

Chaudhry's
Annotated

CONSTITUTION
OF
PAKISTAN, 1973

[Upto date and including all Amending Acts and Orders]

G. M. CHAUDHRY

Advocate High Court

Parliamentary & Legislative Counsel/Draftsman

LL. M. (ITL), M.A.(Political Science), M.A.(History), M.A.(English)

M.B.A. (Finance), D.T.L.(Pb.), D.L.L.(Pb.), D.I.P.L.(Pb.)

Certificate in Islamic Laws & Intl. Humanitarian Law

General Course on Intellectual Property (Switzerland)

Visiting Scholar, GIPA, USPTO, Washington, D.C., U.S.A.

All rights are reserved with the Author, Editor and Compiler. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form whatsoever or by any means, electronic, magnetic tape, mechanical, photocopying or otherwise, without prior permission in writing from the Author, Editor and Compiler.

Any person who infringes the above in relation to this publication may be liable to criminal prosecution and civil claims for damages.

Disclaimer

Efforts have been made to avoid errors and omissions in this book with due care and diligence. However, errors or omissions may creep in while editing or processing for computerization and printing. Any such mistake, error, discrepancy or omission may be brought to the notice of Author, Editor and Compiler or the Publisher which shall be rectified in the next edition.

Author, Editor and Compiler, Publisher, Printer or sellers are not responsible, directly or indirectly, for any consequences, damage or loss of action, consequential or incidental, to anyone, of any kind, in any manner, resulting therefrom the use of constitutional text or other related informative references in this Book as those are edited and compiled in good faith keeping utmost care and caution to make them error-free. However, in case of any confusion or difference original constitutional texts may be consulted and used.

Dedicated

to

all those who are making efforts for rule of law

and

constitutionalism in the Islamic Republic of Pakistan

and also to

my wife, sons Ahmad Yar and Hamid Yar and

daughter Sultan Bano who were not able to enjoy my company while I was

still at home but toiling hard to develop constitutional provisions after

incorporating amendments and developing foot notes with highest level of

concentration to maintain accuracy and authenticity.

Preface

I am a student of Political Science and Constitution since long. I am researching and teaching the Politics, Political Science, Constitutional Development, Constitutional and Comparative Constitutional and Governmental Systems for a long time at different colleges and universities but access to authentic sources to the Constitution of the Islamic Republic of Pakistan remained a gigantic task due to attitudinal and other problems with those who are custodians of such constitutional records. Sometimes unnecessary secrecy is being observed even to documents in public domain. I have faced such hardships during the search of different constitutional documents due to my inquisitive, researcher and scholastic mind. However, it has inculcated a will in my mind to produce a scholarly work highlighting and providing information about all aspects relating to the Constitution of Islamic Republic of Pakistan, 1973, and other documents relating and having constitutional significance and should be in access of researchers and scholars in the field of politics, governance and constitutional history. Easy access to different constitutional documents to the researchers, scholars, politicians, political analysts and commentators, and to general public in complete form may provide a unique opportunity to all to review and analyze different constitutional provisions in their actual context in timeframe as well as help them to arrive on their own conclusions instead of coloured constitutional opinions by some constitutional experts and analysts having their vested interests to gain political benefits by distortion of constitutional provisions as per their sweet will and political designs. This is the basic objective behind this big research work.

It is also relevant to mention that it is very difficult to get an authentic text of the Constitution of Pakistan from the market and there are so many errors or omissions creating bad taste for a researcher or scholar in the high profile field of constitution and constitutional law in the presence of ill-edited books or books containing such references which are leading nowhere except to cause confusion and ambiguity which a researcher or scholar cannot afford while sparing his precious time for study of constitution, constitutional system or constitutional law in its developing or evolutionary perspective. This weakness requires a serious and well-planned effort in the field of Constitution and Constitutional Law to facilitate researchers and scholars. Although it is not an easy task, however, after all someone has to do it with all sincerity and commitment.

