



PAKISTAN INSTITUTE FOR PARLIAMENTARY SERVICES
Dedicated to Parliamentary Excellence

**CONSTITUTION
18th AMENDMENT ACT
2010
AND
DEVOLUTION**

Participants' Book

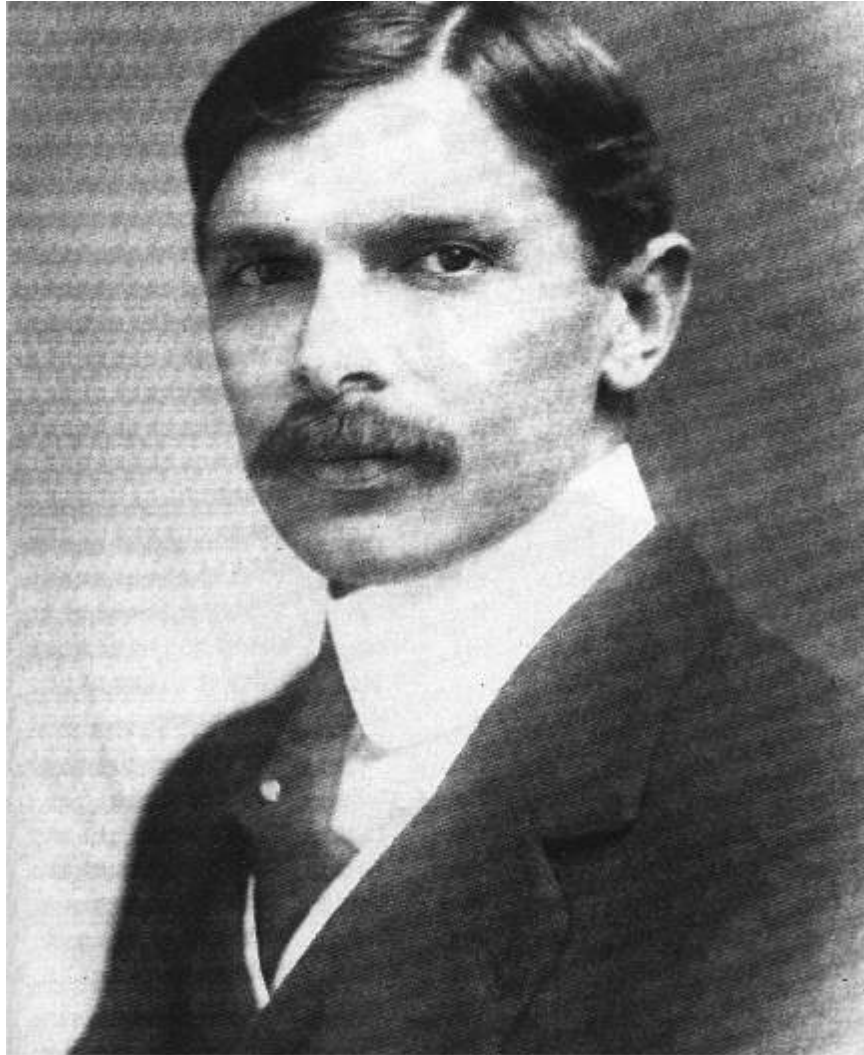
Module 12

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PAKISTAN INSTITUTE FOR PARLIAMENTARY SERVICES

Dedicated to Parliamentary Excellence



I sincerely hope that with your support and your co-operation we shall make this Constituent Assembly an example to the world. The Constituent Assembly has got two main functions to perform. The first is the very onerous and responsible task of framing our future constitution of Pakistan and the second of functioning as a full and complete sovereign body as the Federal Legislature of Pakistan.

Presidential Address to the Constituent Assembly of Pakistan.

Karachi

August 11, 1947

PIPS TRAINING OF TRAINER SERIES

Quaid-e-Azam, Muhammad Ali Jinnah
Founder of Pakistan

*"...my message to you all is of hope, courage and confidence.
Let us mobilize all our resources in a systematic and organized
way and tackle the grave issues that confront us with grim
determination and discipline worthy of great nation".*

Email: research@pips.org.pk

ATATURK AVENUE (SERVICE ROAD), SECTOR F-5/2, ISLAMABAD

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FOREWORD

The Pakistan Institute for Parliamentary Services, PIPS, is the country's first of its kind exclusive research and capacity building facility for national and provincial Legislators as well as parliamentary functionaries. The Institute aims to provide an institutionalized system of orientation and capacity building of parliamentarians, to equip them with necessary skills to perform their arduous tasks of legislation, representation and oversight.

The constitution of a country is reflection of nation's hopes and aspirations as it serves as a fundamental social contract between the people and the state. The people of Pakistan have relentlessly struggled for democracy and for attaining the ideals of a Federal, Islamic, democratic, parliamentary and modern progressive welfare State, wherein the rights of the citizens are secured and the Provinces have equitable share in Federation.

Pakistan has had a checkered constitutional history. The 1973 Constitution was enacted unanimously by the National Assembly of Pakistan on April 10, 1973, however, this equilibrium established by the Constitution of 1973 was disturbed by the unconstitutional and illegitimate military rule in 1977 and 1999, which weakened the democratic institutions and inter alia deprived the Provinces of their legitimate constitutional rights in governance and in utilization of their natural resources. It also resulted in the absence of rule of law, lack of confidence in the judicial system and distance between Provinces and Federation. Therefore, to re-establish the supremacy of law once again the Parliament unanimously adopted the Constitution 18th Amendment Act, 2010 in April 2010, marking a bold effort to decentralize political power by transferring resources and responsibilities from the central government to the provinces.

We are pleased to share this Participants' Book on "Constitutional Eighteenth Amendment Act 2010 and Devolution" for Members of the Parliament, academics and all stakeholders. It facilitates the Parliamentarians in understanding their Parliamentary, Constitutional and Constituency duties in respective provinces in the aftermath of 18th Constitutional Amendment.

We extend our special thanks to the Westminster Foundation for Democracy (WFD), which has offered to provide support for publishing this PIPS Participants' Book on "Constitutional Eighteenth Amendment Act 2010 and Devolution".

Islamabad
Monday, January 12, 2015



Mahmood Salim Mahmood
(Executive Director)

ACKNOWLEDGEMENT

Islamabad, January 12, 2015

The people of Pakistan have relentlessly struggled for democracy and for attaining the ideals of a Federal, Islamic, democratic, parliamentary and modern progressive welfare State, wherein the rights of the citizens are secured and the Provinces have equitable share in Federation.

Pakistan has had a checkered constitutional history. The 1973 Constitution was enacted in this back-drop of loss of a part of the country and consequent disillusionment and frustration. The nation salutes all political leaders and personalities both inside and outside parliament whose struggle contributed to the framing of the 1973 Constitution. Thus, the equilibrium established by the Constitution of 1973 was disturbed which weakened the democratic institutions and inter alia deprived the Provinces of their legitimate constitutional rights in governance and in utilization of their natural resources. It also resulted in the absence of rule of law, lack of confidence in the judicial system and distance between Provinces and Federation. After due consultations among the all political parties once again the Constitution (Eighteenth Amendment) Act, 2010 (Act X of 2010), was adopted by the National Assembly of Pakistan on April 8, 2010 and by the Senate of Pakistan on April 15, 2010 unanimously, and assented to by the President on April 19, 2010.

The Pakistan Institute for Parliamentary Services is pleased to share this Participants' Book on Constitution 18th Amendment Act 2010 and Devolution. It is a compilation comprising an article by former Speaker, National Assembly, Dr. Fehmida Mirza Article "A Milestone in Pakistan's Parliamentary Development" published in the CPA Journal the Parliamentarian, (2011); the Constitution (Eighteenth Amendment) Act 2010 and an elaborative matrix: "The Constitution 18th Amendment Act 2010 Comparative Matrix" by Mr. Muhammad Rashid Mafzool Zaka, Director Research and IT, PIPS. Mr. Kashif Mehmood Tariq, Deputy Director Legislation has contributed a chapter on "Pragmatic Federalism and Legalism as Ultimate Objective of the 18th Amendment of The Constitution of Pakistan" and Mr Muhammad Faisal Israr, Research Associate (Outreach and Publications) has contributed chapter on "Principles and Essentials of Public Policy".

This first edition has been compiled and edited by Mr. Muhammad Faisal Israr, Research Associate (Outreach and Publications) in the supervision of Mr. Muhammad Rashid Mafzool Zaka, Director Research & IT, PIPS.

We are grateful to the British Foundation, the Westminster Foundation for Democracy, WFD, a close partner of the Institute, for supporting PIPS in publication of this first edition of the Participants' Book on "Constitution 18th Amendment Act 2010 and Devolution".

We welcome any feedback and suggestions by the participants and readers of the module at: research@pips.org.pk

Research and IT Wing

Pakistan Institute for Parliamentary Services

OBJECTIVE OF PROGRAMME

This Participants' Book will facilitate Parliamentarians in fulfillment of Parliamentary, Constitutional and Constituency duties in their respective provinces in the aftermath of 18th Constitutional Amendment.

***18th Constitutional Amendment: A MILESTONE IN
PAKISTAN'S PARLIAMENTARY
DEVELOPMENT***

Honourable Dr Fehmida Mirza, former Speaker, National Assembly of Pakistan

Courtesy: CPA Journal - The Parliamentarian

EXECUTIVE SUMMARY

The unanimous passage of 18th Constitutional Amendment Bill by the Parliament of Pakistan has moved Pakistan away from a presidential form of government susceptible to military coups, says the Speaker of the National true manifestation of evolving stronger tradition of parliamentary democracy in the country. President, Asif Ali Zardari signed the 18th Constitutional Amendment Bill on April 19, 2010 that was earlier passed through consensus of all parliamentary parties in both houses of the Parliament. The 18th amendment is undoubtedly a historic milestone in the constitutional history of Pakistan. It is also a reflection of the Charter of Democracy signed between two Former Prime Ministers and populist leaders of Pakistan, Mohtartma Benazir Bhutto Shaheed and Mian Muhammad Nawaz Sharif, as heads of Pakistan's largest political parties PPP and PML N, on May 24, 2006. The Charter had expressed their strong resolve to revive the 1973 consensus Constitution in addition to drawing a road map for strengthening parliamentary democracy in Pakistan by striving for constitutional reforms aimed at removing all aberrations introduced by military dictators such as the infamous 58.2(b) that allowed five assemblies to be dissolved by Presidents; securing greater provincial autonomy and strengthening of state institutions such as the parliament, judiciary and the elected executives. In wake of February 18, 2008, elections that saw the Pakistan Peoples Party, PPP, setting up the government in Islamabad, which brought an end to the illegitimate rule of Gen (retd) Pervez Musharaf , the newly elected President of Pakistan Asif Ali Zardari asked the Speaker, National Assembly of Pakistan to constitute a Parliamentary Committee to draft said Constitutional Reforms in his annual address to the Parliament on 28 March, 2009. The Speaker Dr. Fehmida Mirza consulted all the parliamentary leaders to form a 26 member Parliamentary Reforms Committee representing 14 political parties and one member from Federally Administered Tribal Area (FATA). The committee worked tirelessly for many months to develop an unprecedented consensus bill that was later passed by consensus in both the Houses of the National Parliament. Independent analysts and intelligentsia in Pakistan have termed the 18th Constitutional Amendment 2010 as beginning of a stronger and pluralistic Pakistani federation. It has revived the 1973 parliamentary Constitution as all political parties showed extraordinary flexibility for consensus building to restore the authority of Prime Minister as the chief executive and allowing longstanding demand of provincial autonomy to the federating units.

