to the extent of the incompetency, cease to have effect on the expiration of a period of six months after the Proclamation under this Article has ceased to operate, except as to things done or omitted to be done before the expiration of the said period.

**194.—(1)** If the President is satisfied that a situation has arisen whereby the financial stability or credit of Pakistan, or any part thereof, is threatened, he may after consultation with the Governors of the Provinces or with the Governor

**Proclama-  
tion in case  
of financial  
emergency.**



of the Province concerned, as the case may be, by Proclamation make a declaration to that effect, and while such a Proclamation is in operation, the executive authority of the Federation shall extend to the giving of directions to any Province to observe such principles of financial propriety as may be specified in the directions, and to the giving of such other directions as the President may deem necessary for the financial stability or credit of Pakistan or any part thereof.

(2) Notwithstanding anything in the Constitution, any such directions may include a provision requiring a reduction of the salary and allowances of all or any class of persons serving in connection with the affairs of a Province.

(3) While a Proclamation issued under this Article is in operation, the President may issue directions for the reduction of the salaries and allowances of all or any class of persons serving in connection with the affairs of the Federation, including the Judges of the Supreme Court and High Courts.

(4) The provisions of clause (2) of Article 193 shall apply to a Proclamation issued under this Article as they apply to a Proclamation issued under that Article.

**Revocation  
of Procla-  
mation, etc.**

**195.—**(1) A Proclamation issued under this Part may be varied or revoked by a subsequent Proclamation.

(2) The validity of any Proclamation issued or Order made under this Part shall not be questioned in any court.

**196.** Nothing in the Constitution shall prevent Parliament from making any law indemnifying any person in the service of the Federal or a Provincial Government, or any other person, in respect of any act done in connection with the maintenance or restoration of order in any area in Pakistan where martial law was in force, or validating any sentence passed, punishment inflicted, forfeiture ordered or other act done under martial law in such area.

**Parliament  
to make laws  
of indemnity  
etc.**



## **PART XII**

### **General Provisions**

#### **CHAPTER I.—ISLAMIC PROVISIONS**

**197.—(1)** The President shall set up an organization for Islamic research and instruction in advanced studies to assist in the reconstruction of Muslim society on a truly Islamic basis.

**Organization  
for Islamic  
research and  
instruction.**

**(2)** Parliament may by Act provide for a special tax to be imposed upon Muslims for defraying expenses of the organization set up under clause (1), and the proceeds of such tax shall not, notwithstanding anything in the Constitution, form part of the Federal Consolidated Fund.

**198.—(1)** No law shall be enacted which is repugnant to the Injunctions of Islam as laid down in the Holy Quran and Sunnah, hereinafter referred to as Injunctions of Islam, and existing law shall be brought into conformity with such Injunctions.

**Provisions  
relating to  
the Holy  
Quran and  
Sunnah.**

**(2)** Effect shall be given to the provisions of clause (1) only in the manner provided in clause (3).

**(3) Within one year of the Constitution Day, the President shall appoint a Commission—**

**(a) to make recommendations—**

**(i) as to the measures for bringing existing law into conformity with the Injunctions of Islam, and**

**(ii) as to the stages by which such measures should be brought into effect; and**

**(b) to compile in a suitable form, for the guidance of the National and Provincial Assemblies, such Injunctions of Islam as can be given legislative effect.**

The Commission shall submit its final report within five years of its appointment, and may submit any interim report earlier. The report, whether interim or final, shall be laid before the National Assembly within six months of its receipt, and the Assembly after considering the report shall enact laws in respect thereof.

**(4) Nothing in this Article shall affect the personal laws of non-Muslim citizens, or their status as citizens, or any provision of the Constitution.**

*Explanation.*—In the application of this Article to the personal law of any Muslim sect, the expression “Quran and

Sunnah” shall mean the Quran and Sunnah as interpreted by that sect.

## CHAPTER II.—APPOINTMENT OF SPECIAL COUNCILS AND BOARDS

**199.**—(1) As soon as may be after the Constitution Day, the President shall constitute a National Economic Council, hereinafter to be called the Council, consisting of four Ministers of the Federal Government, three Ministers of each Provincial Government, and the Prime Minister, who shall be *ex officio* Chairman of the Council.

**National  
Economic  
Council.**

(2) The Council shall review the overall economic position of the country and shall, for advising the Federal and Provincial Governments, formulate plans in respect of financial, commercial and economic policies; and in formulating such plans, the Council shall aim at ensuring that uniform standards are attained in the economic development of all parts of the country.

(3) The Council may, from time to time, appoint such committees or expert bodies as it considers necessary for the discharge of its functions.

(4) In the implementation of the aforesaid plans, the President shall take suitable steps to decentralise the administration by setting up, in each Province, necessary administrative machinery to provide the maximum

convenience to the people, and expeditious disposal of Government business and public requirements.

(5) Nothing in this Article shall affect the exercise of the executive authority of the Federation or the Provinces.

(6) The Council shall submit every year to the National Assembly a report on the results obtained and the progress made in the achievement of its objects, and copies of the report shall also be laid before each Provincial Assembly.

**Appointment  
of Advisory  
Boards for  
Posts and  
Telegraphs  
Department.**

**200.**—(1) The President shall appoint a Board for each Province, consisting of representatives of the Federal Government and the Government of the Province, to advise the Federal Government on matters relating to Posts and Telegraphs in the Province.

(2) Notwithstanding anything in the Constitution, recruitment to posts and services, other than Class I, in the Posts and Telegraphs Department in a Province shall be made from amongst persons domiciled in that Province.

### **CHAPTER III.—PROVISIONS RELATING TO STATES AND RULERS**

**Territories in  
accession  
with  
Pakistan.**

**201.** Notwithstanding anything in the Constitution, the President may, by Order, make provision for representation in the National Assembly of the territories mentioned in sub-clauses (b), (c) and (d) of clause (2) of Article 1, provided that equality of representation between East Pakistan and West Pakistan is preserved.

**202.—(1)** Where, under any agreement made at any time before or after the Constitution Day between the Government of Pakistan and the Ruler of a State which at that time was in accession with Pakistan, the payment of any sums free of tax has been guaranteed or assured by the Government of Pakistan to that Ruler as his privy purse, those sums shall be charged on the Federal Consolidated Fund and shall be paid out of that Fund to the Ruler free of tax.

**(2)** Where the territories of any such Ruler as aforesaid are comprised within a Province, there shall be charged on the Consolidated Fund of that Province, and be paid out of that Fund to the Federal Government, any sum which that Government has paid to the Ruler under clause (1).

**(3)** In the exercise of any power to make laws, and in the exercise of the executive authority of the Federation or a Province, due regard shall be had to the guarantees or assurances given under any such agreement as is referred to in clause (1) with respect to the personal rights, privileges and dignities of the Ruler of any such State as is referred to in that clause.

**203.** When the people of the State of Jammu and Kashmir decide to accede to Pakistan, the relationship between Pakistan and the said State shall be determined in accordance with the wishes of the people of that State.



## CHAPTER IV. SCHEDULED CASTES AND BACKWARD CLASSES

### Definition of Scheduled Castes.

**204.** The castes, races and tribes, and parts or groups within castes, races and tribes which, immediately before the Constitution Day, constituted the Scheduled Castes within the meaning of the Fifth Schedule to the Government of India Act, 1935, shall, for the purposes of the Constitution, be deemed to be the Scheduled Castes until Parliament by law otherwise provides.

### Promotion of the interests of Scheduled Castes and backward classes.

**205.** The Federal and Provincial Governments shall promote, with special care, the educational and economic interests of the Scheduled Castes and backward classes in Pakistan, and shall protect them from social injustice and exploitation.

### Appointment of Commission to investigate the conditions of Scheduled Castes and backward classes.

**206.—(1)** The President may appoint a Commission to investigate the conditions of Scheduled Castes and backward classes in Pakistan and make recommendations as to the steps to be taken and grants to be made by the Federal or Provincial Governments to improve their conditions.

**(2)** The Commission appointed under clause (1) shall investigate the matters referred to them and submit a report to the President with such recommendations as the Commission thinks fit, and copies of the report shall be laid before the National Assembly and the Provincial Assemblies.

**207.**—(1) There shall be a Special Officer for the Scheduled Castes and backward classes in Pakistan, to be appointed by the President.