Enactment of the Constitution of the Islamic Republic of Pakistan by the National Assembly of Pakistan on the 10th of April, 1973, its authentication by the President of the National Assembly on the 12th of April, 1973, and its formal commencement and enforcement on the Day of Independence i.e. the 14th August, 1973, is a milestone in political and constitutional history of Pakistan. However,

having a Constitution and its enforcement does not mean that there is the constitutional rule in a state. Still there is a need to make whole-hearted efforts to make the Islamic Republic of Pakistan a state being ruled according to the Constitution. I, being a student and researcher in the field of Political Science and History can simply say that the present Constitution of Pakistan is the best constitutional document, with all democratic or dictatorial onslaughts and distortions to its true spirit and intent, in the surviving and archived constitutional documents of the world but lack of political will and deviation from Rule of Law which is actual motive behind this social contract, there was not a single day during its enforcement when provisions of the Constitution have prevailed on personal or political whims. Our political history is full of incidents of compromises on constitutional principles and bad intentions on different pretexts to violate and deviate from the true intent of constitutional provisions.

During its shortest period of enactment, the Constitution of the Islamic Republic of Pakistan, 1973, has faced dictatorial challenges which are, in fact, attempts to distort its parliamentary character to presidential form. However, such constitutional adventures have been challenged by the Parliament according to their latent or patent strength and power to bring back some provisions in their original form at some extent. But still such amended provisions themselves are reflecting the conflict between dictatorships and constitution loving parliamentary forces.

All constitution amendment Act have been enacted by the Parliament by following the constitutional amendment procedure given in Article 239 of the Constitution whereas all constitutional amendment Orders have been made and promulgated during the period when the Constitution of the Islamic Republic of Pakistan, 1973, was held in abeyance or not in force due to extra-constitutional measures. Detailed information about these Acts and Orders has been provided in Annexures at the end of text of the Constitution in this book.

Constitutional development and evolution of the Constitution of the Islamic Republic of Pakistan may be divided into the following periods :

- (1) Amendments made during the period from 1973 to 1977;
- (2) Amendments made during the period from 1977 to 1985 (when the Constitution remained in abeyance and Martial Law was imposed in the country and the Constitution was revived with certain dictatorial amendments);
- (3) Amendments made during the period from 1985 to 1999 (Parliament was there and made different amendments including the Constitution (Eighth Amendment) Act, 1985;
- (4) Amendments made during the period from 1999 to 2002 (when again the Constitution was held in abeyance and restored in 2002 with certain dictatorial amendments);

- (5) Amendments made during the period from 2002 to 2007 (Parliament was there and enacted the Constitution (Seventeenth Amendment) Act, 2003;
- (6) Amendments made during the period from the 3rd November to 15th December, 2007 (when again the Constitution was held in abeyance for a short time during a parliamentary regime).

Following constitutional amending Acts have been enacted by the Parliament during the first period :

- (i) the Constitution (First Amendment) Act, 1974 (Act No. XXXIII of 1974);
- (ii) the Constitution (Second Amendment) Act, 1974 (Act No. XLIX of 1974);
- (iii) the Constitution (Third Amendment) Act, 1975 (Act No. XXII of 1975);
- (iv) the Constitution (Fourth Amendment) Act, 1975 (Act No. LXXI of 1975);
- (v) the Constitution (Fifth Amendment) Act, 1976 (Act No. LXII of 1976);
- (vi) the Constitution (Sixth Amendment) Act, 1976 (Act No. LXXXIV of 1976); and
- (vii) the Constitution (Seventh Amendment) Act, 1977 (Act No. XXIII of 1977).

Following constitutional amending Orders have been made during the second period :

- (i) the Constitution (Amendment) Order, 1979 (President's Order No. 3 of 1979);
- (ii) the Constitution (Second Amendment) Order, 1979 (President's Order No. 21 of 1979);
- (iii) the Constitution (Amendment) Order, 1980 (President's Order No. 1 of 1980);
- (iv) the Constitution (Second Amendment) Order, 1980 (President's Order No. 4 of 1980);
- (v) the Constitution (Third Amendment) Order, 1980 (President's Order No. 14 of 1980);
- (vi) the Constitution (Fourth Amendment) Order, 1980 (President's Order No. 16 of 1980);
- (vii) the Constitution (Amendment) Order, 1981 (President's Order No. 5 of 1981);
- (viii) the Constitution (Second Amendment) Order, 1981 (President's Order No. 7 of 1981);
- (ix) the Constitution (Third Amendment) Order, 1981 (President's Order No. 12 of 1981);