BACKGROUND OF PAKISTAN'S CONSTITUTIONAL HISTORY

Parliamentary Democratic System as envisaged by Founders of the Nation and as reflected in the 1973 consensus Constitution:

The Constitution of a country is reflection of a nation's hopes and aspirations as it serves as a fundamental social contract between people and the state. The founding fathers of Pakistan under the momentous leadership of the Quaid-e-Azam Muhammad Ali Jinnah had envisaged the newly established country on Friday, 14th August, 1947 to be a parliamentary federal democracy so as to ensure emancipation of its people through a pluralistic society. Subsequent military interventions and dictatorial regimes (1958, 1962 and 1969) bent upon shifting to a centralized Presidential model that allowed their illegitimate "unity of command," did not allow the spirit of pluralism put forth by the founders of the nation to get translated in a parliamentary constitution. However, the 1973 Constitution was a breakthrough in Pakistan's checkered parliamentary history where a consensus of all political parties in the parliament under the leadership of the then Prime Minister Zulfikar Ali Bhutto resurrected and revived the nation's aspired dream of parliamentary democracy.

Aberrations by military dictators - from Parliamentary system to quasi-Presidential System:

Unfortunately the country had to undergo the ordeal of two more military regimes under Gen Zia Ul Haq (1974-1988) and Gen Pervez Musharraf (1999-2008), who yet again introduced numerous structural aberrations in the 1973 Constitution and changed its parliamentary nature to a one-man system, where President became the Chief Executive and enjoyed unparalleled powers of making and amending laws through ordinances as well as making key appointments such as the Chief Justice and the services chiefs. Both Gen Zia and Gen Musharraf, like most military rulers, had a tunnel vision of enhancing authoritative control over all state organs - the Parliament, the Executive and the Judiciary in one hand, i.e the President. Unfortunately, they changed the basics of our constitution through 8th and 17th amendments from federal parliamentary to quasi presidential and alarmingly the judiciary of the time also appeased them. This not only weakened the democratic institutions but also deprived the provinces of their legitimate constitutional rights.

FORMING A VISION FOR REVIVAL OF PARLIAMENTARY DEMOCRACY

Charter of Democracy and the role of party leadership:

Ideally nations' statesmen author a country's constitution in the spirit of history, culture, political experience and character of a populace. In this context, the political

leadership of Pakistan's biggest political parties Pakistan Peoples Party, PPP, and Pakistan Muslim League (Nawaz), PML N, Mohtarma Shaheed Benazir Bhutto and Mian Muhammad Nawaz Sharif, who were in exile during the Gen Musharraf's regime, met in London in 2006 to draw a road map of reviving the Pakistani parliamentary Constitution. These leaders reiterated that Constitution is a living and organic document and it must be amended according to political and economic context of the time. The meeting identified ten key constitutional amendments, among other steps, for restoration of parliamentary democracy and both leaders signed the historic Charter of Democracy on 14th May, 2006 in London. The Charter of Democracy had called for the following amendments:

- i. The 1973 Constitution as on 12th October 1999 before the military coup shall be restored with the provisions of joint electorates, minorities, and women reserved seats on closed party list in the Parliament, the lowering of the voting age, and the increase in seats in parliament and the Legal Framework Order, 2000 and the Seventeenth Constitutional Amendment shall be repealed accordingly.
- ii. The appointment of the governors, three military chiefs and the Joint Chiefs of the forces shall be made by the chief executive who is the prime minister, as per the 1973 Constitution.
- iii. The recommendations for appointment of judges to superior judiciary shall be formulated through a commission, which shall forward names for confirmation to joint parliamentary committee for confirmation of the nomination through a transparent public hearing process.
- iv. A Federal Constitutional Court will be set up to resolve constitutional issues, giving equal representation to each of the federating units.
- v. Concurrent List in the Constitution will be abolished. A new National Finance Commission would be announced to seek equitable resource distribution to all federating units through an award.
- vi. Reserved seats for women in the national and provincial assemblies will be allocated to the parties on the basis of the number of votes polled in the general elections by each party.
- vii. The strength of the Senate of Pakistan shall be increased to give representation to minorities.
- viii. Federally Administered Tribal Areas be included in the NWFP province in consultation with them.
- ix. Northern Areas shall be developed by giving it a special status and further empowering the Northern Areas Legislative Council to provide people of Northern Areas access to justice and human rights.

- x. Local bodies election will be held on party basis through provincial election commissions in respective provinces and constitutional protection will be given to the local bodies to make them autonomous and answerable to their respective assemblies as well as to the people through regular courts of law.

Party Manifestos and Elections 2008:

The Charter was acknowledged as the basic document that helped formulate a joint vision of Pakistan's popular leadership. As a result, most political parties of Pakistan led by the Pakistan Peoples Party, PPP, Pakistan Muslim League, PML N, and all nationalist parties in provinces included the ten amendments proposed in the Charter of Democracy in their election manifestos for general elections scheduled for January, 2008.

Former Prime Minister Benazir Bhutto arrived in Pakistan on 18th October, 2007 and launched a hectic election campaign of the PPP aimed at restoring the parliamentary democracy in the country. She also convinced the other opposition parties including PML N not to give an easy run to General Musharraf by boycotting the elections. However, as the popular political leadership of the country was all set to compete and vote out the pro Musharraf parties in the January 2008 elections, Pakistan was struck by the unbearable tragedy of the sad demise of former Prime Minister Benazir Bhutto, who was hit in a terrorist attack after delivering her last address in Rawalpindi and achieved martyrdom on 27th December, 2007. In view of the gallantry vision of reconciliation put forth by Shaheed Mohtarma Benazir Bhutto, the Co-Chairperson of the PPP, Mr Asif Ali Zardari rose to this national cause and reiterated to continue the mission of our great leader to secure true parliamentary democracy in Pakistan. Mr Zardari undertook hectic deliberations with heads of all political parties and his untiring zeal for national reconciliation saw a landslide victory for the PPP and all anti-Musharraf political parties who had envisioned and developed the Charter of Democracy. This paved the way for restoring the Constitution accordingly through newly elected legislature.

PLURALISTIC CONSENSUS BUILDING AT THE PARLIAMENT

Process of reconciliation and caucusing – President's voluntary surrender of powers:

President Asif Ali Zardari played a decisive role in fulfilling the dream of reviving the authority of Pakistan's parliament as envisaged in the Charter of Democracy. The President of Pakistan in his first address to the joint sitting of the Parliament in September 2008 had clearly reiterated his commitment for evolving pluralistic consensus to work for constitutional reforms and to revive parliamentary system of

government in light of political consensus secured through Charter of Democracy. President Zardari at outset in his first address said that:

“As head of state I wish to make it clear that the President and the government must and always seek guidance from the parliament in carrying out our duties. We are committed to upholding the supremacy of constitution, the supremacy of the parliament and the rule of law. The cardinal principle of the governance is respect of the mandate of the people as manifested in February 18th (2008) election.”

In his second address at the completion of first parliamentary year on 28th March, 2009, he requested the Speaker, National Assembly of Pakistan, to formally convene a representative Constitutional Committee of the Parliament. In his address, the President said:

“Supremacy of the Parliament has been a dream of our leader, Shaheed Mohtarma Benazir Bhutto. The Charter of Democracy flows from her belief in the supremacy of the Parliament. About six months ago standing here, I had called upon the Parliament, to form an all parties committee, to revisit the 17th amendment and Article 58 2(b). I am conscious of the fact that 6 months is not a long time. I urge you, Madam Speaker, to constitute a committee of all political parties to propose amendments in the Constitution in the light of Charter of Democracy. The amendments should be finalized without any further delay... Shaheed Mohtarma Benazir Bhutto had a dream and vision. It was the vision of reconciliation. Reconciliation is the only way forward. We must not remain hostage to the bitterness of the past. We need to bring together the federating units in a spirit of mutual accommodation.”

Role of the Speaker National Assembly and consensus building in all party Parliamentary Committee on Constitutional Reforms:

In pursuance of President's address, a motion for constituting a Parliamentary Committee to undertake the 18th amendment was introduced and adopted on 10th April, 2009 in the National Assembly and the same was adopted by the Senate on 29th April, 2009. Accordingly, I, as Speaker of National Assembly, was given the all-important task of constituting the said committee.

On 23rd June, 2009, implementing the responsibility bestowed on me by the people of Pakistan through their elected representatives and as per the vision of Pakistan's political statesmen including Shaheed Mohtarma Benazir Bhutto, President Asif Ali Zardari and all party heads of the country, I was able to formulate a 26-members

Parliamentary Committee on Constitutional Reforms after consultations with all parliamentary leaders. The Committee represented all 14 parliamentary parties including the ruling coalition members Pakistan Peoples Party PPP, Awami National Party ANP and Muttahida Qaumi Movement (MQM), as well as the opposition parties led by the Pakistan Muslim League (Nawaz) PML N, PML Q, PML (F), Jamiat Ulema e Islam JUI F, PPP (Sherpao), Jamaat e Islami JI, Jamhuri Watan Party JWP, Pakhtunkhwa Mili Awami Party PkMAP, National Party NP, Balochistan National Party – Awami BNP A, National Peoples Party NPP and one member from the Federally Administered Tribal Area (FATA).

On 29th June 2009, the Committee under the resolute and persuasive leadership of Senator Mian Raza Rabbani, framed its rules in addition to its Terms of Reference, for examining the various provisions of the Constitution. They set the following criteria as cardinal principles to draft the historic amendment: transparency in system, minimizing individual discretion, strengthening Parliament and provincial assemblies, provincial autonomy, independence of the Judiciary, further strengthening fundamental rights, the question of merit, good governance and strengthening of institutions.

Subsequently, the Committee asked its members, to submit their proposals for amendments to the Constitution and also took up certain Private Member's Bills pertaining to amendments in the Constitution, introduced in the Senate of Pakistan. The total number of such amendments was 91. It was heartening that the Committee also invited suggestions of amendments from the public at large through the press and received no less than 982 proposals for amendments through this process.

We must acknowledge that the Committee left no stone unturned to build a consensus on ominous issues such as balance of authority among President, Prime Minister and the state institutions, political autonomy, naming of Khyber Pakhtunkhwa province (old NWFP) and the judicial commission for making appointments in judiciary. The Committee held no less than 77 meetings, with each meeting on average lasting 5 hours, thus the Committee spent around 385 hours during its deliberations. The Parliamentary Committee took over nine months to develop a consensus draft bill, although different parties have added separate notes of reiterations to outline their individual party positions, they finally signed their recommendatory Report on 18th Constitutional Amendment 2010, on the historic day of 31st March, 2010.