**Special  
Officer for  
Scheduled  
Castes and  
backward  
classes.**

(2) It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for the Scheduled Castes and backward classes by Article 205, to investigate the extent to which any recommendations of the Commission appointed under Article 206 are carried out, and to report his findings to the President at such intervals as the President may direct; and the President shall cause all such reports to be laid before the National Assembly.

#### **CHAPTER V.—MISCELLANEOUS**

**208.**—(1) No title, honour or decoration shall be conferred by the State on any citizen, but the President may award decorations in recognition of distinguished military or public service.

**Titles,  
honours and  
decorations.**

*Explanation.*—In this clause “the State” has the same meaning as in Part II.

(2) No citizen of Pakistan shall accept any title, honour or decoration from any foreign State except with the approval of the President.

**209.** The President shall have power to grant pardons, reprieves and respites, and to remit, suspend or commute

**Pardons,  
reprieves,  
etc.**

any sentence passed by any court, tribunal or authority established by law.

**Special provisions relating to major ports and aerodromes.**

**210.**—(1) Notwithstanding anything in the Constitution, the President may, by public notification, direct that, for a period not exceeding three months from such date as may be specified in the notification—

- (a) any law made by Parliament, or by a Provincial Legislature, shall not apply to any major port or aerodrome, or shall apply thereto subject to such exceptions and modifications as may be specified in the notification; or
- (b) any existing law shall cease to have effect in so far as it applies to any major port or aerodrome, except as respects things done or omitted to be done before the aforesaid date, or shall in its application to such port or aerodrome, have effect subject to such exceptions or modifications as may be specified in the notification.

*Explanation.*—In this Article “aerodrome” means an aerodrome as defined in any law relating to airways, aircraft or air navigation.

**Federal Capital.**

**211.**—(1) Parliament shall by law provide for the determination of the area of the Federal Capital, and until such a law is passed the area which immediately before the Constitution

Day was comprised in the Capital of the Federation shall continue to be the Federal Capital.

(2) The administration of the Federal Capital shall vest in the President who may, by Order, make such provision as he may deem necessary or proper—

- (a) for its government and administration;
- (b) with respect to the laws which are to be in force therein;
- (c) with respect to the jurisdiction, expenses or revenues of any court exercising the jurisdiction of a High Court therein;
- (d) with respect to apportionments and adjustments of, and in respect of, assets and liabilities;
- (e) for authorizing expenditure from the revenues of the Federation; and
- (f) with respect to other supplemental, incidental and consequential matters.

(3) Notwithstanding anything in the Constitution, Parliament shall have power to make laws for the Federal Capital with respect to matters enumerated in the Provincial List and matters not enumerated in any List in the Fifth Schedule, other than matters relating to the High Courts.

**Remuneration of President, Ministers, etc., not to be varied during their term of office.**

**212.** The remuneration and other privileges of a person holding the office of President, Minister of the Federal or a Provincial Government, Speaker or Deputy Speaker of the National or a Provincial Assembly, Governor, Comptroller and Auditor-General, member of a Public Service Commission, Election Commissioner, or Regional Election Commissioner, or member of the Delimitation Commission shall not be varied to his disadvantage during his term of office.

**Protection to the President and the Governor.**

**213.** Neither the President nor the Governor of a Province, shall be answerable to any court for the exercise of powers and performance of duties of his office, or for any act done or purported to be done in the exercise of those powers and performance of those duties:

Provided that nothing in this Article shall be construed as restricting the right of any person to bring appropriate proceedings against the Federal Government or a Provincial Government.

**State languages.**

**214.—(1)** The State languages of Pakistan shall be Urdu and Bengali:

Provided that for the period of twenty years from the Constitution Day, English shall continue to be used for all official purposes for which it was used in Pakistan immediately before the Constitution Day, and Parliament may by Act provide for the use of English after the expiration of the said

period of twenty years, for such purposes as may be specified in that Act.

(2) On the expiration of ten years from the Constitution Day, the President shall appoint a Commission to make recommendations for the replacement of English.

(3) Nothing in this Article shall prevent a Provincial Government from replacing English by either of the State languages for use in that Province before the expiration of the said period of twenty years.

**215.** A person elected or appointed to any office mentioned in the Second Schedule shall before entering upon the office make and subscribe an oath or affirmation in accordance with that Schedule.

**Oaths and affirmations.**

**216.**—(1) The Constitution or any provision thereof may be amended or repealed by an Act of Parliament if a Bill for that purpose is passed by a majority of the total number of members of the National Assembly, and by the votes of not less than two-thirds of the members of that Assembly present and voting, and is assented to by the President:

**Amendment of the Constitution.**

Provided that if such a Bill provides for the amendment or repeal of any of the provisions contained in Articles 1, 31, 39, 44, 77, 106, 118, 119, 199, or this Article, it shall not be presented to the President for his assent unless it has been approved by a resolution of each Provincial Assembly, or, if

it applies to one Province only, of the Provincial Assembly of that Province:

Provided further that the Schedules, other than the Fifth Schedule and Part IV of the Fourth Schedule, may be amended or repealed if a Bill for that purpose is passed by a majority of the members present and voting and is assented to by the President:

Provided further that a Provincial Legislature may by law make provision with respect to matters specified in Part IV of the Fourth Schedule.

(2) A certificate under the hand of the Speaker of the National Assembly that a Bill has been passed in accordance with the provisions of clause (1) shall be conclusive, and shall not be questioned in any court.

**Application  
of Fourth  
Schedule.**

**217.** Until other provision in that behalf is made by law, the provisions of the Fourth Schedule shall apply in respect of the matters specified therein.

#### **CHAPTER VI.—INTERPRETATION**

**Definitions,  
etc.**

**218.—(1)** In the Constitution, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

“Act of Parliament” means a Bill passed by the National Assembly and assented to by the

President, and includes an Ordinance made by the President in accordance with the Constitution;

“Act of a Provincial Legislature” means a Bill passed by a Provincial Assembly and assented to by the Governor or the President, and includes an Ordinance made by the Governor in accordance with the Constitution;

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

“Article” means an Article of the Constitution;

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

“casual vacancy” means a vacancy arising in the National or a Provincial Assembly otherwise than by reason of the dissolution of the Assembly;

“citizen” or “citizen of Pakistan” means a person who is a citizen of Pakistan according to the law relating to citizenship;

“clause” means a clause of the Article in which the expression occurs;

“Concurrent List” means the Concurrent List in the Fifth Schedule;



“Constituent Assembly” means the Constituent Assembly of the Dominion of Pakistan;

“Constitution Day” means the day fixed by the Constituent Assembly under clause (4) of Article 222;

“corporation tax” means any tax on income, so far as that tax is payable by companies and is a tax in the case of which the following conditions are fulfilled:—

- (a) that it is not chargeable in respect of agricultural income;
- (b) that no deduction in respect of the tax paid by companies is, by any enactments which may apply to the tax, authorized to be made from dividends payable by the companies to individuals; and
- (c) that no provision exists for taking the tax so paid into account in computing for the purposes of income-tax the total income of individuals receiving such dividends or in computing the income-tax payable by, or refundable to, such individuals;

“court” does not include the National or a Provincial Assembly or any committee of such an Assembly;

**“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;**

**“elector” means a person whose name is included in an electoral roll prepared in accordance with the Constitution;**

**“estate duty” means a duty to be assessed on, or by reference to the principal value, ascertained in accordance with such rules as may be prescribed by or under any Act of Parliament relating to the duty, of all property passing upon death or deemed, under the provisions of the said Act, so to pass;**

**“existing law” means any Act, Ordinance, order, bye-law, rule, regulation or notification which immediately before the Constitution Day has the force of law in the whole or any part of Pakistan;**

**“Federal Court” means the Federal Court established under the Government of India Act, 1935, and functioning as such immediately before the Constitution Day;**

**“Federal List” means the Federal List in the Fifth Schedule;**

**“Federation” means the Islamic Republic of Pakistan;**

**“Governor-General” means the Governor-General of the Dominion of Pakistan;**

**“guarantee” includes any obligation undertaken before the Constitution Day to make payments in the event of the profits of an undertaking falling short of a specified amount;**

**“legal proceedings” include a suit, an appeal or an application, or any cause or matter pending before a court of law for adjudication;**

**“Part” means a 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, or 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;**

**“Provincial List” means the Provincial List in the Fifth Schedule;**

**“Public notification” means, in relation to the Federation, a notification in the *Gazette of Pakistan*,**

and in relation to a Province, a notification in the official Gazette of the Province;