- (x) the Constitution (Fourth Amendment) Order, 1981
(President's Order No. 13 of 1981);
- (xi) the Constitution (Fifth Amendment) Order, 1981
(President's Order No. 14 of 1981);
- (xii) the Constitution (Amendment) Order, 1982
(President's Order No. 2 of 1982);
- (xiii) the Constitution (Second Amendment) Order, 1982
(President's Order No. 5 of 1982);
- (xiv) the Constitution (Third Amendment) Order, 1982
(President's Order No. 12 of 1982);
- (xv) the Constitution (Fourth Amendment) Order, 1982
(President's Order No. 13 of 1982);
- (xvi) the Constitution (Amendment) Order, 1983
(President's Order No. 4 of 1983);
- (xvii) the Constitution (Second Amendment) Order, 1983
(President's Order No. 7 of 1983);
- (xviii) the Constitution (Third Amendment) Order, 1983
(President's Order No. 9 of 1983);
- (xix) the Constitution (Amendment) Order, 1984
(President's Order No. 1 of 1984);
- (xx) the Constitution (Second Amendment) Order, 1984
(President's Order No. 2 of 1984);
- (xxi) the Constitution (Amendment) Order, 1985
(President's Order No. 6 of 1985);
- (xxii) the Constitution (Amendment) Order, 1985
(President's Order No. 11 of 1985);
- (xxiii) the Revival of the Constitution of 1973 Order, 1985
(President's Order No. 14 of 1985);
- (xxiv) the Constitution (Second Amendment) Order, 1985
(President's Order No. 20 of 1985); and
- (xxv) the Constitution (Third Amendment) Order, 1985
(President's Order No. 24 of 1985).

Following constitutional amending Acts have been enacted by the Parliament during the third period :

- (i) the Constitution (Eighth Amendment) Act, 1985
(Act No. XVIII of 1985);
- (ii) the Constitution (Tenth Amendment) Act, 1987
(Act No. I of 1987);
- (iii) the Constitution (Twelfth Amendment) Act, 1991
(Act No. XIV of 1991);
- (iv) the Constitution (Thirteenth Amendment) Act, 1997
(Act No. I of 1997);
- (v) the Constitution (Fourteenth Amendment) Act, 1997

- (vi) (Act No. XXIV of 1997); and
the Constitution (Sixteenth Amendment) Act, 1999
(Act No. VII of 1999);

Following constitutional amending Orders have been made during the fourth period :

- (i) the Legal Framework Order, 2002
(Chief Executive's Order No. 24 of 2002);
- (ii) the Legal Framework (Amendment) Order, 2002
(Chief Executive's Order No. 29 of 2002); and
- (iii) the Legal Framework (Second Amendment) Order, 2002
(Chief Executive's Order No. 32 of 2002).

Following constitutional amending Act has been enacted by the Parliament during the fifth period :

The Constitution (Seventeenth Amendment) Act, 2003
(Act No. III of 2003).

Following constitutional amending Orders have been made during the sixth period :

- (i) the Constitution (Amendment) Order, 2007
(President's Order No. 5 of 2007); and
- (ii) the Constitution (Second Amendment) Order, 2007
(President's Order No. 6 of 2007).

The above division of constitutional development and evolution is not final and conclusive as every researcher has a right to follow his own method keeping in view his purpose of constitutional analysis.

Irrespective of the political intent behind constitutional provisions, this book is providing its readers a historical development of every constitutional provision in its chronological order since the commencement of the Constitution of the Islamic Republic of Pakistan. Basic scheme adopted is that the original Articles of the Constitution which have not been amended so far are reproduced as they are at the time of enactment. Different Articles which have been amended from time to time are reproduced in foot notes in their chronological order giving the original Article first, their amended forms in their sequence in timeframe upto second last, as the last amendment is incorporated and reflected in the original text of the relevant Articles as it stands today after all amendments.

During the development and evolutionary process of the Constitution of Pakistan, 1973, many clauses of different Articles have been amended or some Articles have been substituted *in toto* afresh. Similarly, a few Articles have been omitted. In case of amendments, it is the intellectual curiosity to find out the original

or pre-amendment clause or Article or in case of substitution, to have access to the original provision or provision existing before such substitution to compare the existing provision with substituted or amended provision to analyze the difference created during amending process and intention of the Parliament for such amendment. Although omission of a provision is very simple to understand but very difficult to compare the reasoning for such omission without having access to omitted clause or Article. An attempt has been made to reproduce original clauses or Articles as they stand after amendment or reproduce omitted clause or Article as they existed immediately before such omission. This technique is providing complete historical and chronological information and overview of each and every clause or Article amended, substituted or omitted since 1973 after the commencement of the Constitution. Annexure – V is a comprehensive document which is reflecting all changes made in each Article of the Constitution except omnibus amendments which are reflected and mentioned separately.