SALIENT FEATURES OF THE 18TH CONSTITUTIONAL AMENDMENT ACT 2010

The 18th amendment Act brought around 100 changes to Pakistan's constitution. Its salient features are as under:

Parliamentary Democracy:

The amendment transfers greater authority to the parliament and prime minister through the following changes:

- i. Removing presidential powers to circumvent the normal legislative process and limiting the amount of time the president may consider bills passed by parliament before approving them (Article 75)
- ii. Removing the infamous Article 58-2(b) instituted by President Musharraf, which granted the power to unilaterally dismiss parliament under vague emergency provisions.
- iii. Reduces the requirement for the prime minister to consult with the president to a duty to keep him "informed" of policy matters (Article 46).
- iv. Expands Fundamental Human Rights: The 18th amendment expands the scope of fundamental human rights given in the constitution. The amendment affirms the Right to fair trial and due process, Right to information and Right to education for the citizens of Pakistan.
- v. Consulting with the outgoing prime minister and opposition leader on presidential appointments of caretaker governments to manage the transition to a new government when parliament is dismissed (Article 224)

Provincial Autonomy:

Tensions between the federal government and the provinces over the distribution of authority and revenues date back to Pakistan's inception and have prompted some of its most traumatic upheavals, most prominently the sad 1971 disintegration of East Pakistan. Many of the country's leading political parties have long demanded increased autonomy for the provinces. The 18th Amendment takes decisive steps toward resolving some of these tensions through a devolution of authority and a strengthened role for the Council on Common Interests, a joint federal-provincial forum.

- i. **Elimination of the "Concurrent List,"** The Concurrent List identified subjects in the Constitution where both federal and provincial governments could legislate but federal law prevails. Through the 18th Amendment, it is abolished and so Laws governing marriage, contracts, firearms possession, labor, educational curriculums, environmental pollution, bankruptcy, and 40 other diverse areas will now devolve to the provinces with the list eliminated, and each provincial

assembly will be responsible for drafting its own laws on the issues. It is being hailed as the hallmark achievement that would strengthen the national cohesion among the federating units, however, provinces must now cease the opportunity through securing effective regulatory authority in these areas, by June 30, 2011.

- ii. **Council of Common Interests (CCI).** The CCI will become a powerful constitutional body comprised of representatives of centre and provincial government to decide key matters. The National Economic Council (NEC) has been reformed with an advisory role to review overall economic condition of the country and to advise the Federal and Provincial government to formulate plans in this regard.
- iii. **National Finance Commission agreements**—which set the distribution of national revenues between the central government and the provinces—cannot reduce the provinces' share beyond that given in the previous agreement (Article 160). This could not be achieved by any government during last two decades.
- iv. **Identity to Province:** The amendment gives identity to former NWFP as the province has been renamed: Khyber Pakhtunkhwa.

Authority of the Chief Executive – Prime Minister:

The amendment limits presidential powers following years of a dictatorial presidency under General (retd) Musharraf's military regime in a number of ways. The Prime Minister has been re-established as the Chief Executive of the country through following:

- i. **The President would consult with the prime minister—whose recommendations are binding**—on all choices for provincial governors (Article 101) and military service chiefs (Articles 243 and 260).
- ii. **PM Chief Executive:** Establishes the prime minister and his ministers as the federal government and transfers the position of chief executive of the nation from the president to the prime minister (Articles 90 and 99).
- iii. **Removes limits on prime ministers serving more than two terms (Article 91).** This measure potentially paves the way for opposition leader Nawaz Sharif's return to that office, though he has yet to contest a seat for the national assembly, instead of opting to lead his party from outside parliament.
- iv. **Transferring power to the Prime Minister:** to submit matters directly to parliament for a yes or no vote (Article 48)

Judiciary composition and appointments:

Judicial appointment procedures have been one of the most contentious parts of the amendment. Unlike military regimes of the past, the President or the Executive will

have no direct role in judicial appointments after the 18th amendment. This has been achieved by prescribing a two tier system where first an independent Judicial Commission comprising of judges and member, Bar Councils, will propose nominees and then a special parliamentary committee comprised of government and the opposition will confirm them.

PAKISTAN'S LEAP TOWARDS TRUE PARLIAMENTARY DEMOCRACY

The 18th Constitutional Amendment Act 2010 is a journey towards democratic empowerment of the state. When President Asif Ali Zardari signed the 18th Constitutional Amendment Bill on April 19, 2010 that was earlier passed unanimously by both houses of the Parliament, all sections of Pakistani society including political parties, media, civil society and the people of Pakistan termed it as a triumph of democracy and fundamental rights as well as the revival of a federal parliamentary democracy as envisioned by the father of the nation Quaid-e-Azam Muhammad Ali Jinnah. The President also conferred the highest civil award Nishan e Imtiaz on members of the parliamentary committee on constitutional reforms led by Senator Raza Rabbani on the Pakistan Day, 23rd March, 2011 in recognition of their untiring efforts. No matter it seems just a beginning of constitutional review process and a foundation of future direction for a strengthened federal system in the country, the consensus reached to find solutions to longstanding issues such as provincial autonomy, naming of Khyber Pakhtunkhwa and a more transparent procedure of making appointments in judiciary; it is an incredible development. Public representatives in Pakistan demonstrated unparalleled wisdom and some extraordinary flexibility for consensus building throughout this process. The passage of 18th Constitutional Amendment Bill 2010 reflects the cherished dream of all political leaders, intellectuals, workers and activists towards establishing a plural welfare federation in Pakistan. We are indeed proud to be a humble part of this meritorious achievement that would go a long way in strengthening Pakistan on democratic map of the world.

Courtesy The Parliamentarian, IPU journal Issue: 1, 2011 Parliament, defined in the simplest of terms, is the forum in which the elected representatives of the people meet, plan, deliberate upon and review the government of the State and make laws for the effective and efficient conduct of the State. Over time, the task of government has become more complex. As populations grew, many Parliaments were unable to deal effectively with the number and complexity of issues coming before them. This situation was further exacerbated by the development of strong political party systems.

To enable Parliaments to operate more effectively and give Members access to more detailed information and the capacity to develop expertise on specific matters, small specialist committees were established to investigate specific issues and report back to the larger forum. It is common practice for Westminster - style parliaments to form committees to deal with particular issues that concern the Parliament. For example, it is common to have committees to deal with the internal business of administering parliamentary processes. It is also common to set up committees to assist the Parliament in its tasks of reviewing legislation and scrutinising government activities.

A strong, active committee system is an asset in any functioning parliamentary democracy. A comprehensive system of parliamentary committees provides greater accountability by making the policy and administrative functions of government more open and accountable, giving the people more and better access to parliamentary processes and ensuring Members of Parliament have more involvement in and oversight of decision making. Committees provide a forum for investigation of matters of public importance and give parliamentarians the opportunity to enhance their knowledge of such issues. In short, they allow the Parliament to ensure that the right decisions are being made at the right time and for the right reasons. At the same time, committees effectively enhance the democratic process by taking the Parliament to the people and giving them a role in its operations.

***THE CONSTITUTION (EIGHTEENTH
AMENDMENT) ACT 2010***

Act X of 2010

Constitution of Islamic Republic of Pakistan

REGISTERED No. M - 302
L.-7646



EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, APRIL 20, 2010

PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 20th April, 2010

No. F-9(19)/2010-Legis.—The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on 19th April, 2010, is hereby published for general information:—

ACT No. X of 2010

*An Act further to amend the Constitution of the
Islamic Republic of Pakistan*

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing;

AND WHEREAS the people of Pakistan have relentlessly struggled for democracy and for attaining the ideals of a Federal, Islamic, democratic, parliamentary and modern progressive welfare State, wherein the rights of the citizens are secured and the Provinces have equitable share in the Federation;

(267)

Price : Rs. 40.00

[2363(10)/Ex. Gaz.]

AND WHEREAS it is necessary that the Legal Framework Order, 2002, as amended by the Chief Executive's Order No. 29 and the Chief Executive's Order No. 32 of 2002, be declared as having been made without lawful authority and of no legal effect, and the Constitution (Seventeenth Amendment) Act, 2003 (Act No. III of 2003), be repealed and the Constitution further amended to achieve the aforesaid objectives;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Constitution (Eighteenth Amendment) Act, 2010.

(2) It shall come into force at once, save as otherwise provided in this Act.

2. **Repeal, etc.**—Subject to Article 264 and the provisions of the Constitution (Eighteenth Amendment) Act, 2010,—

- (a) the Legal Framework Order, 2002 (Chief Executive's Order No. 24 of 2002), the Legal Framework (Amendment) Order, 2002 (Chief Executive's Order No. 29 of 2002) and the Legal Framework (Second Amendment) Order, 2002 (Chief Executive's Order No. 32 of 2002), are hereby declared to have been made without lawful authority and of no legal effect and, therefore, shall stand repealed; and
- (b) the Constitution (Seventeenth Amendment) Act, 2003 (Act No. III of 2003), is hereby repealed.

3. **Amendment of Article 1 of the Constitution.**— In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 1, in clause (2), in paragraph (u), for the word “Baluchistan” the word “Balochistan”, for the words “North West Frontier” the words “Khyber Pakhtunkhwa”, and for the word “Sind” the word “Sindh”, shall be substituted.

4. **Amendment of Article 6 of the Constitution.**— In the Constitution, in Article 6,—

- (i) for clause (1), the following shall be substituted, namely:

“(1) Any person who abrogates or subverts or suspends or holds in abeyance, or attempts or conspires to abrogate or subvert or suspend or hold in abeyance, the Constitution by use of force or

show of force or by any other unconstitutional means shall be guilty of high treason.

- (ii) in clause (2), after the word "abetting" the word "or collaborating" shall be inserted; and
- (iii) after clause (2) amended as aforesaid, the following new clause shall be inserted, namely:—

"(2A) An act of high treason mentioned in clause (1) or clause (2) shall not be validated by any court including the Supreme Court and a High Court."

5. **Insertion of new Article in the Constitution.**—In the Constitution, after Article 10, the following new Article shall be inserted, namely:—

"10A. *Right to fair trial.* For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due process."

6. **Substitution of Article 17 of the Constitution.**—In the Constitution, for Article 17, the following shall be substituted, namely:

- "17. *Freedom of association.*—(1) Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.
- (2) Every citizen, not being in the service of Pakistan, shall have the right to form or be a member of a political party, subject to any reasonable restrictions imposed by law in the interest of the sovereignty or integrity of Pakistan and such law shall provide that where the Federal Government declares that any political party has been formed or is operating in a manner prejudicial to the sovereignty or integrity of Pakistan, the Federal Government shall, within fifteen days of such declaration, refer the matter to the Supreme Court whose decision on such reference shall be final.
- (3) Every political party shall account for the source of its funds in accordance with law."

7. **Insertion of new Article in the Constitution.**—In the Constitution, after Article 19, the following new Article shall be inserted, namely:—

"19A. *Right to information.*—Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law".

8. **Amendment of Article 25 of the Constitution.**—In the Constitution, in Article 25, in clause (2), the word "alone" occurring at the end shall be omitted

9. **Insertion of new Article in the Constitution.**—In the Constitution, after Article 25, the following new Article shall be inserted, namely:—

"25A. *Right to education.*—The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law."

10. **Amendment of Article 27 of the Constitution.**—In the Constitution, in Article 27, in clause (1), in the second proviso, for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be inserted, namely:—

"Provided also that under-representation of any class or area in the service of Pakistan may be redressed in such manner as may be determined by an Act of Majlis-e-Shoora (Parliament)".