“remuneration” includes salary, allowances and pension;

“Schedule” means a Schedule to the Constitution;

“Scheduled Caste” means a Scheduled Caste determined in accordance with the provisions of Article 204;

“securities” includes stock;

“service of Pakistan” means any service or post in connection with the affairs of the Federation or of a Province, and includes any defence service, and any other service declared as a service of Pakistan by or under an Act of Parliament or of a Provincial Legislature, but does not include service as Governor-General, President, Governor, Speaker or Deputy Speaker, of the National or a Provincial Assembly, Minister of the Federal or a Provincial Government, Minister of State or Deputy Minister of the Federal Government, Deputy Minister or Parliamentary Secretary of a Provincial Government, Judge of the Supreme Court or a High Court, or Comptroller and Auditor-General; and “servant of Pakistan” shall be construed accordingly;

**“Special Areas” means the areas of the Province of West Pakistan which immediately before the commencement of the Establishment of West Pakistan Act, 1955, were—**

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

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

**“sub-clause” means a sub-clause of the clause in which the expression occurs;**

**“taxation” includes the imposition of any tax or impost, whether general, local or special, and “tax” shall be construed accordingly;**

**“tax on income” includes a tax in the nature of an excess profits tax, or business profits tax.**

**(2) Where under the Constitution something is required to be specified it shall be specified, if no specifying authority has been prescribed, by the President.**

**(3) For the avoidance of doubt it is hereby declared that a session of the National or a Provincial Assembly shall be taken to commence at the beginning of the first meeting of the Assembly after a general election or prorogation and to end with the prorogation or dissolution of the Assembly, and references in the Constitution to an Assembly’s being in session shall be construed accordingly.**

**219.**—(1) Unless the context otherwise requires, the General Clauses Act, 1897, shall apply for the interpretation of the Constitution as it applies for the interpretation of a Central Act, as if the Constitution were a Central Act.

**Application  
of General  
Clauses Act,  
1897.**

(2) For the application of the General Clauses Act, 1897, to the interpretation of the Constitution, the Acts repealed by the Constitution shall be deemed to be Central Acts.

#### **CHAPTER VII.—COMMENCEMENT AND REPEAL**

**220.** This Article and Articles 218, 219 and 222 shall come into force at once, and the remaining provisions of the Constitution shall come into force on the Constitution Day.

**Commence-  
ment.**

**221.** The Government of India Act, 1935, and the Indian Independence Act, 1947, together with all enactments amending or supplementing those Acts, are hereby repealed:

**Repeal.**

Provided that the repeal of the provisions of the Government of India Act, 1935, applicable for the purposes of Article 230 shall not take effect until the first day of April, 1957.

## **PART XIII**

### **Temporary and Transitional Provisions**

**Provision  
as to  
President.**

**222.—(1)** As soon as may be after the National Assembly has been constituted after the first general election held for the purposes of that Assembly, the Chief Election Commissioner shall take the steps necessary for the election of a President under Article 32.

**(2)** The Constituent Assembly shall, in accordance with the provisions contained in the Sixth Schedule, elect a person to serve as President until such time as a President elected under Article 32 has entered upon his office, and the election shall take place within thirty days of the coming into force of this Article, on a day fixed by the Constituent Assembly.

**(3)** A person shall not be qualified for election as President under this Article unless he is a citizen of Pakistan and has attained the age of forty years.

**(4)** The Constituent Assembly shall fix a day to be the Constitution Day, and the person elected as President under

this Article shall, after taking an oath or affirmation in the form set out in paragraph 1 of the Second Schedule, enter upon his office on that day.

(5) The validity of the election of a President elected under this Article shall not be questioned in any court.

(6) If a vacancy occurs in the office of the President elected under this Article, by reason of his death, resignation or removal from office, it shall be filled by a person elected by the National Assembly in accordance with the provisions contained in the Sixth Schedule.

**Provision as  
to the  
National  
Assembly  
and its  
officers.**

**223.**—(1) Until the first meeting of the National Assembly constituted in accordance with the provisions of the Constitution, the body functioning as the Constituent Assembly of Pakistan, immediately before the Constitution Day, shall, as from that day, be the National Assembly of Pakistan.

(2) Any casual vacancy in the National Assembly under this Article shall be filled in accordance with such rules as may be made in that behalf by the President.

(3) Persons holding office immediately before the Constitution Day as Speaker and Deputy Speaker of the Constituent Assembly shall, as from that day, hold office respectively as Speaker and Deputy Speaker of the National Assembly under this Article, on the same terms and conditions as to



remuneration and other privileges as were applicable to them immediately before the Constitution Day.

**224.**—(1) Notwithstanding the repeal of the enactments mentioned in Article 221, and save as is otherwise expressly provided in the Constitution, all laws (other than those enactments), including Ordinances, Orders-in-Council, Orders, rules, bye-laws, regulations, notifications, and other legal instruments in force in Pakistan or in any part thereof, or having extra-territorial validity, immediately before the Constitution Day, shall, so far as applicable and with the necessary adaptations, continue in force until altered, repealed or amended by the appropriate legislature or other competent authority.

**Continuance  
in force of  
existing laws  
and their  
adaptation.**

*Explanation 1.*—The expression “laws” in this Article shall include Letters Patent constituting a High Court.

*Explanation 2.*—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.

(2) For the purpose of bringing the provisions of any law in force in Pakistan or any part thereof into accord with the provisions of the Constitution, the President may, within a period of two years from the Constitution Day, by Order, make such adaptations and modifications in such law, whether by way of amendment or repeal, as he may deem necessary or

expedient, and any Order so made shall have effect from such date, whether before or after the date of the making of the Order, but not being prior to the Constitution Day, as may be specified in the Order.

(3) The President may authorize the Governor of a Province to exercise, in relation to that Province, the powers conferred upon him by clause (2) in respect of laws relating to matters enumerated in the Provincial List.

(4) The powers exercisable under clauses (2) and (3) shall be subject to the provisions of any Act of the appropriate legislature.

**Provincial  
Legislatures.**

**225.**—(1) Until a Provincial Assembly for the Province of East Pakistan has been duly constituted under the provisions of the Constitution, the Provincial Legislative Assembly for the Province of East Bengal functioning immediately before the Constitution Day shall exercise the powers conferred, and perform the duties imposed upon, the Provincial Assembly of East Pakistan by or under the provisions of the Constitution; and a person holding office immediately before the Constitution Day as Speaker or Deputy Speaker of the Provincial Legislative Assembly for the Province of East Bengal shall, as from that day, hold office as Speaker or, as the case may be, Deputy Speaker of the Provincial Assembly of East Pakistan.

(2) Until a Provincial Assembly for the Province of West Pakistan has been duly constituted under the provisions of the Constitution, the Legislative Assembly of that Province consisting of persons elected thereto under section 11 of the Establishment of West Pakistan Act, 1955 (hereinafter referred to as the Legislative Assembly) shall exercise the powers conferred, and perform the duties imposed upon, the Provincial Assembly of West Pakistan by or under the provisions of the Constitution; and such person as may have been elected as Speaker or Deputy Speaker of the Legislative Assembly before the Constitution Day shall, as from that day, hold office as Speaker, or, as the case may be, Deputy Speaker of the Provincial Assembly.

(3) Any casual vacancy in a Provincial Assembly functioning under clause (1) or clause (2) shall be filled in accordance with such rules as may be made in that behalf by the President.

(4) The provisions of clause (1) of Article 79 shall not apply to a Provincial Assembly functioning under clause (1) or clause (2).

**226.**—(1) A person holding office as Governor of a Province, immediately before the Constitution Day, shall, as from that day, continue to hold that office until a Governor appointed under the Constitution enters upon his office.

**Continuance  
in office of  
Governors,  
Ministers  
and Advocate-  
General.**

(2) A person holding office as Prime Minister or other Minister of the Governor-General, immediately before the Constitution Day, shall, as from that day, hold office as Prime Minister or other Minister of the Federal Government, as the case may be.

*Explanation.*—In this clause, the word “Minister” includes a Minister of State.

(3) A person holding office as Chief Minister or other Minister of the Governor of a Province, immediately before the Constitution Day, shall, as from that day, hold office as Chief Minister or other Minister of the Provincial Government, as the case may be.

(4) The person holding office as Advocate-General of Pakistan, immediately before the Constitution Day, shall, as from that day, hold office as Attorney-General for Pakistan on the terms and conditions applicable to him immediately before the Constitution Day.