Annotation about different amendments in the Constitution and Amending Act or Orders is given with complete information about its sources including number of amending Act or Order, day, date of commencement, date of publication in the Gazette of Pakistan along with relevant page or pages of the Gazette of Pakistan to help the readers and researchers to access original constitutional sources easily first time in the history of legal and constitutional publications in Pakistan. Although it is relevant to point out that it is a Herculean task to have access to original sources and documents in our country due to different reasons and attitudinal problems with keepers of such records even in the presence of the Freedom of Information Ordinance.

The unique aspect of this book is the ready references of different laws or rules made under different enabling provisions of the Constitution as a first ever effort from this aspect. Although these references are not conclusive and complete but necessary references have been incorporated. However, if you feel that there is some irrelevant reference, it may be ignored being my personal point of view.

Constitution is a vast subject which may be discussed and analyzed from different perspectives to highlight different aspects for different purposes. But the purpose of legislative development of the Constitution of the Islamic Republic of Pakistan is to provide brief information about different amending Acts or Orders in their chronological order to make it more beneficial for researchers, scholars and students of politics and political science to get information about constitutional development and evolution of the Constitution of Pakistan, 1973, in an easy manner. However, I am still carrying on my research to produce a comprehensive treatise on the historical development of constitutional governance in Pakistan since 1947, with all its fundamental foundations in British India and the Westminster system of Parliamentary democracy sometime in future.

It is hoped that it will be a useful publication for the legal practitioners in the field of the Constitution, political and constitutional analysts and experts, students, researchers, scholars and academicians in the field of the Constitution of Pakistan and Constitutional Law in Pakistan.

It is also relevant to mention that every effort has been made to reproduce text of the Constitution of Pakistan, 1973, as it exists in original documents incorporating all amendments made from time to time with error-free references but after all “To err, is human”. There is possibility of errors and omissions but all it will be without any bad intention. However, I shall be thankful to all such readers of this book who will point out all such errors or omissions for rectification in future editions of this book for producing the most authentic version of the Constitution of the Islamic Republic of Pakistan, 1973. Cooperation, guidance, assistance and valuable comments of the esteemed readers of this publication will be a source of inspiration and tremendous benefit for me.

All suggestions and comments will be welcomed for improvement of quality of this work. I shall also be ready and available for all such authorities who intend to amend or update their laws, rules and regulations for the benefit of general public with all guidance, advice and my expertise in the field of Legislative Drafting.

You may also send me or our firm your messages electronically at my or their e-mail addresses or by calling on my or their telephone numbers given below on this page. Your questions and queries will also be answered and advice about any legal and constitutional aspect will also be provided whole-heartedly.

Rawalpindi,
June, 2008.

G. M. Chaudhry
Parliamentary & Legislative Counsel/Draftsman
Advocate High Court
Governance & Regulatory Consultant
E-mail : gmchaudhry2001@hotmail.com
Phone : 0333-5152901

Legal Advisors and Consultants

Chaudhry & Chaudhry Associates
E-mail : chaudhry_chaudhry@hotmail.com
Phone & Fax : 051-4478717

Acknowledgement

The Author, Editor and Compiler is thankful to all those friends, experts, professionals and well-wishers whose active advice and guidance make me able to produce this work and have guided me during the process of editing and compilation of the most authentic text of the Constitution of the Islamic Republic of Pakistan, 1973, incorporating all amendments made therein from time to time.

Chaudhry's
Annotated
Constitution of Pakistan, 1973

C O N T E N T S

S. No.	Description	Page No.
	<i>Dedication</i>	<i>iii</i>
	<i>Preface</i>	<i>iv</i>
	<i>Acknowledgement</i>	<i>xi</i>

**The Constitution of the
Islamic Republic of Pakistan**

The Constitution of the Islamic Republic of Pakistan, 1973

Annexures

**Details of Constitutional Amendments Made During
Different Periods Since 1973 - 2008**

- I Constitution Amendment Acts enacted by the Parliaments during the 1973-2008
- II Constitution Amendment Orders made and promulgated by General M. Zia-ul-Haq, President and C.M.L.A. during the 1979-1985
- III Constitution Amendment Orders made and promulgated by General Pervez Musharraf, Chief Executive, President and Chief of the Army Staff during the 1999-2002