11. **Amendment of Article 29 of the Constitution.**—In the Constitution, in Article 29, in clause (3), for the word "the National Assembly" occurring for the first time the words and brackets, "each House of Majlis-e-Shoora (Parliament)" shall be substituted and after the word "National Assembly" occurring for the second time the words "and the Senate" shall be inserted

12. **Amendment of Article 38 of the Constitution.**—In the Constitution, in Article 38,

(i) in paragraph (e), the word "and" at the end shall be omitted;

(ii) in paragraph (f), for the full stop at the end a semicolon and the word "and" shall be added and after paragraph (f) amended as aforesaid, the following new paragraph shall be added, namely:

"(g) ensure that the shares of the Provinces in all Federal services, including autonomous bodies and corporations established by, or under the control of, the Federal Government, shall be secured and any omission in the allocation of the shares of the Provinces in the past shall be rectified."

13. **Amendment of Article 41 of the Constitution.**—In the Constitution, in Article 41,

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- (i) in clause (3), the words, brackets and figure "to be elected after the term specified in clause (7)" shall be omitted; and
- (ii) clauses (7), (8) and (9) shall be omitted.

14. Substitution of Article 46 of the Constitution.—In the Constitution, for Article 46, the following shall be substituted namely:—

"46. *President to be kept informed.*—The Prime Minister shall keep the President informed on all matters of internal and foreign policy and on all legislative proposals the Federal Government intends to bring before Majlis-e-Shoora (Parliament)".

15. Amendment of Article 48 of the Constitution.—In the Constitution, in Article 48,—

- (i) in clause (1),—
 - (a) after the word "act" the words "on and" shall be inserted; and
 - (b) in the proviso, after the word "that" the words "within fifteen days" shall be inserted and after the word "shall" the commas and words ", within ten days," shall be inserted; and

(ii) for clause (5) the following shall be substituted, namely:—

"(5) Where the President dissolves the National Assembly, notwithstanding anything contained in clause (1), he shall,—

- (a) appoint a date, not later than ninety days from the date of the dissolution, for the holding of a general election to the Assembly; and
- (b) appoint a care-taker Cabinet."

(iii) for clause (6) the following shall be substituted, namely:—

"(6) If at any time the Prime Minister considers it necessary to hold a referendum on any matter of national importance, he may refer the matter to a joint sitting of the Majlis-e-Shoora (Parliament) and if it is approved in a joint sitting, the Prime Minister may cause such matter to be referred to a referendum in the form of a question that is capable of being answered by either "Yes" or "No"."

16. Substitution of Article 51 of the Constitution.—In the Constitution, for Article 51, the following shall be substituted and shall be deemed always to have been so substituted with effect from the 21st day of August, 2002, namely:—

“51. *National Assembly.*—(1) There shall be three hundred and forty-two seats for members in the National Assembly, including seats reserved for women and non-Muslims.

(2) A person shall be entitled to vote if —

- (a) he is a citizen of Pakistan;
- (b) he is not less than eighteen years of age;
- (c) his name appears on the electoral roll; and
- (d) he is not declared by a competent court to be of unsound mind.

(3) The seats in the National Assembly referred to in clause (1), except as provided in clause (4), shall be allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital as under:

	General Seats	Women	Total
Balochistan	14	3	17
Khyber Pakhtunkhwa	35	8	43
Punjab	148	35	183
Sindh	61	14	75
Federally Administered Tribal Areas	12		12
Federal Capital	2	-	2
Total	272	60	332

(4) In addition to the number of seats referred to in clause (3), there shall be, in the National Assembly, ten seats reserved for non-Muslims.

(5) The seats in the National Assembly shall be allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital on the basis of population in accordance with the last preceding census officially published.

(6) For the purpose of election to the National Assembly,—

- (a) the constituencies for the general seats shall be single member territorial constituencies and the members to fill such seats shall be elected by direct and free vote in accordance with law;

- (b) each Province shall be a single constituency for all seats reserved for women which are allocated to the respective Provinces under clause (3);
- (c) the constituency for all seats reserved for non-Muslims shall be the whole country;
- (d) members to the seats reserved for women which are allocated to a Province under clause (3) shall be elected in accordance with law through proportional representation system of political parties' lists of candidates on the basis of total number of general seats secured by each political party from the Province concerned in the National Assembly;

Provided that for the purpose of this paragraph the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates; and

- (e) members to the seats reserved for non-Muslims shall be elected in accordance with law through proportional representation system of political parties' lists of candidates on the basis of total number of general seats won by each political party in the National Assembly;

Provided that for the purpose of this paragraph the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates."

17. **Substitution of Article 58 of the Constitution.**—In the Constitution, for Article 58, the following shall be substituted, namely:—

- "58. *Dissolution of the National Assembly.*—(1) The President shall dissolve the National Assembly if so advised by the Prime Minister; and the National Assembly shall, unless sooner dissolved, stand dissolved at the expiration of forty-eight hours after the Prime Minister has so advised.

Explanation.—Reference in this Article to "Prime Minister" shall not be construed to include reference to a Prime Minister against whom a notice of a resolution for a vote of no-confidence has been given in the National Assembly but has not been voted upon or against whom such

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a resolution has been passed or who is continuing in office after his resignation or after the dissolution of the National Assembly.

(2) Notwithstanding anything contained in clause (2) of Article 48, the President may also dissolve the National Assembly in his discretion where, a vote of no-confidence having been passed against the Prime Minister, no other member of the National Assembly commands the confidence of the majority of the members of the National Assembly in accordance with the provisions of the Constitution, as ascertained in a session of the National Assembly summoned for the purpose.”

18. **Substitution of Article 59 of the Constitution.**—In the constitution, for Article 59, the following shall be substituted, namely:—

“59. *The Senate.*—(1) The Senate shall consist of one hundred and four members, of whom,—

- (a) fourteen shall be elected by the members of each Provincial Assembly;
- (b) eight shall be elected from the Federally Administered Tribal Areas, in such manner as the President may, by Order, prescribe;
- (c) two on general seats, and one woman and one technocrat including *aalim* shall be elected from the Federal Capital in such manner as the President may, by Order, prescribe;
- (d) four women shall be elected by the members of each Provincial Assembly;
- (e) four technocrats including *ulema* shall be elected by the members of each Provincial Assembly; and
- (f) four non-Muslims, one from each Province, shall be elected by the members of each Provincial Assembly.

Provided that paragraph (f) shall be effective from the next Senate election after the commencement of the Constitution (Eighteenth Amendment) Act, 2010.

- (2) Election to fill seats in the Senate allocated to each Province shall be held in accordance with the system of proportional representation by means of the single transferable vote.
- (3) The Senate shall not be subject to dissolution but the term of its members, who shall retire as follows, shall be six years:

- (a) of the members referred to in paragraph (a) of clause (1), seven shall retire after the expiration of the first three years and seven shall retire after the expiration of the next three years;
- (b) of the members referred to in paragraph (b) of the aforesaid clause, four shall retire after the expiration of the first three years and four shall retire after the expiration of the next three years;
- (c) of the members referred to in paragraph (c) of the aforesaid clause,—
 - (i) one elected on general seat shall retire after the expiration of the first three years and the other one shall retire after the expiration of the next three years; and
 - (ii) one elected on the seat reserved for technocrat shall retire after first three years and the one elected on the seat reserved for women shall retire after the expiration of the next three years;
- (d) of the members referred to in paragraph (d) of the aforesaid clause, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years;
- (e) of the members referred to in paragraph (e) of the aforesaid clause, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years; and
- (f) of the members referred to in paragraph (f) of the aforesaid clause, two shall retire after the expiration of first three years and two shall retire after the expiration of next three years:

Provided that the Election Commission for the first term of seats for non-Muslims shall draw a lot as to which two members shall retire after the first three years.

- (4) The term of office of a person elected to fill a casual vacancy shall be the unexpired term of the member whose vacancy he has filled.”

19. **Amendment of Article 61 of the Constitution.**—In the Constitution, in Article 61, for the word “ninety” the words “one hundred and ten” shall be substituted.

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20. **Substitution of Article 62 of the Constitution.**—In the Constitution, for Article 62, the following shall be substituted, namely:—

“62. *Qualifications for membership of Majlis-e-Shoora (Parliament).*—(1) A person shall not be qualified to be elected or chosen as a member of Majlis-e-Shoora (Parliament) unless—

- (a) he is a citizen of Pakistan;
- (b) he is, in the case of the National Assembly, not less than twenty-five years of age and is enrolled as a voter in any electoral roll in—
 - (i) any part of Pakistan, for election to a general seat or a seat reserved for non-Muslims; and
 - (ii) any area in a Province from which she seeks membership for election to a seat reserved for women.
- (c) he is, in the case of the Senate, not less than thirty years of age and is enrolled as a voter in any area in a Province or, as the case may be, the Federal Capital or the Federally Administered Tribal Areas, from where he seeks membership;
- (d) he is of good character and is not commonly known as one who violates Islamic Injunctions;
- (e) he has adequate knowledge of Islamic teachings and practices obligatory duties prescribed by Islam as well as abstains from major sins;
- (f) he is sagacious, righteous, non-profligate, honest and ameen, there being no declaration to the contrary by a court of law; and
- (g) he has not, after the establishment of Pakistan, worked against the integrity of the country or opposed the ideology of Pakistan;

- (2) The disqualifications specified in paragraphs (d) and (e) shall not apply to a person who is a non-Muslim, but such a person shall have good moral reputation;”.

21. **Substitution of Article 63 of the Constitution.**—In the Constitution, for Article 63, the following shall be substituted, namely:—

“63. *Disqualifications for membership of Majlis-e-Shoora (Parliament).*—(1) A person shall be disqualified from being elected or chosen as, and from being, a member of the Majlis-e-Shoora (Parliament), if—

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- (a) he is of unsound mind and has been so declared by a competent court; or
- (b) he is an undischarged insolvent; or
- (c) he ceases to be a citizen of Pakistan, or acquires the citizenship of a foreign State; or
- (d) he holds an office of profit in the service of Pakistan other than an office declared by law not to disqualify its holder; or
- (e) he is in the service of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest; or
- (f) being a citizen of Pakistan by virtue of section 14B of the Pakistan Citizenship Act, 1951 (II of 1951), he is for the time being disqualified under any law in force in Azad Jammu and Kashmir from being elected as a member of the Legislative Assembly of Azad Jammu and Kashmir; or
- (g) he has been convicted by a court of competent jurisdiction for propagating any opinion, or acting in any manner, prejudicial to the ideology of Pakistan, or the sovereignty, integrity or security of Pakistan, or the integrity or independence of the judiciary of Pakistan, or which defames or brings into ridicule the judiciary or the Armed Forces of Pakistan, unless a period of five years has elapsed since his release; or
- (h) he has been, on conviction for any offence involving moral turpitude, sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his release; or
- (i) he has been dismissed from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a Local Government on the ground of misconduct, unless a period of five years has elapsed since his dismissal; or
- (j) he has been removed or compulsorily retired from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a Local Government on the ground of misconduct, unless a period of three years has elapsed since his removal or compulsory retirement; or

- (k) he has been in the service of Pakistan or of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest, unless a period of two years has elapsed since he ceased to be in such service; or
- (l) he, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account or as a member of a Hindu undivided family, has any share or interest in a contract, not being a contract between a cooperative society and Government, for the supply of goods to, or for the execution of any contract or for the performance of any service undertaken by, Government:

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

- (i) where the share or interest in the contract devolves on him by inheritance or succession or as a legatee, executor or administrator, until the expiration of six months after it has so devolved on him;
- (ii) where the contract has been entered into by or on behalf of a public company as defined in the Companies Ordinance, 1984 (XLVII of 1984), of which he is a shareholder but is not a director holding an office of profit under the company; or
- (iii) where he is a member of a Hindu undivided family and the contract has been entered into by any other member of that family in the course of carrying on a separate business in which he has no share or interest;

Explanation.—In this Article “goods” does not include agricultural produce or commodity grown or produced by him or such goods as he is, under any directive of Government or any law for the time being in force, under a duty or obligation to supply; or

- (m) he holds any office of profit in the service of Pakistan other than the following offices, namely:—
 - (i) an office which is not whole time office remunerated either by salary or by fee;

- (ii) the office of Lumbardar, whether called by this or any other title;
- (iii) the Qaumi Razakars;
- (iv) any office the holder whereof, by virtue of such office, is liable to be called up for military training or military service under any law providing for the constitution or raising of a Force; or
- (v) he has obtained a loan for an amount of two million rupees or more, from any bank, financial institution, cooperative society or cooperative body in his own name or in the name of his spouse or any of his dependents, which remains unpaid for more than one year from the due date, or has got such loan written off; or
- (vi) he or his spouse or any of his dependents has defaulted in payment of government dues and utility expenses, including telephone, electricity, gas and water charges in excess of ten thousand rupees, for over six months, at the time of filing his nomination papers; or
- (vii) he is for the time being disqualified from being elected or chosen as a member of the Majlis-e-Shoora (Parliament) or of a Provincial Assembly under any law for the time being in force.