(5) The person holding office as Auditor-General of Pakistan, immediately before the Constitution Day, shall, as from that day, hold office as Comptroller and Auditor-General of Pakistan on the terms and conditions applicable to him immediately before the Constitution Day.

(6) A person holding office as Advocate-General of a Province, immediately before the Constitution Day, shall,

as from that day, continue to hold that office on the terms and conditions applicable to him immediately before the Constitution Day.

**227.**—(1) A person holding office as Chief Justice or other Judge of the Federal Court, immediately before the Constitution Day, shall, as from that day, hold office as Chief Justice or other Judge of the Supreme Court, as the case may be, on the same terms and conditions as to remuneration and other privileges as were applicable to him immediately before the Constitution Day.

**Judges,  
courts and  
legal  
proceedings.**

(2) A person holding office as Chief Justice or other Judge of a High Court, immediately before the Constitution Day, shall, as from that day, hold office as Chief Justice or other Judge of that court, as the case may be, on the same terms and conditions as to remuneration and other privileges as were applicable to him immediately before the Constitution Day.

(3) All legal proceedings pending in the Federal Court, immediately before the Constitution Day, shall, on such day, stand transferred to, and be deemed to be pending before, the Supreme Court for determination; and any judgment or order of the Federal Court delivered or made before the Constitution Day shall have the same force and effect as if it had been delivered or made by the Supreme Court.

(4) Without prejudice to the other provisions of the Constitution, the Supreme Court shall have the same jurisdiction and powers as were, immediately before the Constitution Day, exercisable by the Federal Court, and references in any law to the Federal Court shall be deemed to be references to the Supreme Court.

(5) Without prejudice to the other provisions of the Constitution, each High Court shall have the same jurisdiction and powers as were exercisable by it immediately before the Constitution Day.

(6) Subject to the provisions of the Constitution—

- (a) all civil, criminal and revenue courts exercising jurisdiction and functions, immediately before the Constitution Day, shall, as from that day, continue to exercise their respective jurisdictions and functions, and all persons holding office in such courts shall continue to hold their respective offices;
- (b) all authorities and all officers, judicial, executive, and ministerial throughout Pakistan exercising functions, immediately before the Constitution Day, shall, as from that day, continue to exercise their respective functions.

**228.**—(1) Subject to clause (2), if any legal proceedings in which the Federation of Pakistan is a party were pending in any court, immediately before the Constitution Day, then, in those proceedings, for “the Federation of Pakistan”, “Pakistan” shall, as from that day, be deemed to be substituted.

**Legal proceedings by or against the Federation of Pakistan.**

(2) Any legal proceedings which, but for the Constitution, could have been brought by or against the Federation of Pakistan in respect of a matter which, immediately before the Constitution 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 Constitution Day, then, in those proceedings for the Federation of Pakistan, the Province concerned shall, as from that day, be deemed to be substituted.

**229.** A person holding office as Chairman or other member of the Federal Public Service Commission or of a Provincial Public Service Commission, immediately before the Constitution Day, shall, as from that day, continue to hold his respective office on the same terms and conditions as to remuneration and other privileges as were applicable to him immediately before the Constitution Day, until the

**Public Service Commission.**

expiration of his term of office as determined by the law under which he was appointed.

**Provisions as  
to financial  
matters.**

**230.**—(1) The provisions of the Constitution relating to the Federal Consolidated Fund, or a Provincial Consolidated Fund, and the appropriation of moneys from either of such Funds, shall not apply in relation to moneys received or raised, or expenditure incurred, by the Federal Government or the Government of a Province in the financial year which includes the Constitution Day or in the next succeeding financial year; and notwithstanding anything in the Constitution any expenditure incurred during those financial years by the Federal Government or the Government of a Province shall be deemed to have been validly incurred if it is incurred in accordance with the provisions of the Government of India Act, 1935.

(2) For the purposes of clause (1), the provisions of the Government of India Act, 1935, and of any statement, demand, schedule or other document made thereunder, shall have effect in relation to any time after the Constitution Day subject to the modification that references therein to the holder of any office, or to any body, service or other matter shall be construed as references to the holder of the corresponding office, or, as the case may be, to the corresponding body, service or matter, under the Constitution.



(3) For the purposes of clause (1), if, at any time when the National Assembly stands dissolved, the President is satisfied that circumstances exist which render such action necessary, he shall have power to authenticate a schedule of authorized expenditure under the Government of India Act, 1935, although no Annual Financial Statement has previously been laid before the Assembly, and although no grants have been made by the Assembly.

(4) Clause (3) shall apply to the Governor of a Province, subject to the modification that references therein to the President and the National Assembly shall be construed as references to the Governor and the Provincial Assembly respectively.

(5) In relation to accounts which have not been completed or audited before the Constitution Day, the Comptroller and Auditor-General shall exercise the functions of the Auditor-General of the Dominion of Pakistan; but reports relating to the accounts of the Federal Government shall be submitted to the President, who shall cause them to be laid before the National Assembly, and reports relating to the accounts of a Province shall be submitted to the Governor, who shall cause them to be laid before the Provincial Assembly.

(6) Notwithstanding anything in the Constitution all taxes and fees levied under law in force, immediately before the Constitution Day, shall continue to be levied until they are varied or abolished by Act of the appropriate legislature.

**Succession  
to property  
and assets,  
rights, liabilities  
and obligations.**

**231.**—(1) All property and assets which immediately before the Constitution Day were vested in Her Majesty for the purposes of the Federal Government shall, as from that day, vest in the Federal Government, unless they were used for purposes which on the Constitution Day become purposes of the Government of a Province, in which case they shall, as from that day, vest in the Provincial Government.

(2) All property and assets which immediately before the Constitution Day were vested in Her Majesty for the purposes of the Government of a Province shall, as from that day, vest in the Government of that Province.

(3) All rights, liabilities and obligations of the Federal Government or the Government of a Province, whether arising out of any contract or otherwise, shall as from the Constitution Day, be respectively the rights, liabilities and obligations of the Federal Government, and of the Government of the corresponding Province:

Provided that all rights, liabilities and obligations relating to any matter—

(a) which immediately before the Constitution Day

was the responsibility of the Federal Government, but which under the Constitution has become the responsibility of the Government of a Province, whether arising out of a contract or otherwise, shall devolve upon the Government of that Province;

- (b) which immediately before the Constitution Day was the responsibility of the Government of a Province, but which under the Constitution has become the responsibility of the Federal Government, whether arising out of a contract or otherwise, shall devolve upon the Federal Government.

**232.** Subject to the provisions of the Constitution, every person who was, immediately before the Constitution Day, a servant of the Crown in Pakistan, whether serving in connection with the affairs of the Federation or of a Province, shall, as from that day, become a servant of Pakistan on the same terms and conditions as were applicable to him immediately before the Constitution Day.

**Transitional provision as to servants of the Crown.**

**233.** Except as otherwise expressly provided by the Constitution, every person who, having been appointed by the Secretary of State, or the Secretary of State-in-Council, to a civil service of the Crown in India, continues, after the Constitution Day, to serve under the Federal Government or

**Transitional provision as to conditions of service of persons appointed by the Secretary of State.**

the Government of a Province, shall be entitled to receive from the Federal Government or the Government of the Province, which he is from time to time serving, the same conditions of service as regards salary, allowances, leave and pensions and the same rights in disciplinary matters, or rights as similar thereto as the changed circumstances may permit, as he was entitled to receive immediately before the Constitution Day.

**Power of  
President  
to remove  
difficulties.**

**234.—(1)** The President may, for the purpose of removing any difficulties, particularly in relation to the transition from the provisions of the Government of India Act, 1935, and the Indian Independence Act, 1947, together with Acts amending or supplementing those Acts, to the provisions of the Constitution, 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:

Provided that no such Order shall be made after the first meeting of the National Assembly constituted after the first general election held for the purposes of that Assembly.

**(2)** Every Order under this Article shall be laid before the National Assembly, and may be amended or repealed by Act of Parliament.

## **FIRST SCHEDULE**

*(Article 32 and 33)*

### **Election of President**

1. The Chief Election Commissioner shall hold and conduct any 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 the National Assembly, which shall be held at Karachi, and at the meetings of the members of the Provincial Assemblies of East Pakistan and West Pakistan, which shall be held at Dacca and Lahore, respectively.