- IV Constitution Amendment Orders made and promulgated by General Pervez Musharraf, President and Chief of the Army Staff in November and December, 2007
 - V Amendments made in the Constitution of the Islamic Republic of Pakistan, 1973 – Article-wise details
-

**THE
CONSTITUTION
OF
THE
ISLAMIC REPUBLIC OF
PAKISTAN, 1973**

**Article
No.**

CONTENTS

**Page
No.**

PREAMBLE

PART I

INTRODUCTORY

1. The Republic and its territories
2. Islam to be State religion
- 2A. The Objectives Resolution to form part of substantive provisions
3. Elimination of exploitation
4. Right of individuals to be dealt with in accordance with law, etc.
5. Loyalty to State and obedience to Constitution and law
6. High treason

PART II

**FUNDAMENTAL RIGHTS AND
PRINCIPLES OF POLICY**

7. Definition of the State

CHAPTER 1.– FUNDAMENTAL RIGHTS

8. Laws inconsistent with or in derogation of Fundamental Rights to be void
9. Security of person

10. Safeguards as to arrest and detention
11. Slavery, forced labour, etc., prohibited
12. Protection against retrospective punishment
13. Protection against double punishment and self-incrimination
14. Inviolability of dignity of man, etc.
15. Freedom of movement, etc.
16. Freedom of assembly
17. Freedom of association
18. Freedom of trade, business or profession
19. Freedom of speech, etc.
20. Freedom to profess religion and to manage religious institutions
21. Safeguard against taxation for purposes of any particular religion
22. Safeguards as to educational institutions in respect of religion, etc.
23. Provision as to property
24. Protection of property rights
25. Equality of citizens
26. Non-discrimination in respect of access to public places
27. Safeguard against discrimination in services
28. Preservation of language, script and culture

CHAPTER 2.– PRINCIPLES OF POLICY

29. Principles of Policy
30. Responsibility with respect to Principles of Policy
31. Islamic way of life
32. Promotion of local Government institutions
33. Parochial and other similar prejudices to be discouraged
34. Full participation of women in national life

35. Protection of family, etc.
36. Protection of minorities
37. Promotion of social justice and eradication of social evils
38. Promotion of social and economic well-being of the people
39. Participation of people in Armed Forces
40. Strengthening bonds with Muslim world and promoting international peace

PART III

THE FEDERATION OF PAKISTAN

CHAPTER 1.– THE PRESIDENT

41. The President
42. Oath of President
43. Conditions of President's office
44. Term of office of President
45. President's power to grant pardon, etc.
46. Duties of Prime Minister in relation to President
47. Removal or impeachment of President
48. President to act on advice, etc.
49. Chairman or Speaker to act as, or perform functions of, President

CHAPTER 2.– THE MAJLIS-E-SHOORA (PARLIAMENT)

Composition, Duration and Meetings of Majlis-e-Shoora (Parliament)

50. Majlis-e-Shoora (Parliament)
51. National Assembly

52. Duration of National Assembly
53. Speaker and Deputy Speaker of National Assembly
54. Summoning and prorogation of Majlis-e-Shoora (Parliament)
55. Voting in Assembly and quorum
56. Address by President
57. Right to speak in Majlis-e-Shoora (Parliament)
58. Dissolution of National Assembly
59. The Senate
60. Chairman and Deputy Chairman
61. Other provisions relating to Senate

***Provisions as to Members of Majlis-e-Shoora
(Parliament)***

62. Qualifications for membership of Majlis-e-Shoora (Parliament)
63. Disqualifications for membership of Majlis-e-Shoora (Parliament)
- 63A. Disqualification on grounds of defection, etc.
64. Vacation of seats
65. Oath of members
66. Privileges of members, etc.