Explanation.—For the purposes of this paragraph “law” shall not include an Ordinance promulgated under Article 89 or Article 128.

- (2) If any question arises whether a member of the Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker or, as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and if he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission.
- (3) The Election Commission shall decide the question within ninety days from its receipt or deemed to have been received and if it is of the opinion that the member has become disqualified, he shall cease to be a member and his seat shall become vacant.”

22. Substitution of Article 63A of the Constitution.—In the Constitution, for Article 63A, the following shall be substituted, namely:—

“ 63A. *Disqualification on grounds of defection, etc.*—(1) If a member of a Parliamentary Party composed of a single political party in a House—

- (a) resigns from membership of his political party or joins another Parliamentary Party; or
- (b) votes or abstains from voting in the House contrary to any direction issued by the Parliamentary Party to which he belongs, in relation to—
 - (i) election of the Prime Minister or the Chief Minister; or
 - (ii) a vote of confidence or a vote of no-confidence; or
 - (iii) a Money Bill or a Constitution (Amendment) Bill;

he may be declared in writing by the Party Head to have defected from the political party, and the Party Head may forward a copy of the declaration to the Presiding Officer and the Chief Election Commissioner and shall similarly forward a copy thereof to the member concerned:

Provided that before making the declaration, the Party Head shall provide such member with an opportunity to show cause as to why such declaration may not be made against him.

Explanation.—“Party Head” means any person, by whatever name called, declared as such by the Party.

- (2) A member of a House shall be deemed to be a member of a Parliamentary Party if he, having been elected as a candidate or nominee of a political party which constitutes the Parliamentary Party in the House or, having been elected otherwise than as a candidate or nominee of a political party, has become a member of such Parliamentary Party after such election by means of a declaration in writing.
- (3) Upon receipt of the declaration under clause (1), the Presiding Officer of the House shall within two days refer, and in case he fails to do so it shall be deemed that he has referred, the declaration to the Chief Election Commissioner who shall lay the declaration before the Election Commission for its decision thereon confirming the declaration or otherwise within thirty days of its receipt by the Chief Election Commissioner.
- (4) Where the Election Commission confirms the declaration, the member referred to in clause (1) shall cease to be a member of the House and his seat shall become vacant.

- (5) Any party aggrieved by the decision of the Election Commission may, within thirty days, prefer an appeal to the Supreme Court which shall decide the matter within ninety days from the date of the filing of the appeal.
- (6) Nothing contained in this Article shall apply to the Chairman or Speaker of a House.
- (7) For the purpose of this Article,—
 - (a) "House" means the National Assembly or the Senate, in relation to the Federation; and a Provincial Assembly in relation to the Province, as the case may be;
 - (b) "Presiding Officer" means the Speaker of the National Assembly, the Chairman of the Senate or the Speaker of the Provincial Assembly, as the case may be.
- (8) Article 63A substituted as aforesaid shall come into effect from the next general elections to be held after the commencement of the Constitution (Eighteenth Amendment) Act, 2010:

Provided that till Article 63A substituted as aforesaid comes into effect the provisions of existing Article 63A shall remain operative."

23. Substitution of Article 70 of the Constitution.—In the Constitution, for Article 70, the following shall be substituted, namely:—

- "70. Introduction and passing of Bills.**—(1) A Bill with respect to any matter in the Federal Legislative List may originate in either House and shall, if it is passed by the House in which it originated, be transmitted to the other House; and, if the Bill is passed without amendment by the other House also, it shall be presented to the President for assent.
- (2) If a Bill transmitted to a House under clause (1) is passed with amendments it shall be sent back to the House in which it originated and if that House passes the Bill with those amendments it shall be presented to the President for assent.
- (3) If a Bill transmitted to a House under clause (1) is rejected or is not passed within ninety days of its laying in the House or a Bill sent to a House under clause (2) with amendments is not passed by that House with such amendments, the Bill, at the request of the House in which it originated, shall be considered in a joint sitting and if passed by the votes of the majority of the members present and voting in the joint sitting it shall be presented to the President for assent.

- (4) In this Article and the succeeding provisions of the Constitution, "Federal Legislative List" means the Federal Legislative List in the Fourth Schedule."

24. **Omission of Article 71 of the Constitution.**—In the Constitution, Article 71 shall be omitted.

25. **Amendment of Article 73 of the Constitution.**—In the Constitution, in Article 73,—

- (i) For clause (1) the following shall be substituted, namely:—

"(1) Notwithstanding anything contained in Article 70, a Money Bill shall originate in the National Assembly;

Provided that simultaneously when a Money Bill, including the Finance Bill containing the Annual Budget Statement, is presented in the National Assembly, a copy thereof shall be transmitted to the Senate which may, within fourteen days, make recommendations thereon to the National Assembly."; and

- (ii) after clause (1), substituted as aforesaid, the following new clause shall be inserted, namely:—

"(1A) The National Assembly shall consider the recommendations of the Senate and after the Bill has been passed by the Assembly with or without incorporating the recommendations of the Senate, it shall be presented to the President for assent."

26. **Amendment of Article 75 of the Constitution.**—In the Constitution, in Article 75,—

- (i) in clause (1), for the word "thirty", the word "ten" shall be substituted;

- (ii) for clause (2), the following shall be substituted, namely:—

"(2) When the President has returned a Bill to the Majlis-e-Shoora (Parliament), it shall be reconsidered by the Majlis-e-Shoora (Parliament) in joint sitting and, if it is again passed, with or without amendment, by the Majlis-e-Shoora (Parliament), by the votes of the majority of the members of both Houses present and voting, it shall be deemed for the purposes of the Constitution to have been passed by both Houses and shall be presented to the President, and the President shall give his assent within ten days, failing which such assent shall be deemed to have been given."; and

- (iii) in clause (3), after the word "assented", the words "or is deemed to have assented", shall be inserted.

27. **Amendment of Article 89 of the Constitution.**—In the Constitution, in Article 89,

- (i) in clause (1), before the words "National Assembly" the words "Senate or" shall be inserted;
- (ii) in clause (2), in paragraph (a).—

- (a) in sub-paragraph (i), for the words "four months" the words "one hundred and twenty days" shall be substituted; and for the semi-colon at the end a colon shall be substituted and thereafter the following proviso shall be inserted, namely:

"Provided that the National Assembly may by a resolution extend the Ordinance for a further period of one hundred and twenty days and it shall stand repealed at the expiration of the extended period, or if before the expiration of that period a resolution disapproving it is passed by the Assembly, upon the passing of that resolution:

Provided further that extension for further period may be made only once;" and

- (b) in sub-paragraph (ii), for the words "four months" the words "one hundred and twenty days" shall be substituted and for the semi-colon and the word "and" at the end a colon shall be substituted and thereafter the following provisos shall be inserted, namely:—

Provided that either House may by a resolution extend it for a further period of one hundred and twenty days and it shall stand repealed at the expiration of the extended period, or if before the expiration of that period a resolution disapproving it is passed by a House, upon the passing of that resolution:

Provided further that extension for a further period may be made only once; and

- (iii) for clause (3), the following shall be substituted, namely:—

“(3) without prejudice to the provisions of clause (2),—

- (a) an Ordinance laid before the National Assembly under sub-paragraph (i) of paragraph (a) of clause (2) shall be deemed to be a Bill introduced in the National Assembly; and
- (b) an Ordinance laid before both Houses under sub-paragraph (ii) of paragraph (a) of clause (2) shall be deemed to be a Bill introduced in the House where it was first laid.”

28. Substitution of Article 90 of the Constitution.—In the Constitution, for Article 90, the following shall be substituted, namely:—

“90. *The Federal Government.*—(1) Subject to the Constitution, the executive authority of the Federation shall be exercised in the name of the President by the Federal Government, consisting of the Prime Minister and the Federal Ministers, which shall act through the Prime Minister, who shall be the chief executive of the Federation.

- (2) In the performance of his functions under the Constitution, the Prime Minister may act either directly or through the Federal Ministers.”.

29. Substitution of Article 91 of the Constitution.—In the Constitution, for Article 91, the following shall be substituted, namely:

“91. *The Cabinet.*—(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 National Assembly shall meet on the twenty-first day following the day on which a general election to the Assembly is held, unless sooner summoned by the President.

- (3) After the election of the Speaker and the Deputy Speaker, the National Assembly shall, to the exclusion of any other business, proceed to elect without debate one of its Muslim members to be the Prime Minister.

- (4) The Prime Minister shall be elected by the votes of the majority of the total membership of the National Assembly:

Provided that, if no member secures such majority in the first poll, a second poll shall be held between the members who secure the two highest numbers of votes in the first poll and the member who

secures a majority of votes of the members present and voting shall be declared to have been elected as Prime Minister:

Provided further that, if the number of votes secured by two or more members securing the highest number of votes is equal, further poll shall be held between them until one of them secures a majority of votes of the members present and voting.

- (5) The member elected under clause (4) shall be called upon by the President to assume the office of Prime Minister and he shall, before entering upon the office, make before the President oath in the form set out in the Third Schedule:

Provided that there shall be no restriction on the number of terms for the office of the Prime Minister.

- (6) The Cabinet, together with the Ministers of State, shall be collectively responsible to the Senate and the National Assembly.
- (7) 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, in which case he shall summon the National Assembly and require the Prime Minister to obtain a vote of confidence from the Assembly.
- (8) The Prime Minister may, by writing under his hand addressed to the President, resign his office.
- (9) 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:

Provided that nothing contained in this clause shall apply to a Minister who is member of the Senate.

- (10) Nothing contained in this Article shall be construed as disqualifying the Prime Minister or any other Minister or a Minister of State 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 a Minister of State during any such period."