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 National Assembly or of a Provincial

Assembly may nominate for election as President a person qualified for election as President by delivering to the Presiding Officer of the Assembly of which he is a member, a nomination paper, signed by himself as proposer and by another member of that 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.

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 the members of the National Assembly 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 the National Assembly, and of each Provincial Assembly, who presents himself for voting at the meeting of the members of the 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 cross 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, the ballot papers and 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, other than the official number, 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 cross; or
- (iv) a cross 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 cross 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. If there are only two candidates, the candidate who has obtained the larger number of votes shall be declared by the Chief Election Commissioner to be elected.

19. If there are three or more candidates, and one of those candidates has obtained a larger number of votes than the aggregate number of votes obtained by the remaining candidates, he shall be declared by the Chief Election Commissioner to be elected.

20. If there are three or more candidates, and the last preceding paragraph does not apply, a further poll shall be held in accordance with the preceding provisions of this Schedule, at which the candidate who obtained the smallest number of votes at the previous poll shall be excluded.

21. The three last preceding paragraphs shall apply in relation to the further poll and any subsequent poll which may be necessary under the provisions of those paragraphs.

22. Where at any poll any two or more candidates obtain an equal number of votes, then—

(a) if there are only two candidates for election, or

(b) if one of the candidates who obtained equality of votes is required to be excluded from a further poll under paragraph 20 of this Schedule, the selection of the candidate to be elected, or, as the case may be, excluded, shall be by drawing of lots.

23. 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.

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

## **SECOND SCHEDULE**

*(Articles 215 and 222)*

### **Oaths and Affirmations**

1. *President of Pakistan.*—An oath (*or* affirmation) in the following form shall be administered by the Chief Justice of Pakistan or by some person deputed by him:—

“I,....., do solemnly swear (*or* affirm)  
that I will faithfully discharge the duties of the  
office of President of Pakistan according to law,  
that I will bear true faith and allegiance to  
Pakistan, that I will preserve, protect and defend  
the Constitution, and that I will do right to all  
manner of people according to law without fear or  
favour, affection or ill-will.”

2. *Governor of a Province.*—An oath (*or* affirmation) in the following form shall be administered by the President or by some person deputed by him:—

“I,....., do solemnly swear (*or* affirm)

that I will faithfully discharge the duties of the office of Governor of the Province of..... according to law, that I will bear true faith and allegiance to Pakistan, that I will preserve, protect and defend the Constitution, and that I will do right to all manner of people according to law without fear or favour, affection or ill-will.”

3. *Prime Minister and other Ministers of the Federal Government.*—Oaths (or affirmations) in the following forms shall be administered by the President or by some person deputed by him:—

(a) *Oath (or affirmation) of office:*

“I,....., do solemnly swear (*or affirm*) that I will faithfully discharge the duties of the office of Prime Minister (*or Minister*) of the Federal Government, that I will bear true faith and allegiance to Pakistan, that I will preserve, protect and defend the Constitution. and that I will do right to all manner of people according to law without fear or favour, affection or ill-will.”

(b) *Oath (or affirmation) of secrecy:*

“I,....., do solemnly swear (*or affirm*) 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 (*or Minister*) of the Federal Government, except as may be required for the due discharge of my duties as Prime Minister (*or Minister*), or as may be specially permitted by the President acting in his discretion.”

4. *Chief Minister and other Ministers of a Province.*—Oaths (*or affirmations*) in the following forms shall be administered by the Governor of the Province or by some person deputed by him:—

(a) *Oath (or affirmation) of office:*

“I,....., do solemnly swear (*or affirm*) that I will faithfully discharge the duties of the office of Chief Minister (*or Minister*) of the Government of the Province of....., that I will bear true faith and allegiance to Pakistan, that I will preserve, protect and defend the Constitution, and that I will do right to all manner of people according to law without fear or favour, affection or ill-will.”

(b) *Oath (or affirmation) of secrecy:*

“I,....., do solemnly swear (*or affirm*) 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) of the Government of the Province of..... except as may be required for the due discharge of my duties as such Chief Minister (*or* Minister), or as may be specially permitted by the Governor of that Province acting in his discretion.”

**5. *Member of National Assembly or Provincial Assembly.*—**

An oath (*or* affirmation) in the following form shall be administered at a meeting of the respective Assembly by the person presiding:—

“I,....., having been elected a Member of the National Assembly (*or* Provincial Assembly of ..... ) do solemnly swear (*or* affirm) that I will bear true faith and allegiance to Pakistan and that I will faithfully discharge the duties upon which I am about to enter.”

**6. *Chief Justice or Judge of Supreme Court.*—**An oath (*or* affirmation) in the following form shall be administered by the President or by some person deputed by him:—

“I,....., having been appointed Chief Justice of Pakistan (*or* Judge of the Supreme Court), do solemnly swear (*or* affirm) that I will

faithfully perform the duties of the office to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will, that I will bear true faith and allegiance to Pakistan, and that I will preserve, protect and defend the Constitution and laws of Pakistan.”

7. *Chief Justice or Judge of a High Court.*—An oath (or affirmation) in the following form shall be administered by the Governor of the Province or by some person deputed by him:—

“I,....., having been appointed Chief Justice (or Judge) of the High Court of....., do solemnly swear (or affirm) that I will faithfully perform the duties of the office to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will, that I will bear true faith and allegiance to Pakistan, and that I will preserve, protect and defend the Constitution and laws of Pakistan.”

8. *Comptroller and Auditor-General.*—An oath (or affirmation) in the following form shall be administered by the President or by some person deputed by him:—

“I,....., having been appointed Comptroller and Auditor-General, do solemnly



**swear (*or* affirm) that I will bear true faith and allegiance to Pakistan and that I will faithfully perform the duties of the office to the best of my ability, knowledge and judgment.”**

## **THIRD SCHEDULE**

*(Articles 159 and 177)*

### **The Judiciary**

#### **PART I**

#### *The Supreme Court*

1. *Salary and allowance of Judges.*—(1) There shall be paid to the Chief Justice of Pakistan, a salary of Rs. 5,500 per mensem and to every other Judge of the Supreme Court, a salary of Rs. 5,100 per mensem.

(2) Every Judge of the Supreme Court shall be entitled to such other privileges and allowances, including allowances for expenses in respect of equipment and travelling on first appointment, 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 allowances, privileges and rights which immediately before the Constitution Day, were admissible to the Judges of the Federal Court, and for this purpose the provisions of the Government of India

(Federal Court) Order, 1937, shall, subject to the provisions of the Constitution, apply.

*2. Officers and servants of the Supreme Court.*—(1) Appointments of officers and servants of the Supreme Court shall be made by the Chief Justice of Pakistan, or such other Judge or officer of that court as he may direct, and shall be in accordance with rules framed by the Supreme Court, with the previous approval of the President.

(2) The conditions of service of officers and servants of the Supreme Court shall be such as may be prescribed by the rules made by the Supreme Court:

Provided that the rules, in so far as they relate to remuneration or leave, shall require the previous approval of the President.

*3. Rule-making power of the Supreme Court.*—(1) The Supreme Court may, with the previous approval of the President, make rules for regulating the practice and procedure of the court, including rules as to—

- (a) the persons practising before the court;
- (b) the conditions subject to which any judgment pronounced, or order made, by the court may be reviewed, and the procedure for such review, including the time within which applications for such review are to be entered;

- (c) the procedure for hearing appeals and applications to the court, including the time within which such appeals and applications are to be entered;
- (d) the entertainment of appeals under paragraph (c) of Article 159;
- (e) the costs of, and incidental to, any proceedings in the court;
- (f) the fees to be charged in respect of the proceedings in the court;
- (g) the procedure for summary determination of any appeal which appears to the court to be frivolous or vexatious, or brought for the purpose of causing delay;
- (h) the number of Judges who are to sit for any purpose, and the powers of Judges sitting alone and in any division of the court;
- (i) the stay of proceedings, and the granting of bail;
- (j) the procedure for enquiries and investigations referred to the court for opinion or report.

(2) No judgment shall be delivered and no report shall be made by the Supreme Court save in open court and with the concurrence of the majority of the Judges present at the hearing of the case, but nothing shall prevent a Judge who

does not concur from delivering a dissenting judgment or opinion.

(3) Subject to the provisions of any rules made under this paragraph, the Chief Justice of Pakistan shall determine which Judges are to constitute any division of the court and which Judges are to sit for any purpose.