Procedure Generally

67. Rules of procedure, etc.
68. Restriction on discussion in Majlis-e-Shoora (Parliament)
69. Courts not to inquire into proceedings of Majlis-e-Shoora (Parliament)

Legislative Procedure

70. Introduction and passing of Bills
71. Mediation Committee
72. Procedure at joint sittings
73. Procedure with respect to Money Bills
74. Federal Government's consent required for financial measures
75. President's assent to Bills
76. Bill not to lapse on prorogation, etc.
77. Tax to be levied by law only

Financial Procedure

78. Federal Consolidated Fund and Public Account
79. Custody, etc., of Federal Consolidated Fund and Public Account
80. Annual Budget Statement
81. Expenditure charged upon Federal Consolidated Fund
82. Procedure relating to Annual Budget Statement
83. Authentication of schedule of authorized expenditure
84. Supplementary and excess grants
85. Votes on account
86. Power to authorize expenditure when Assembly stands dissolved
87. Secretariats of Majlis-e-Shoora (Parliament)
88. Finance Committees

Ordinances

89. Power of President to promulgate Ordinances

CHAPTER 3.– THE FEDERAL GOVERNMENT

- 90. Exercise of executive authority of the Federation
- 91. The Cabinet
- 92. Federal Ministers and Ministers of State
- 93. Advisers
- 94. Prime Minister continuing in office
- 95. Vote of no-confidence against Prime Minister
- 96. *Vote of no-confidence against Prime Minister – [Omitted]*
- 96A. *Referendum as to confidence in Prime Minister – [Omitted]*
- 97. Extent of executive authority of Federation
- 98. Conferring of functions on subordinate authorities
- 99. Conduct of business of Federal Government
- 100. Attorney-General for Pakistan

PART IV

PROVINCES

CHAPTER 1.– THE GOVERNORS

- 101. Appointment of Governor
- 102. Oath of Office
- 103. Conditions of Governor's office
- 104. Acting Governor
- 105. Governor to act on advice, etc.

CHAPTER 2.– PROVINCIAL ASSEMBLIES

106. Constitution of Provincial Assemblies
107. Duration of Provincial Assembly
108. Speaker and Deputy Speaker
109. Summoning and prorogation of Provincial Assembly
110. Right of Governor to address Provincial Assembly
111. Right to speak in Provincial Assembly
112. Dissolution of Provincial Assembly
113. Qualifications and disqualifications for membership of Provincial Assembly
114. Restriction on discussion in Provincial Assembly
115. Provincial Government's consent required for financial measures
116. Governor's assent to Bills
117. Bill not to lapse on prorogation, etc.

Financial Procedure

118. Provincial Consolidated Fund and Public Account
119. Custody, etc., of Provincial Consolidated Fund and Public Account
120. Annual Budget Statement
121. Expenditure charged upon Provincial Consolidated Fund
122. Procedure relating to Annual Budget Statement
123. Authentication of schedule of authorized expenditure
124. Supplementary and excess grant
125. Votes on account
126. Power to authorize expenditure when Assembly stands dissolved
127. Provisions relating to National Assembly, etc., to apply to Provincial Assembly, etc.

Ordinances

128. Power of Governor to promulgate Ordinances

CHAPTER 3.– THE PROVINCIAL GOVERNMENTS

129. Exercise of executive authority of the Province
130. The Cabinet
131. Duties of Chief Minister in relation to Governor
132. Provincial Ministers
133. Chief Minister continuing in office
134. *Resignation by Chief Minister – [Omitted]*
135. *Provincial Minister performing functions of Chief Minister –
[Omitted]*
136. Vote of no-confidence against Chief Minister
137. Extent of executive authority of Province
138. Conferring of functions on subordinate authorities
139. Conduct of business of Provincial Government
140. Advocate-General for a Province
140A. Local Government

PART V

RELATIONS BETWEEN FEDERATION AND PROVINCES

CHAPTER 1.– DISTRIBUTION OF LEGISLATIVE POWERS

141. Extent of Federal and Provincial laws
142. Subject-matter of Federal and Provincial laws

- 143. Inconsistency between Federal and Provincial laws
- 144. Power of Majlis-e-Shoora (Parliament) to legislate for two or more Provinces by consent

CHAPTER 2.– ADMINISTRATIVE RELATIONS BETWEEN FEDERATION AND PROVINCES

- 145. Power of President to direct Governor to discharge certain functions as his Agent
- 146. Power of Federation to confer powers, etc., on Provinces, in certain cases
- 147. Power of the Provinces to entrust functions to the Federation
- 148. Obligation of Provinces and Federation
- 149. Directions to Provinces in certain cases
- 150. Full faith and credit for public acts, etc.
- 151. Inter-Provincial trade
- 152. Acquisition of land for Federal purposes