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30. **Amendment of Article 92 of the Constitution.**—In the Constitution, in Article 92, in clause (1),—

- (i) for the brackets and figures “(7) and (8)” the brackets and figures “(9) and (10)” shall be substituted; and
- (ii) in the proviso, for full stop at the end a colon shall be substituted and thereafter the following provisos shall be inserted, namely:—

“Provided further that the total strength of the Cabinet, including Ministers of State, shall not exceed eleven percent of the total membership of Majlis-e-Shoora (Parliament):

Provided also that the aforesaid amendment shall be effective from the next general election held after the commencement of the Constitution (Eighteenth Amendment) Act, 2010.”.

31. **Amendment of Article 99 of the Constitution.**—In the Constitution, in Article 99,—

- (i) In clause (2), for the word “President” occurring for the first time the words “Federal Government” shall be substituted and for the words “in his name” the words “in the name of the President” shall be substituted; and
- (ii) for clause (3), the following shall be substituted, namely:—

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

32. **Amendment of Article 100 of the Constitution.**—In the Constitution, in Article 100, in clause (2), after the word “President” the words “and shall not engage in private practice so long as he holds the office of the Attorney-General” shall be added.

33. **Amendment of Article 101 of the Constitution.**—In the Constitution, in Article 101,—

- (i) for clause (1) the following shall be substituted, namely:—

“(1) There shall be a Governor for each Province, who shall be appointed by the President on the advice of the Prime Minister.”.

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- (ii) in clause (2), after the word "age", the words "and is a registered voter and resident of the Province concerned" shall be added.

34. **Substitution of Article 104 of the Constitution.**—In the Constitution, for Article 104, the following shall be substituted, namely:—

"104. Speaker Provincial Assembly to act as, or perform functions of Governor in his absence.—When the Governor, by reason of absence from Pakistan or for any other cause, is unable to perform his functions, the Speaker of the Provincial Assembly and in his absence any other person as the President may nominate shall perform the functions of Governor until the Governor returns to Pakistan or, as the case may be, resumes his functions."

35. **Amendment of Article 105 of the Constitution.**—In the Constitution, in Article 105,

- (i) in clause (1), after the word "act" the words "on and" shall be inserted, and in the proviso, after the word "that" the words "within fifteen days" shall be inserted and after the word "shall" the commas and words ", within ten days," shall be inserted; and
- (ii) for clause (3) the following shall be substituted, namely:—

"(3) Where the Governor dissolves the Provincial Assembly, notwithstanding anything contained in clause (1), he shall

- (a) appoint a date, not later than ninety days from the date of dissolution, for the holding of a general election to the Assembly; and
- (b) appoint a care-taker Cabinet" and

- (iii) clause (4) shall be omitted.

36. **Amendment of Article 106 of the Constitution.**—In the Constitution, for Article 106, the following shall be substituted and shall be deemed always to have been so substituted with effect from 21st day of August, 2002, namely:

"106. Constitution of Provincial Assemblies.—(1) Each Provincial Assembly shall consist of general seats and seats reserved for women and non-Muslims as specified herein below.

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	General Seats	Women	Non- Muslims	Total
Balochistan	51	11	3	65
Khyber Pakhtunkhwa	99	22	3	124
Punjab	297	66	8	371
Sindh	130	29	9	168

(2) A person shall be entitled to vote if—

- (a) he is a citizen of Pakistan;
- (b) he is not less than eighteen years of age;
- (c) his name appears on the electoral roll for any area in the Province; and
- (d) he is not declared by a competent court to be of unsound mind

(3) For the purpose of election to a Provincial Assembly,—

- (a) the constituencies for the general seats shall be single member territorial constituencies and the members to fill such seats shall be elected by direct and free vote;
- (b) each Province shall be a single constituency for all seats reserved for women and non-Muslims allocated to the respective Provinces under clause (1);
- (c) the members to fill seats reserved for women and non Muslims allocated to a Province under clause (1) shall be elected in accordance with law through proportional representation system of political parties' lists of candidates on the basis of the total number of general seats secured by each political party in the Provincial Assembly;

Provided that for the purpose of this sub-clause, the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates.”.

37. **Substitution of Article 112 of the Constitution.**—In the Constitution, for Article 112, the following shall be substituted, namely:—

“112. Dissolution of Provincial Assembly.—(1) The Governor shall dissolve the Provincial Assembly if so advised by the Chief Minister; and the Provincial Assembly shall, unless sooner dissolved, stand dissolved at the expiration of forty-eight hours after the Chief Minister has so advised.

Explanation.—Reference in this Article to ‘Chief Minister’ shall not be construed to include reference to a Chief Minister against whom a notice of a resolution for a vote of no-confidence has been given in the Provincial Assembly but has not been voted upon or against whom a resolution for a vote of no-confidence has been passed.

- (2) The Governor may also dissolve the Provincial Assembly in his discretion, but subject to the previous approval of the President, where a vote of no-confidence having been passed against the Chief Minister, no other member of the Provincial Assembly commands the confidence of the majority of the members of the Provincial Assembly in accordance with the provisions of the Constitution, as ascertained in a session of the Provincial Assembly summoned for the purpose.”

38. **Amendment of Article 116 of the Constitution.**—In the Constitution, in Article 116, —

- (i) in clause (2), for the word “thirty” the word “ten” shall be substituted;
- (ii) in clause (3), for the words “not withhold his assent therefrom” the words “give his assent within ten days, failing which such assent shall be deemed to have been given” shall be substituted; and
- (iii) in clause (4), after the word “assented” the words “or is deemed to have assented” shall be inserted.

39. **Amendment of Article 122 of the Constitution.**—In the Constitution, in Article 122, in clause (2), proviso shall be omitted.

40. **Amendment of Article 127 of the Constitution.**—In the Constitution, in Article 127, in paragraph (g), for the word “seventy” the words “one hundred” shall be substituted.

41. Amendment of Article 128 of the Constitution.—In the Constitution, in Article 128, in clause (2), in paragraph (a), for the words “three months” the words “ninety days” shall be substituted and for the semi-colon and the word “; and” at the end a colon shall be substituted and thereafter, the following provisos shall be inserted, namely:

“Provided that the Provincial Assembly may by a resolution extend the Ordinance for a further period of ninety days and it shall stand repealed at the expiration of the extended period, or if before the expiration of that period a resolution disapproving it is passed by the Assembly, upon the passing of that resolution:

Provided further that extension for a further period may be made only once.”

42. Substitution of Article 129 of the Constitution.—In the Constitution, for Article 129, the following shall be substituted, namely:—

“129. *The Provincial Government.*—(1) Subject to the Constitution, the executive authority of the Province shall be exercised in the name of the Governor by the Provincial Government, consisting of the Chief Minister and Provincial Ministers, which shall act through the Chief Minister.

(2) In the performance of his functions under the Constitution, the Chief Minister may act either directly or through the Provincial Ministers.”

43. Substitution of Article 130 of the Constitution.—In the Constitution, for Article 130, the following shall be substituted, namely:—

“130. *The Cabinet.*—(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 Provincial Assembly shall meet on the twenty-first day following the day on which a general election to the Assembly is held, unless sooner summoned by the Governor.

(3) After the election of the Speaker and the Deputy Speaker, the Provincial Assembly shall, to the exclusion of any other business, proceed to elect without debate one of its members to be the Chief Minister.

(4) The Chief Minister shall be elected by the votes of the majority of the total membership of the Provincial Assembly:

Provided that, if no member secures such majority in the first poll, a second poll shall be held between the members who secure the two highest numbers of votes in the first poll and the member who secures a majority of votes of the members present and voting shall be declared to have been elected as Chief Minister:

Provided further that, if the number of votes secured by two or more members securing the highest number of votes is equal, further polls shall be held between them until one of them secures a majority of votes of the members present and voting.

- (5) The member elected under clause (4) shall be called upon by the Governor to assume the office of Chief Minister and he shall, before entering upon the office, make before the Governor oath in the form set out in the Third Schedule.

Provided that there shall be no restriction on the number of terms for the office of the Chief Minister.

- (6) The Cabinet shall be collectively responsible to the Provincial Assembly and the total strength of the Cabinet shall not exceed fifteen members or eleven percent of the total membership of a Provincial Assembly, whichever is higher:

Provided that the aforesaid limit shall be effective from the next general elections after the commencement of the Constitution (Eighteenth Amendment) Act, 2010.

- (7) 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, in which case he shall summon the Provincial Assembly and require the Chief Minister to obtain a vote of confidence from the Assembly.
- (8) The Chief Minister may, by writing under his hand addressed to the Governor, resign his office.
- (9) 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.

(10) Nothing contained in this Article shall be construed as disqualifying the Chief Minister or any other Minister 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 during any such period.

(11) The Chief Minister shall not appoint more than five Advisers.”

44. **Substitution of Article 131 of the Constitution.**—In the Constitution, for Article 131, the following shall be substituted, namely:

“131. *Governor to be kept informed.*—The Chief Minister shall keep the Governor informed on matters relating to Provincial administration and on all legislative proposals the Provincial Government intends to bring before the Provincial Assembly.”

45. **Amendment of Article 132 of the Constitution.**—In the Constitution, in Article 132, in clause (1), for the brackets and figures “(7) and (8)” the brackets and figures “(9) and (10)” shall, respectively, be substituted.

46. **Amendment of Article 139 of the Constitution.**—In the Constitution, in Article 139,—

(i) in clause (2), for the word “Governor” occurring for the first time the words “Provincial Government” shall be substituted and for the words “in his name” the words “in the name of Governor” shall be substituted; and

(ii) for clause (3) the following shall be substituted, namely:

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

47. **Amendment of Article 140 of the Constitution.**—In the Constitution, in Article 140, in clause (3), after the word “Governor” occurring at the end, the words “and shall not engage in private practice so long as he holds the office of the Advocate-General” shall be added.

48. **Insertion of new Article in the Constitution.**—In the Constitution, after Article 140 amended as aforesaid, the following new Article shall be inserted, namely:

“140A. *Local Government.*— Each Province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments.

- (2) Elections to the local governments shall be held by the Election Commission of Pakistan.”

49. **Amendment of Article 142 of the Constitution.**—In the Constitution, in Article 142,—

- (i) for paragraph (b) the following shall be substituted, namely:—

“(b) Majlis-e-Shoora (Parliament) and a Provincial Assembly shall have power to make laws with respect to criminal law, criminal procedure and evidence.”

- (ii) for paragraph (c) the following shall be substituted namely:—

“(c) Subject to paragraph (b), a Provincial Assembly shall, and Majlis-e-Shoora (Parliament) shall not, have power to make laws with respect to any matter not enumerated in the Federal Legislative List.”

- (iii) for paragraph (d) the following shall be substituted, namely:—

“(d) Majlis-e-Shoora (Parliament) shall have exclusive power to make laws with respect to all matters pertaining to such areas in the Federation as are not included in any Province.”

50. **Substitution of Article 143 of the Constitution.**—In the Constitution, for Article 143, the following shall be substituted, namely: —

“143. *Inconsistency between Federal and Provincial law.*—If any provision of an Act of a Provincial Assembly is repugnant to any provision of an Act of Majlis-e-Shoora (Parliament) which Majlis-e-Shoora (Parliament) is competent to enact, then the Act of Majlis-e-Shoora (Parliament), whether passed before or after the Act of the Provincial Assembly, shall prevail and the Act of the Provincial Assembly shall, to the extent of the repugnancy, be void.”

51. **Amendment of Article 144 of the Constitution.**—In the Constitution, in Article 144,—

- (i) in the marginal note, for the word “two” the word “one” shall be substituted;
- (ii) for the word “two” occurring after the word “if” the word “one” shall be substituted; and

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- (iii) for the words "either List" the words "the Federal Legislative List", shall be substituted.