## PART II

### *The High Courts*

4. *Salaries of Judges.*—(1) There shall be paid to the Chief Justice of a High Court a salary of Rs. 5,000 per mensem, and to every other Judge of that Court a salary of Rs. 4,000 per mensem.

(2) Every Judge of a High Court shall be entitled to such other privileges and allowances, including allowances for expenses in respect of equipment and travelling upon first appointment, 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 allowances, privileges and rights which immediately before the Constitution Day, were admissible to the Judges of the High Court, and the provisions of the Government of India (High Court Judges) Order, 1937, shall, subject to the provisions of the Constitution, apply.

5. *Administrative function of High Courts.*—(1) Each High Court shall have superintendence and control over all courts subject to its appellate or revisional jurisdiction.

(2) Without prejudice to the generality of the foregoing provision, the High Court may—

- (a) call for returns;
- (b) make and issue general rules, and prescribe forms for regulating the practice and procedure of such courts;
- (c) prescribe forms in which books, entries and accounts shall be kept by the officers of any such courts; and
- (d) settle tables of fees to be allowed to the sheriffs, attorneys, and all clerks and officers of such courts:

Provided that such rules, forms and tables shall not be inconsistent with the provisions of any law for the time being in force, and shall require the previous approval of the Governor.

*6. Officers and servants and expenses of the High Courts.—*

(1) Appointments of officers and servants of High Courts shall be made by the Chief Justice of the High Court or such other Judge or officer of the Court as he may direct, and shall be in accordance with the rules framed by the High Court with the previous approval of the Governor.

(2) Subject to the provisions of any Act of the Provincial Legislature, the conditions of service of officers and servants

of a High Court shall be such as may be prescribed by rules made by the High Court:

Provided that rules in so far as they relate to remuneration or leave shall require the previous approval of the Governor.

**7. *Right to practise in High Court.***—An advocate on the rolls of a High Court shall be entitled to act and plead in both the High Courts, and in all other courts subordinate thereto:

Provided that an advocate who has been struck off the rolls of a High Court shall not be entitled to act or plead in that court or in any other court subordinate thereto.

## FOURTH SCHEDULE

(Article 217)

### Temporary Provisions

#### PART I

#### *Remuneration and Privileges*

1. Until Parliament by law otherwise provides, the remuneration and other privileges of persons holding offices mentioned in column 1 of the Table below shall be the same as were admissible, immediately before the Constitution Day, to persons holding offices mentioned in the corresponding entries in column 2 of that Table.

**Table**

| Column 1                                     | Column 2                                   |
|--|--|
| President .. .. .                            | Governor-General.                          |
| Speaker of the National Assembly.            | Speaker of the Constituent Assembly.       |
| Prime Minister .. .. .                       | Prime Minister.                            |
| Minister of the Federal Government.          | Minister of the Governor-General.          |
| Minister of State of the Federal Government. | Minister of State of the Governor-General. |



**Table—Continued**

| Column 1                                   | Column 2                                    |
|--|---|
| Deputy Minister of the Federal Government. | Deputy Minister of the Governor-General.    |
| Deputy Speaker of the National Assembly.   | Deputy Speaker of the Constituent Assembly. |
| Member of the National Assembly.           | Member of the Constituent Assembly.         |
| Governor of a Province ..                  | Governor of the corresponding Province.     |

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## PART II

### *Provisions relating to Elections*

2. *Residence.*—(1) A person shall be deemed to be a resident in a constituency if he ordinarily resides in that constituency, or owns or is in possession of a dwelling house therein:

Provided that—

- (a) any person who holds the office of Minister of the Federal or a Provincial Government, or Speaker or Deputy Speaker of the National or a Provincial Assembly shall be deemed, during any period in which he holds such office, to be a resident in the constituency in which he would have been resident if he had not held such office;
- (b) any person who holds a public office, or is in the service of Pakistan, shall during any period for

which he holds such office or is employed in such service be deemed to be a resident in the constituency in which he would have been a resident if he had not held such office or had not been so employed.

(2) Where a person becomes qualified to have his name entered in the electoral roll of a constituency under the proviso to paragraph 2, his wife, if otherwise qualified, shall become so qualified.

3. (1) A person shall be qualified to be elected to the National Assembly if his name appears on the electoral roll of any constituency for that Assembly.

(2) A person shall be qualified to be elected to a Provincial Assembly if his name appears on the electoral roll of any constituency for that Assembly.

4. *Disqualifications for election to the National Assembly or a Provincial Assembly.*—(1) A person shall be disqualified for being elected or for being a member of the National Assembly or a Provincial Assembly—

(a) if he is of unsound mind, and stands so declared by a competent court;

(b) if he is an undischarged insolvent:

Provided that this disqualification shall cease after the expiration of ten years from the date on which he has been adjudged insolvent;

- (c) if he holds any office of profit in the service of Pakistan;
- (d) if he has been convicted or has, in proceedings for questioning the validity or regularity of an election, been found guilty of any offence or corrupt or illegal practice relating to elections which has been declared by law to be an offence or practice entailing disqualification for membership of the National Assembly or a Provincial Assembly, unless such period has elapsed as may be specified in that behalf by the provisions of that law;
- (e) if having been nominated as a candidate for election to the National Assembly or a Provincial Assembly, or having acted as election agent to any person so nominated, he has failed to lodge a return of election expenses within the time and in the manner required by law:

Provided that this disqualification shall not take effect until one month after the date on which the return ought to have been lodged, or until such time as the President in the case of a return relating to an election to the National Assembly, and the Governor, in the case of a return relating to an

election to a Provincial Assembly, may allow:  
Provided further that this disqualification shall cease  
when—

- (i) five years have elapsed since the date on which the return ought to have been lodged; or
- (ii) the disqualification is removed by the President, in the case of a return relating to an election to the National Assembly, and by the Governor, in the case of a return relating to an election to a Provincial Assembly;
- (f) if he has been convicted of any offence before the date of the establishment of the Federation by a court in British India, or on or after that date by a court in Pakistan, and sentenced to transportation or to imprisonment for not less than two years, unless a period of five years, or such less period as the President in the case of election to the National Assembly and the Governor in the case of election to a Provincial Assembly may allow in any particular case, has elapsed since his release;
- (g) if he has been dismissed for misconduct from the service of Pakistan on the recommendation of the Supreme Court, or a Public Service Commission:

Provided that this disqualification shall cease after the expiry of five years from the date of the dismissal,

or may, at any time within that period be removed by the Governor in the case of dismissal from a service of a Province, and by the President in any other case;

- (h) if he has ceased to be a citizen, or has voluntarily acquired the citizenship of a foreign State, or has made a declaration of allegiance or adherence to a foreign State.

(2) For the purpose of clause (c) of sub-paragraph (1) of this paragraph, the Judges of the Supreme and High Courts, and the Comptroller and Auditor-General shall be deemed to be holding offices of profit in the service of Pakistan.

### PART III

#### *Procedure and Privileges of the National Assembly*

5. *Rules of Procedure.*—Until rules have been framed by the Assembly under Article 55, the procedure of the National Assembly shall be regulated by the Rules of the Constituent Assembly functioning as Federal Legislature, in force immediately before the Constitution Day, subject to such amendments as may be made therein by the President.

6. *Privileges.*—Until an Act of Parliament is made in that behalf under Article 56, the privileges of the National Assembly, the committees and members thereof, and the persons authorized to speak therein shall be the same as

those of the Constituent Assembly in force immediately before the Constitution Day.

*7. Finance Committee.*—(1) The expenditure of the National Assembly, within the limits sanctioned under the Government of India Act, 1935, or within the limits of the Appropriation Act for the time being in force, shall be controlled by that Assembly, acting on the advice of its Finance Committee.

(2) The Finance Committee shall consist of the Speaker as Chairman, the Minister of Finance, and such other members as may be elected thereto by the National Assembly.

(3) The Finance Committee may make rules regulating its own procedure.

*8. Secretariat of the National Assembly.*—(1) The National Assembly shall have its own secretarial staff.

(2) Parliament may by law regulate the recruitment and conditions of service of persons appointed to the secretarial staff of the National Assembly.

(3) Until provision is made by Parliament, the President may, after consultation with the Speaker of the National Assembly, make rules regulating the recruitment and conditions of service of persons appointed to the secretarial staff of the National Assembly, and any rules so made shall have effect subject to the provisions of any law.