CHAPTER 3.– SPECIAL PROVISIONS

- 152A. *National Security Council – [Omitted]*
- 153. Council of Common Interests
- 154. Functions and rules of procedure
- 155. Complaints as to interference with water supplies
- 156. National Economic Council
- 157. Electricity
- 158. Priority of requirements of natural gas
- 159. Broadcasting and telecasting

PART VI

**FINANCE, PROPERTY, CONTRACTS
AND
SUITS**

CHAPTER 1.– FINANCE

*Distribution of Revenues between the Federation and
the Provinces*

- 160. National Finance Commission
- 161. Natural gas and hydro-electric power
- 162. Prior sanction of President required to Bills affecting taxation in which Provinces are interested
- 163. Provincial taxes in respect of professions, etc.

Miscellaneous Financial Provisions

- 164. Grants out of Consolidated Fund
- 165. Exemption of certain public property from taxation
- 165A. Power of Majlis-e-Shoora (Parliament) to impose tax on the income of certain corporations, etc.

CHAPTER 2.– BORROWING AND AUDIT

- 166. Borrowing by Federal Government
- 167. Borrowing by Provincial Government

Audit and Accounts

- 168. Auditor-General of Pakistan
- 169. Functions and powers of Auditor-General
- 170. Power of Auditor-General to give directions as to accounts
- 171. Reports of Auditor-General

**CHAPTER 3.– PROPERTY, CONTRACTS,
LIABILITIES AND SUITS**

- 172. Ownerless property
- 173. Power to acquire property and to make contracts, etc.
- 174. Suits and proceedings

PART VII

THE JUDICATURE

CHAPTER 1.– THE COURTS

- 175. Establishment and jurisdiction of courts

**CHAPTER 2.– THE SUPREME COURT OF
PAKISTAN**

- 176. Constitution of Supreme Court
- 177. Appointment of Supreme Court Judges
- 178. Oath of Office
- 179. Retiring age
- 180. Acting Chief Justice
- 181. Acting Judges
- 182. Appointment of *ad hoc* Judges
- 183. Seat of the Supreme Court
- 184. Original jurisdiction of Supreme Court
- 185. Appellate jurisdiction of Supreme Court
- 186. Advisory jurisdiction
- 186A. Power of Supreme Court to transfer cases

- 187. Issue and execution of processes of Supreme Court
- 188. Review of judgements or orders by the Supreme Court
- 189. Decisions of Supreme Court binding on other Courts
- 190. Action in aid of Supreme Court
- 191. Rules of procedure

CHAPTER 3.– THE HIGH COURTS

- 192. Constitution of High Court
- 193. Appointment of High Court Judges
- 194. Oath of Office
- 195. Retiring age
- 196. Acting Chief Justice
- 197. Additional Judges
- 198. Seat of the High Court
- 199. Jurisdiction of High Court
- 200. Transfer of High Court Judges
- 201. Decision of High Court binding on subordinate courts
- 202. Rules of procedure
- 203. High Court to superintend subordinate courts

CHAPTER 3A.– FEDERAL SHARIAT COURT

- 203A. Provisions of Chapter to override other provisions of Constitution
- 203B. Definitions
- 203C. The Federal Shariat Court
- 203CC. *Panel of Ulema and Ulema members – [Omitted]*
- 203D. Powers, jurisdiction and functions of the Court

- 203DD. Revisional and other jurisdiction of the Court
- 203E. Powers and procedure of the Court
- 203F. Appeal to Supreme Court
- 203G. Bar of jurisdiction
- 203GG. Decision of Court binding on High Court and courts subordinate to it
- 203H. Pending proceedings to continue, etc.
- 203I. *Administrative arrangements, etc. – [Omitted]*
- 203J. Power to make rules

CHAPTER 4.– GENERAL PROVISIONS RELATING TO THE JUDICATURE

- 204. Contempt of Court
- 205. Remuneration, etc., of Judges
- 206. Resignation
- 207. Judge not to hold office of profit, etc.
- 208. Officers and servants of Courts
- 209. Supreme Judicial Council
- 210. Power of Council to enforce attendance of persons, etc.
- 211. Bar of jurisdiction
- 212. Administrative Courts and Tribunals
- 212A. *Establishment of Military Courts or Tribunals – [Omitted]*
- 212B. *Establishment of Special Courts for trial of heinous offences – [Omitted]*