52. Amendment of Article 147 of the Constitution.—In the Constitution, in Article 147, for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:

"Provided that the Provincial Government shall get the functions so entrusted ratified by the Provincial Assembly within sixty days."

53. Amendment of Article 149 of the Constitution.—In the Constitution, in Article 149, clause (2) shall be omitted.

54. Amendment of Article 153 of the Constitution.—In the Constitution, in Article 153,—

- (i) for clause (2) the following shall be substituted, namely:—

"(2) The Council shall consist of:—

- (a) the Prime Minister who shall be the Chairman of the Council;
- (b) the Chief Ministers of the Provinces; and
- (c) three members from the Federal Government to be nominated by the Prime Minister from time to time."

- (ii) clause (3) shall be omitted; and

- (iii) in clause (4), after the word "Parliament" occurring in the brackets at the end, the words "and shall submit an Annual Report to both Houses of Majlis-e-Shoora (Parliament)" shall be added.

55. Amendment of Article 154 of the Constitution.—In the Constitution, in Article 154,—

- (i) for clause (1), the following shall be substituted, namely:—

"(1) The Council shall formulate and regulate policies in relation to matters in Part II of the Federal Legislative List and shall exercise supervision and control over related institutions."; and

- (ii) Clauses (2), (3), (4) and (5) shall be renumbered as clauses (4), (5), (6) and (7), respectively, and after clause (1) amended as aforesaid, the following new clauses shall be inserted, namely:—

“(2) The Council shall be constituted within thirty days of the Prime Minister taking oath of office.

- (3) The Council shall have a permanent Secretariat and shall meet at least once in ninety days:

Provided that the Prime Minister may convene a meeting on the request of a Province on an urgent matter.”

56. Amendment of Article 155 of the Constitution.—In the Constitution, for Article 155, in clause (1) after the word “supply” the words “or reservoir” shall be inserted.

57. Substitution of Article 156 in the Constitution.—In the Constitution, for Article 156, the following shall be substituted, namely:—

“156 *National Economic Council.*—(1) The President shall constitute a National Economic Council which shall consist of —

- (a) the Prime Minister, who shall be the Chairman of the Council;
- (b) the Chief Ministers and one member from each Province to be nominated by the Chief Minister; and
- (c) four other members as the Prime Minister may nominate from time to time.

- (2) The National Economic Council shall review the overall economic condition of the country and shall, for advising the Federal Government and the Provincial Governments, formulate plans in respect of financial, commercial, social and economic policies; and in formulating such plans it shall, amongst other factors, ensure balanced development and regional equity and shall also be guided by the Principles of Policy set out in Chapter 2 of Part-II.
- (3) The meetings of the Council shall be summoned by the Chairman or on a requisition made by one-half of the members of the Council.
- (4) The Council shall meet at least twice in a year and the quorum for a meeting of the Council shall be one-half of its total membership.

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- (5) The Council shall be responsible to the Majlis-e-Shoora (Parliament) and shall submit an Annual Report to each House of Majlis-e-Shoora (Parliament).”

58. Amendment of Article 157 of the Constitution.—In the Constitution, in Article 157,

- (i) in clause (1), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be inserted, namely:—

“Provided that the Federal Government, prior to taking a decision to construct or cause to be constructed, hydro-electric power stations in any Province, shall consult the Provincial Government concerned.”; and

- (ii) after clause (2), the following new clause shall be added, namely:—

“(3) In case of any dispute between the Federal Government and a Provincial Government in respect of any matter under this Article, any of the said Governments may move the Council of Common Interests for resolution of the dispute.”.

59. Amendment of Article 160 of the Constitution.—In the Constitution, in Article 160, after clause (3), the following new clauses shall be inserted, namely:—

- “(3A) The share of the Provinces in each Award of National Finance Commission shall not be less than the share given to the Provinces in the previous Award.
- (3B) The Federal Finance Minister and Provincial Finance Ministers shall monitor the implementation of the Award biannually and lay their reports before both Houses of Majlis-e-Shoora (Parliament) and the Provincial Assemblies.”.

60. Amendment of Article 161 of the Constitution.—In the Constitution, in Article 161, for clause (1) the following shall be substituted, namely:

“(1) Notwithstanding the provisions of Article 78,—

- (a) the net proceeds of the Federal duty of excise on natural gas levied at well-head and collected by the Federal Government and of the royalty collected by the Federal Government, shall not form part of the Federal Consolidated Fund and shall be paid to the Province in which the well-head of natural gas is situated;

- (b) the net proceeds of the Federal duty of excise on oil levied at well-head and collected by the Federal Government, shall not form part of the Federal Consolidated Fund and shall be paid to the Province in which the well-head of oil is situated.”

61. Amendment of Article 167 of the Constitution.—In the Constitution, in Article 167, after clause (3) the following new clause shall be inserted, namely:—

“(4) A Province may raise domestic or international loan, or give guarantees on the security of the Provincial Consolidated Fund within such limits and subject to such conditions as may be specified by the National Economic Council.”

62. Amendment of Article 168 of the Constitution.—In the Constitution, in Article 168,—

- (i) for clause (3) the following shall be substituted, namely:—

“(3) The Auditor-General shall, unless he sooner resigns or is removed from office in accordance with clause (5), hold office for a term of four years from the date on which he assumes such office or attains the age of sixty-five years, whichever is earlier.”

- (ii) after clause (3), amended as aforesaid, the following new clause shall be inserted, namely:

“(3A) The other terms and conditions of service of the Auditor-General shall be determined by Act of Majlis-e-Shoora (Parliament); and, until so determined, by Order of the President.”, and

- (iii) in clause (6), for the words “such other person as the President may direct shall” the words “the President may appoint the most senior officer in the Office of the Auditor-General to” shall be substituted.

63. Amendment of Article 170 of the Constitution.—In the Constitution, Article 170 shall be renumbered as clause (1) of that Article and after clause (1) renumbered as aforesaid the following new clause shall be added, namely:—

- “(2) The audit of the accounts of the Federal and of the Provincial Governments and the accounts of any authority or body established by, or under the control of, the Federal or a Provincial Government shall be conducted by the Auditor-General, who shall determine the extent and nature of such audit.”

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64. Amendment of Article 171 of the Constitution.—In Article 171, for the words “the National Assembly” the words and brackets “both Houses of Majlis-e-Shoora (Parliament)” shall be substituted.

65. Amendment of Article 172 of the Constitution.—In the Constitution, in Article 172,—

- (i) in clause (2), for the word “within” occurring for the second time the word “beyond” shall be substituted; and
- (ii) after clause (2) amended as aforesaid, the following new clause shall be inserted, namely:—

“(3) Subject to the existing commitments and obligations, mineral oil and natural gas within the Province or the territorial waters adjacent thereto shall vest jointly and equally in that Province and the Federal Government.”

66. Amendment of Article 175 of the Constitution.—In the Constitution, in Article 175, in clause (1), after the word “Province” the words “and a High Court for the Islamabad Capital Territory” shall be inserted and under clause (1) amended as aforesaid, the following Explanation shall be added, namely:

“Explanation:—The words “High Court” wherever occurring in the Constitution shall include the High Court for the Islamabad Capital Territory.”

67. Insertion of Article 175A in the Constitution.—In the Constitution, after Article 175, the following new Article shall be inserted, namely:—

“175A. *Appointment of Judges to the Supreme Court, High Courts and the Federal Shariat Court.*—(1) There shall be a Judicial Commission of Pakistan, hereinafter in this Article referred to as the Commission, for appointment of Judges of the Supreme Court, High Courts and the Federal Shariat Court, as hereinafter provided.

- (2) For appointment of Judges of the Supreme Court, the Commission shall consist of—

- | | |
|---|-----------------|
| (i) Chief Justice of Pakistan; | <i>Chairman</i> |
| (ii) two most senior Judges of the Supreme Court; | <i>Members</i> |

- (iii) a former Chief Justice or a former Judge of the Supreme Court of Pakistan to be nominated by the Chief Justice of Pakistan, in consultation with the two member Judges, for a term of two years; *Member*
 - (iv) Federal Minister for Law and Justice; *Member*
 - (v) Attorney-General for Pakistan; and *Member*
 - (vi) a Senior Advocate of the Supreme Court of Pakistan nominated by the Pakistan Bar Council for a term of two years. *Member*
- (3) Notwithstanding anything contained in clause (1) or clause (2), the President shall appoint the most senior Judge of the Supreme Court as the Chief Justice of Pakistan.
- (4) The Commission may make rules regulating its procedure.
- (5) For appointment of Judges of a High Court, the Commission in clause (2) shall also include the following, namely:—
- (i) Chief Justice of the High Court to which the appointment is being made; *Member*
 - (ii) the most senior Judge of that High Court; *Member*
 - (iii) Provincial Minister for Law; and *Member*
 - (iv) a senior advocate to be nominated by the Provincial Bar Council for a term of two years; *Member*

Provided that for appointment of the Chief Justice of a High Court, the most senior Judge of the Court shall be substituted by a former Chief Justice or former Judge of that Court, to be nominated by the Chief Justice of Pakistan in consultation with the two member Judges of the Commission mentioned in clause (2):

Provided further that if for any reason the Chief Justice of High Court is not available, he shall also be substituted in the manner as provided in the foregoing proviso.

- (6) For appointment of Judges of the Islamabad High Court, the Commission in clause (2) shall also include the following, namely:—

- (i) Chief Justice of the Islamabad High Court; and *Member*
- (ii) the most senior Judge of that High Court: *Member*

Provided that for initial appointment of the Judges of the Islamabad High Court, the Chief Justices of the four Provincial High Courts shall also be members of the Commission:

Provided further that subject to the foregoing proviso, in case of appointment of Chief Justice of Islamabad High Court, the provisos to clause (5) shall, *mutatis mutandis*, apply.

- (7) For appointment of Judges of the Federal Shariat Court, the Commission in clause (2) shall also include the Chief Justice of the Federal Shariat Court and the most senior Judge of that Court as its members:

Provided that for appointment of Chief Justice of Federal Shariat Court, the provisos to clause (5) shall, *mutatis mutandis*, apply.

- (8) The Commission by majority of its total membership shall nominate to the Parliamentary Committee one person, for each vacancy of a Judge in the Supreme Court, a High Court or the Federal Shariat Court, as the case may be;

- (9) The Parliamentary Committee, hereinafter in this Article referred to as the Committee, shall consist of the following eight members, namely:—

- (i) four members from the Senate; and
- (ii) four members from the National Assembly.

- (10) Out of the eight members of the Committee, four shall be from the Treasury Benches, two from each House and four from the Opposition Benches, two from each House. The nomination of members from the Treasury Benches shall be made by the Leader of the House and from the Opposition Benches by the Leader of the Opposition.

- (11) Secretary, Senate shall act as the Secretary of the Committee.

- (12) The Committee on receipt of a nomination from the Commission may confirm the nominee by majority of its total membership within

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fourteen days, failing which the nomination shall be deemed to have been confirmed:

Provided that the Committee may not confirm the nomination by three-fourth majority of its total membership within the said period, in which case the Commission shall send another nomination.