## PART IV

### *A—Remuneration and Privileges in the Provinces*

9. Until a Provincial Legislature by law otherwise provides, the remuneration and other privileges of persons holding offices mentioned in column 1 of the table below shall be the same as were admissible, immediately before the Constitution Day, to persons holding offices mentioned in the corresponding entries in column 2 of that table.

**Table**

| Column 1  | Column 2  |
|---|---|
| Chief Minister of a Provincial Government.          | Chief Minister of the Governor of the corresponding Province.             |
| Minister of a Provincial Government.                | Minister of the Governor of the corresponding Province.                   |
| Deputy Minister of a Provincial Government.         | Deputy Minister of the Governor of the corresponding Province.            |
| Parliamentary Secretary of a Provincial Government. | Parliamentary Secretary of the Governor of the corresponding Province.    |
| Speaker of a Provincial Assembly.                   | Speaker of the Legislative Assembly of the corresponding Province.        |
| Deputy Speaker of a Provincial Assembly.            | Deputy Speaker of the Legislative Assembly of the corresponding Province. |
| Member of a Provincial Assembly.                    | Member of the Legislative Assembly of the corresponding Province.         |

***B. Procedure and Privileges of a Provincial Assembly***

**10. Rules of Procedure.**—Until rules have been framed by the Assembly under Article 88, the procedure of a Provincial Assembly shall be regulated by the Rules of the corresponding Provincial Legislative Assembly in force immediately before the Constitution Day, subject to such amendments as may be made therein by the Governor.

**11. Privileges.**—Until an Act of the Provincial Legislature is made in that behalf under Article 89, the privileges of a Provincial Assembly, its members and committees, and the persons taking part in its proceedings shall be the same as those of the Legislative Assembly of that Province in force immediately before the Constitution Day.

**12. Finance Committee.**—(1) The expenditure of a Provincial Assembly, within the limits sanctioned under the Government of India Act, 1935, or within the limits of the Appropriation Act for the time being in force, shall be controlled by that Assembly acting on the advice of its Finance Committee.

(2) The Finance Committee shall consist of the Speaker, the Minister of Finance, and such other members as may be elected thereto by the Provincial Assembly.

(3) The Finance Committee may make rules regulating its own procedure.



**13. *Secretariat of the Provincial Assembly.***—(1) The Provincial Assembly shall have its own secretarial staff.

(2) The Provincial Legislature may by law regulate the recruitment and conditions of service of persons appointed to the staff of the Provincial Assembly.

(3) Until provision is made by the Provincial Legislature, the Governor may after consultation with the Speaker of the Legislative Assembly, make rules regulating the recruitment and the conditions of service of persons appointed to the secretarial staff of the Assembly, and any rules so made shall have effect subject to the provisions of any law.

## **FIFTH SCHEDULE**

*(Article 106)*

### **Federal List**

1. Defence of Pakistan and of every part thereof, and all acts and measures connected therewith.

The Naval, Military and Air Forces of the Federation and any other armed forces raised or maintained by the Government of the Federation; armed forces which are not forces of the Federation but are attached to or operating with any of the armed forces of the Federation; any other armed forces of the Federation, including civil armed forces.

Naval, Military and Air Force works.

Industries connected with defence; nuclear energy and mineral resources necessary for its production.

Delimitation of cantonment areas; local self-government in cantonment areas; constitution, powers and functions, within such areas, of cantonment authorities; control of

house accommodation (including control of rents) in such areas.

Manufacture of arms, firearms, ammunition and explosives.

2. Foreign affairs, including all matters which bring Pakistan into relation with any foreign country.

Diplomatic, consular and trade representation.

International organizations; participation in international bodies and implementing of decisions made threat.

War and peace; making and implementation of treaties, conventions, declarations and other agreements with foreign countries.

Foreign and extra-territorial jurisdiction; offences against the laws of nations; Admiralty jurisdiction; piracy and offences committed on the high seas and in the air.

Admission into and emigration and expulsion from Pakistan; extradition; passports; visas, permits and other such certificates; pilgrimages to places outside Pakistan, and by persons from outside Pakistan to places inside Pakistan; quarantine, including hospitals connected therewith; seamen's and marine hospitals.

3. Citizenship, naturalization and aliens.

4. Trade and commerce between the Provinces, and with foreign countries; import and export across customs frontiers.

5. Currency, coinage and legal tender; foreign exchange and negotiable instruments; State Bank of Pakistan; banking (excluding co-operative banking) with objects and business not confined to one Province.

6. Public debt of the Federation, and the borrowing of money on the security of the Federal Consolidated Fund; foreign loans.

7. Stock exchanges and futures markets with objects and business not confined to one Province.

8. Insurance and corporations, that is to say, incorporation, regulation and winding-up of corporations, whether trading or not (but not including co-operative societies or universities, or municipal and local bodies), with objects and business not confined to one Province.

9. Copyright, patents, designs and inventions; trade and merchandise marks; standards of quality for goods to be exported out of Pakistan.

10. Establishment of standards of weight and measure.

11. Navigation and shipping, including coastal shipping (but excluding coastal shipping confined to one Province); airways; aerodromes; aircraft and air navigation, and all matters connected therewith; light-houses and other provisions for the safety of shipping and aircraft.

12. Major ports, that is to say, the declaration and delimitation of such ports and the constitution and powers of port authorities therein; fishing and fisheries outside territorial waters.

13. Posts and all forms of telecommunications, including broadcasting and television; Post Office Savings Bank.

14. Industries, owned wholly or partially by the Federation, or by a corporation set up by the Federation.

15. Mineral oil and natural gas.

16. The constitution, organization, jurisdiction and powers of the Supreme Court (including contempt of such Court) and the fees taken therein; persons entitled to practise before the Supreme Court.

17. Elections to the National Assembly, to the Provincial Assemblies and to the office of President; the Election Commission.

18. Central intelligence and investigating organization; preventive detention for reasons connected with defence, foreign affairs, or the security of Pakistan; persons subjected to such detention.

19. Census; the survey of Pakistan; the Geological Surveys of Pakistan; Meteorological organizations.

20. Property of the Federation situated in any Province and the revenue therefrom.

21. Federal agencies and Federal institutions for the promotion of special studies and special research; libraries and museums financed by the Federation.

22. Federal Services, and the Federal Public Service Commission; Federal Pensions.

23. Remuneration of the President, Ministers, Ministers of State and Deputy Ministers of the Federal Government, Members, Speaker and Deputy Speaker of the National Assembly; remuneration of Comptroller and Auditor-General, Attorney-General and the Governors of Provinces.

24. Privileges and immunities of the President and Governors.

25. Powers, privileges and immunities of the National Assembly and of the members and the committees thereof, enforcement of attendance of persons for giving evidence or producing documents before committees of the National Assembly.

26. Duties of customs (including export duties); duties of excise (including duties on salt, but excluding alcoholic liquor, opium and other narcotics), corporation taxes and taxes on income other than agricultural income; estate and succession duties in respect of property other than agricultural land; taxes on the capital value of assets exclusive of agricultural land; taxes on sales and purchases; terminal taxes

on goods or passengers carried by sea or air; taxes on their fares and freights; taxes on mineral oil and natural gas.

27. Fees in respect of any of the matters in this List, excluding fees taken in courts.

28. Inquiries and statistics for the purpose of any of the matters in this List.

29. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List; offences against laws with respect to any of the matters in this List.

30. All matters which under the Constitution are within the legislative competence of Parliament, and matters incidental thereto.

### **Concurrent List**

#### **PART I**

1. Civil and criminal law, including the law of evidence and procedure, limitation, marriage and divorce, minors and infants; adoption, joint family and partition; all matters in respect of which parties in judicial proceedings were immediately before the Constitution Day subject to their personal law; wills, intestacy, succession, and transfer of property (excluding succession to and transfer of agricultural land); registration of deeds and documents; arbitration; contract; partnership; agency; bankruptcy and insolvency;

actionable wrongs; legal and medical professions; contempt of court; trusts and official trustees.

2. Scientific and industrial research.

3. Poisons and dangerous drugs.

4. Newspapers, books and printed publications; printing presses.

## PART II

5. Relations between employers and employees; trade unions; industrial and labour disputes; welfare of labour including conditions of work; provident fund; employers' liability; workmen's compensation; invalidity and old age pensions and maternity benefits; vocational and technical training of labour; social security and social insurance.