PART VIII

ELECTIONS

CHAPTER 1.– CHIEF ELECTION COMMISSIONER AND ELECTION

COMMISSIONS

- 213. Chief Election Commissioner
- 214. Commissioner's oath of office
- 215. Term of office of Commissioner
- 216. Commissioner not to hold office of profit
- 217. Acting Commissioner
- 218. Election Commission
- 219. Duties of Commissioner
- 220. Executive Authorities to assist Commission, etc.
- 221. Officers and servants

CHAPTER 2.– ELECTORAL LAWS AND CONDUCT OF ELECTIONS

- 222. Electoral laws
- 223. Bar against double membership
- 224. Time of election and bye-election
- 225. Election dispute
- 226. Elections to be by secret ballot

PART IX

ISLAMIC PROVISIONS

- 227. Provisions relating to the Holy Quran and Sunnah
- 228. Composition, etc., of Islamic Council
- 229. Reference by Majlis-e-Shoora (Parliament), etc., to Islamic Council
- 230. Functions of the Islamic Council
- 231. Rules of procedure

PART X

EMERGENCY PROVISIONS

- 232. Proclamation of emergency on account of war, internal disturbance, etc.
- 233. Power to suspend Fundamental Rights, etc., during emergency period
- 234. Power to issue Proclamation in case of failure of Constitutional machinery in a Province
- 235. Proclamation in case of financial emergency
- 236. Revocation of Proclamation, etc.
- 237. Majlis-e-Shoora (Parliament) may make laws of indemnity, etc.

PART XI

AMENDMENT OF CONSTITUTION

- 238. Amendment of Constitution
- 239. Constitution amendment Bill

PART XII

MISCELLANEOUS

CHAPTER 1.– SERVICES

- 240. Appointments to service of Pakistan and conditions of service
- 241. Existing rules, etc., to continue

242. Public Service Commission

CHAPTER 2.– ARMED FORCES

243. Command of Armed Forces

244. Oath of Armed Forces

245. Functions of Armed Forces

CHAPTER 3.– TRIBAL AREAS

246. Tribal Areas

247. Administration of Tribal Areas

CHAPTER 4.– GENERAL

248. Protection to President, Governor, Minister, etc.

249. Legal proceedings

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

251. National language

252. Special provisions in relation to major ports and aerodrome

253. Maximum limits as to property, etc.

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

255. Oath of Office

256. Private armies forbidden

257. Provision relating to the State of Jammu and Kashmir

258. Government of territories outside Provinces

259. Awards

CHAPTER 5.– INTERPRETATION

- 260. Definitions
- 261. Person acting in office not to be regarded as successor to previous occupant of office, etc.
- 262. Gregorian calendar to be used
- 263. Gender and number
- 264. Effect of repeal of laws

CHAPTER 6.– TITLE, COMMENCEMENT AND REPEAL

- 265. Title of Constitution and commencement
- 266. Repeal

CHAPTER 7.– TRANSITIONAL

- 267. Power of President to remove difficulties
- 268. Continuance in force, and adaptation of certain laws
- 269. Validation of laws, acts, etc.
- 270. Temporary validation of certain laws, etc.
- 270A. Affirmation of President's Orders, etc.
- 270AA. Validation and affirmation of Laws etc.
- 270AAA. Validation and affirmation of laws etc.
- 270B. Elections to be deemed to be held under Constitution
- 270C. Oath of office of Judges, etc.
- 271. First National Assembly
- 272. First Constitution of Senate
- 273. First Provincial Assembly
- 274. Vesting of property, assets, rights, liabilities and obligations
- 275. Continuance in office of persons in service of Pakistan, etc.
- 276. Oath of first President

- 277. Transitional Financial Provisions
- 278. Accounts not audited before commencing day
- 279. Continuance of Taxes
- 280. Continuance of Proclamation of Emergency

ANNEX SCHEDULES

FIRST SCHEDULE	Laws exempted from the operation of Article 8(1) and (2)
SECOND SCHEDULE	Election of President
THIRD SCHEDULE	Oaths of Office
FOURTH SCHEDULE	Legislative Lists
FIFTH SCHEDULE	Remuneration and terms and conditions of service of Judges
SIXTH SCHEDULE	Laws not to be altered, repealed or amended without the previous sanction of the President
SEVENTH SCHEDULE	Laws to be amended in the manner provided for amendment of the Constitution