6. Measures to combat corruption.

7. Price control.

8. Relief and rehabilitation of refugees; custody, management and disposal of evacuee property.

9. Economic and social planning.

10. Commercial and industrial monopolies, combines and trusts.

11. Inter-provincial migration and quarantine.

12. Iron, steel, coal and mineral products, except mineral oil and natural gas.



13. Banking, insurance and corporations, subject to Federal List.

14. Stock exchanges and futures markets, subject to Federal List.

15. Ancient and historical monuments declared to be of national importance.

16. Arms, firearms, ammunition and explosives, subject to Federal List.

17. Inquiries and statistics for the purpose of any of the matters in this List.

18. Fees in respect of any of the matters in this List.

19. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List; offences against laws with respect to any of the matters in this List.

### **Provincial List**

1. Public order (but not including the use of naval, military or air forces, or any other armed forces of the Federation in aid of the civil power).

2. Administration of justice; constitution and organization of all courts, except the Supreme Court; procedure in Rent and Revenue courts; fees taken in all courts, except the Supreme Court.

3. Police, including Armed Police, Railway and Village Police.

4. Extension of the powers and jurisdiction of members of a Police Force belonging to any Province to any area

5. Preventive detention for reasons connected with the maintenance of public order; persons subjected to such detention.

6. Prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein; arrangements with other Provinces for the use of prisons and other institutions.

7. Removal from one Province to another Province of prisoners; vagrancy; criminal and nomadic tribes.

8. Land, that is to say, rights in or over land; land tenures, including the relation of landlord and tenant, and the collection of rents; transfer, alienation and devolution of agricultural land; land improvement and agricultural loans; colonization.

9. The incorporation, regulation, and winding-up of corporations, subject to Federal List; unincorporated trading; literary, scientific, religious and other societies and associations; co-operative societies.

10. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights and alienation of revenues.

11. Courts of Wards.

12. Works, lands and buildings vested in or in the possession of the Province.

13. Compulsory acquisition or requisitioning of property.

14. Agriculture, including agricultural education and research; protection against pests and prevention of plant diseases.

15. Local government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration.

16. Preservation, protection and improvement of stock, and prevention of animal diseases; veterinary training and practice.

17. Pounds and the prevention of cattle trespass.

18. Prevention of the extension from one Province to another of infectious or contagious diseases.

19. Water, including water supplies, irrigation and canals, drainage and embankments, water storage and water power; flood control.

20. Education, including Universities, technical education and professional training.

21. Libraries, museums and ancient and historical monuments.

22. Botanical, zoological and anthropological surveys.

23. Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions.

24. Theatres; cinemas; sports; entertainments and amusements.

25. Sanctioning of cinematograph films for exhibition.

26. Public health and sanitation; hospitals and dispensaries.

27. Registration of births and deaths.

28. Railways.

29. Communications not specified in the Federal List; roads, bridges, ferries and other means of communication, minor railways, tramways; ropeways; inland waterways and traffic thereon.

30. Shipping and navigation on tidal waters.

31. Coastal shipping confined to ports within one Province.

32. Vehicles, including mechanically-propelled vehicles.

33. Ports, subject to entry No. 12 in Federal List.

34. Burials and burial grounds; cremations and cremation grounds.

35. Relief of the disabled and unemployed.

36. Pilgrimages, subject to Federal List.

37. Intoxicating liquors, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors.

38. Cultivation, manufacture and sale of opium.

39. Industries.

40. Factories and boilers.

41. Regulation of mines and mineral development, subject to Federal List and Concurrent List.

42. Trade and commerce within the Province.

43. Production, manufacture, supply and distribution of goods.

44. Markets and fairs.

45. Weights and measures, except establishment of standards.

46. Manufacture, supply and distribution of salt.

47. Money-lending and money-lenders; relief of indebtedness.

48. Forests.

49. Protection of wild animals and birds.

50. Prevention of cruelty to animals.

51. Adulteration of food-stuffs and other goods.
52. Lotteries.
53. Betting and gambling.
54. Fisheries.
55. Treasure trove.
56. Electricity.
57. Gas and gas works.
58. Professions.
59. Inns and inn-keepers.
60. Provincial Public Services; Provincial Public Service Commission.
61. Provincial pensions.
62. Public debt of the Province.
63. Administrator-General.
64. Zakat.
65. Charities and charitable institutions; charitable and religious endowments.
66. Lunacy and mental deficiency including places for reception or treatment of lunatics and mental deficient.
67. Salaries and allowances of members, the Speaker and the Deputy Speaker of the Provincial Assembly; salaries and allowances of Ministers of the Provincial Government, and the Advocate-General.

68. Powers, privileges and immunities of the Provincial Assembly and of the members and the committees thereof; enforcement of attendance of persons for giving evidence or producing documents before committees of the Provincial Assembly.

69. Waqfs and mosques.

70. Orphanages and poorhouses.

71. Taxes on agricultural income and on the capital value of agricultural land.

72. Duties in respect of succession to agricultural land.

73. Stamp duty, including stamp duty on negotiable instruments and insurance policies.

74. Estate duty in respect of agricultural land.

75. Taxes on lands and buildings.

76. Taxes on mineral rights, subject to Federal List and to any limitations imposed by Parliament by law relating to mineral development.

77. Duties of excise on the following goods manufactured or produced in the Province and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in Pakistan:—

- (a) alcoholic liquors for human consumption;
- (b) opium, Indian hemp and other narcotic drugs and narcotics; non-narcotic drugs;

- (c) medicinal and toilet preparations containing alcohol or any substance included in sub-paragraph (b) of this entry.

78. Taxes on the entry of goods into a local area for consumption, use or sale therein.

79. Taxes on the consumption or sale of electricity.

80. Taxes on advertisements.

81. Taxes on the sale or purchase of newspapers.

82. Taxes on goods and passengers carried by road or on inland waterways.

83. Taxes on vehicles, whether mechanically-propelled or not, suitable for use on a road; on boats, launches and steamers on inland waters; on tram-cars.

84. Taxes on animals and boats.

85. Tolls.

86. Taxes on professions, trades, callings and employments.

87. Capitation taxes.

88. Taxes on luxuries, including taxes on entertainments, amusements, betting and gambling.

89. Terminal taxes on goods or passengers carried by railway.

90. Rates of stamp duty in respect of documents other than those specified in the provisions of Federal List with regard to rates of stamp duty.



91. Offences against laws with respect to any of the matters in this List.

92. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List.

93. Fees in respect of any of the matters in this List, but not including fees taken in any court.

94. Inquiries and statistics for the purpose of any of the matters in this List.

## **SIXTH SCHEDULE**

*(Article 222)*

### **Election of President under Article 222**

1. At any time before noon on the day preceding the day fixed for the election of the President, any member of the Assembly may propose a person for election by delivering to the Secretary of the Assembly a nomination paper signed by that member and stating that that person consents to the nomination.

2. Any person who has been nominated may withdraw his candidature at any time prior to the holding of the election.

3. On the day fixed for the election the person presiding over the Assembly shall read out to the Assembly the names of the persons who have been duly nominated and have not withdrawn their candidature, together with the names of their proposers, and, if there is only one such person, shall declare that person to be duly elected. If there is more than

one such person, the Assembly shall proceed to elect the President by secret ballot. The ballot shall be held in such manner as the person presiding over the Assembly may direct.

4. Where there are only two candidates for election, the candidate who obtains at the ballot the larger number of votes shall be declared elected. If two candidates obtain an equal number of votes, the determination of the election shall be by drawing of lots.

5. Where the number of persons who have been duly nominated and have not withdrawn their candidature exceeds two, and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election. Balloting shall then proceed, with the candidate obtaining the smallest number of votes at each ballot being excluded from the election until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates, as the case may be, and such candidate shall be declared elected.

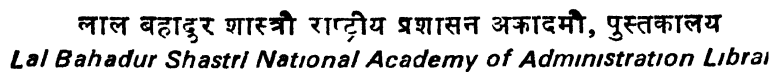
6. Where at any ballot any two or more candidates obtain an equal number of votes and one of them has to be excluded from the election under paragraph 5, the determination of the

question as to which of the candidates whose votes are equal is to be excluded shall be by drawing of lots.

7. The meeting of the Assembly at which the election takes place shall be presided over by the Speaker, or, if the Speaker is unable to preside, by the Deputy Speaker, or, if the Deputy Speaker is also unable to preside, by such person as may be determined by the Rules of the Assembly.

8. In this Schedule, “the Assembly” means, as respects the period before the Constitution Day, the Constituent Assembly, and as respects the period commencing on the Constitution Day, the National Assembly.





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