- (13) The Committee shall forward the name of the nominee confirmed by it or deemed to have been confirmed to the President for appointment.
- (14) No action or decision taken by the Commission or a Committee shall be invalid or called in question only on the ground of the existence of a vacancy therein or of the absence of any member from any meeting thereof.
- (15) The Committee may make rules for regulating its procedure.”

68. **Amendment of Article 177 of the Constitution.**—In the Constitution, in Article 177, for clause (1) the following shall be substituted, namely:—

- “(1) The Chief Justice of Pakistan and each of the other Judges of the Supreme Court shall be appointed by the President in accordance with Article 175A.”

69. **Amendment of Article 193 of the Constitution.**—In the Constitution, in Article 193,—

- (i) for clause (1), the following shall be substituted, namely:—

- “(1) The Chief Justice and each of other Judges of a High Court shall be appointed by the President in accordance with Article 175A.”

- (ii) in clause (2), for the word “forty” the word “forty-five” shall be substituted and shall be deemed always to have been so substituted with effect from the 21st day of August, 2002.

70. **Amendment of Article 194 of the Constitution.**—In the Constitution, in Article 194, for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:—

“Provided that the Chief Justice of the Islamabad High Court shall make oath before the President and other Judges of that Court shall make oath before the Chief Justice of the Islamabad High Court”.

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71. Amendment of Article 198 of the Constitution.—In the Constitution, in Article 198,—

(i) after clause (1), the following new clause shall be inserted, namely:—

“(1A) The High Court for Islamabad Capital Territory shall have its principal seat at Islamabad.”

(ii) in clause (3),

(a) after the word Abbottabad, the comma and the word “Mingora” shall be inserted; and

(b) after the word “Sibi” occurring at the end, the words “and Turbat” shall be added.

72. Amendment of Article 199 of the Constitution.—In the Constitution, in Article 199, for clause (4A), the following shall be substituted, namely,—

“(4A) An interim order made by a High Court on an application made to it to question the validity or legal effect of any order made, proceeding taken or act done by any authority or person, which has been made, taken or done or purports to have been made, taken or done under any law which is specified in Part I of the First Schedule or relates to, or is connected with, State property or assessment or collection of public revenues shall cease to have effect on the expiration of a period of six months following the day on which it is made:

Provided that the matter shall be finally decided by the High Court within six months from the date on which the interim order is made.”

73. Amendment of Article 200 of the Constitution.—In the Constitution, in Article 200,—

(i) in clause (1), the proviso shall be omitted; and

(ii) clause (4) shall be omitted.

74. Amendment of Article 203C of the Constitution.—In the Constitution, in Article 203C,—

(i) in clause (2), after the word “President” occurring at the end the words, figures and letters “in accordance with Article 175A” shall be inserted;

- (ii) in clause (3A), for the words "who are well-versed in Islamic law" the words and comma "having at least fifteen years experience in Islamic law, research or instruction" shall be substituted;
- (iii) in clause (4), in the proviso, the words "for a period exceeding two years" shall be omitted;
- (iv) for clause (4B) the following shall be substituted, namely:—

"(4B) The Chief Justice and a Judge shall not be removed from office except in the like manner and on the like grounds as a Judge of the Supreme Court;"
- (v) clause (4C) and clause (5) shall be omitted; and
- (vi) for clause (9), the following shall be substituted and shall be deemed always to have been so substituted with effect from the 21st day of August, 2002, namely:—

"(9) A Chief Justice who is not a Judge of the Supreme Court shall be entitled to the same remuneration, allowances and privileges as are admissible to a Judge of the Supreme Court and a Judge who is not a Judge of a High Court shall be entitled to the same remuneration, allowances and privileges as are admissible to a Judge of a High Court;

Provided that where a Judge is already drawing a pension for any other post in the service of Pakistan, the amount of such pension shall be deducted from the pension admissible under this clause."

75. Amendment of Article 203D of the Constitution.—In the Constitution, in Article 203D, in clause (1A), the words "or the Concurrent Legislative List" shall be omitted and for the words "in the either of those Lists" the words "in the Federal Legislative List" shall be substituted.

76. Amendment of Article 209 of the Constitution.—In the Constitution, in Article 209, for clause (5) the following shall be substituted, namely:—

- "(5) If, on information from any source, the Council or the President is of the opinion that a Judge of the Supreme Court or of a High Court—
 - (a) may be incapable of properly performing the duties of his office by reason of physical or mental incapacity; or

- (b) may have been guilty of misconduct,

the President shall direct the Council to, or the Council may, on its own motion, inquire into the matter.”

77. Amendment of Article 213 of the Constitution.- In the Constitution, in Article 213,—

- (i) in clause (1), the words “in his discretion” shall be omitted;
- (ii) after clause (2), the following new clauses shall be inserted, namely:—

“(2A). The Prime Minister shall in consultation with the Leader of the Opposition in the National Assembly, forward three names for appointment of the Commissioner to a Parliamentary Committee for hearing and confirmation of any one person.

(2B) The Parliamentary Committee to be constituted by the Speaker shall comprise fifty percent members from the Treasury Benches and fifty percent from the Opposition Parties, based on their strength in Majlis-e-Shoora (Parliament), to be nominated by the respective Parliamentary Leaders:

Provided that in case there is no consensus between the Prime Minister and the Leader of the Opposition, each shall forward separate lists to the Parliamentary Committee for consideration which may confirm any one name:

Provided further that the total strength of the Parliamentary Committee shall not exceed twelve members out of which one-third shall be from the Senate:

Provided also that when the National Assembly is dissolved and a vacancy occurs in the office of the Chief Election Commissioner, the Parliamentary Committee shall comprise the members from the Senate only and the foregoing provisions of this clause shall, *mutatis mutandis*, apply.”

78. Amendment of Article 215 of the Constitution.- In the Constitution, in Article 215, in clause (1),

- (i) for the word “three” the word “five” shall be substituted and thereafter the following proviso shall be inserted, namely:—

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“Provided that the aforesaid amendment shall be effective after the expiry of current tenure of the present incumbent; and

- (ii) the existing proviso shall be omitted.

79. Amendment of Article 216 of the Constitution.—In the Constitution, in Article 216, in clause (2), in the proviso,—

- (i) in paragraph (a), for the semicolon and the word “;and” a full stop shall be substituted; and
- (ii) paragraph (b) shall be omitted.

80. Amendment of Article 218 of the Constitution.—In the Constitution, in Article 218,—

- (i) for clause (1), the following shall be substituted, namely:—

“(1) For the purpose of election to both Houses of Majlis-e-Shoora (Parliament), Provincial Assemblies and for election to such other public offices as may be specified by law, a permanent Election Commission shall be constituted in accordance with this Article;” and

- (ii) for clause (2), the following shall be substituted, namely:—

“(2) The Election Commission shall consist of,—

- (a) the Commissioner who shall be the Chairman of the Commission; and
- (b) four members, each of whom has been a Judge of a High Court from each Province, appointed by the President in the manner provided for appointment of the Commissioner in clauses (2A) and (2B) of Article 213.”.

81. Amendment of Article 219 of the Constitution.—In the Constitution, in Article 219,

- (i) for the word “Commissioner” the word “Commission” shall be substituted; and
- (ii) in paragraph (c), for the full stop at the end a semi colon shall be substituted and after paragraph (c), amended as aforesaid, the following new paragraphs shall be added; namely:—

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(Part I)

- “(d) the holding of general elections to the National Assembly, Provincial Assemblies and the local governments; and
- (e) such other functions as may be specified by an Act of Majlis-e-Shoora (Parliament).”.

82. **Amendment of Article 221 of the Constitution.**—In the Constitution, in Article 221, for the word “Commissioner” occurring for the first and second time, the words, “Election Commission” shall be substituted and the words “Commissioner or an” shall be omitted.

83. **Amendment of Article 224 of the Constitution.**—In the Constitution, in Article 224,

- (i) for clause (1), the following shall be substituted, namely:
 - (1) A general election to the National Assembly or a Provincial Assembly shall be held within a period of sixty days immediately following the day on which the term of the Assembly is due to expire, unless the Assembly has been sooner dissolved, and the results of the election shall be declared not later than fourteen days before that day.”;
- (ii) after clause (1), substituted as the aforesaid, the following new clauses shall be inserted, namely:
 - “(1A) On dissolution of the Assembly on completion of its term, or in case it is dissolved under Article 58 or Article 112, the President, or the Governor, as the case may be, shall appoint a care-taker Cabinet:

Provided that the care-taker Prime Minister shall be selected by the President in consultation with the Prime Minister and the Leader of the Opposition in the outgoing National Assembly, and a care-taker Chief Minister shall be appointed by the Governor in consultation with the Chief Minister and the Leader of the Opposition in the outgoing Provincial Assembly;

Provided further that the Members of the Federal and Provincial care-taker Cabinets shall be appointed on the advice of the care-taker Prime Minister or the care-taker Chief Minister, as the case may be

- (1B) Members of the care-taker Cabinets including the care-taker Prime Minister and the care-taker Chief Minister and their immediate family members shall not be eligible to contest the immediately following elections to such Assemblies.

Explanation.— In this clause “immediate family members” means spouse and children.”; and

- (ii) after clause (5) the following new clause shall be inserted and shall be deemed always to have been so inserted with effect from the 21st day of August, 2002, namely:—

- “(6) When a seat reserved for women or non-Muslims in the National Assembly or a Provincial Assembly falls vacant, on account of death, resignation or disqualification of a member, it shall be filled by the next person in order of precedence from the party list of the candidates to be submitted to the Election Commission by the political party whose member has vacated such seat”.

84. Substitution of Article 226 of the Constitution.— In the Constitution, for Article 226, the following shall be substituted, namely:—

- “226. *Election by secret ballot.*— All elections under the Constitution, other than those of the Prime Minister and the Chief Minister, shall be by secret ballot.”.

85. Amendment of Article 228 of the Constitution.— In the Constitution, in Article 228, in clause (3), in paragraph (c), for the word “four” the words “one-third” shall be substituted.

86. Amendment of Article 232 of the Constitution.— In the Constitution, in Article 232, in clause (1), for the full stop at the end a colon shall be substituted and after clause (1) amended as aforesaid, the following provisos shall be inserted, namely:

“ Provided that for imposition of emergency due to internal disturbances beyond the powers of a Provincial Government to control, a resolution from the Provincial Assembly of that Province shall be required.

Provided further that if the President acts on his own, the Proclamation of Emergency shall be placed before both Houses of Majlis-e-Shoora (Parliament) for approval by each House within ten days.”.

87. **Amendment of Article 233 of the Constitution.**—In the Constitution, in Article 233, in clause (3), for the words “a joint sitting” the words “both Houses of Majlis-e-Shoora (Parliament) separately” shall be substituted.

88. **Amendment of Article 234 of the Constitution.**—In the Constitution, in Article 234, in clause (1),—

- (i) the words “or otherwise” shall be omitted; and
- (ii) for the words “at a joint sitting” the words “by each House separately” shall be substituted.

89. **Amendment of Article 242 of the Constitution.**—In the Constitution, in Article 242,—

- (i) in clause (1A), for the words “in his discretion” the words “on the advice of the Prime Minister” shall be substituted”; and
- (ii) after clause (1A), amended as aforesaid, the following new clause shall be inserted, namely:—

“(1B) The Chairman of the Public Service Commission constituted in relation to affairs of a Province shall be appointed by the Governor on advice of the Chief Minister.”

90. **Substitution of Article 243 in the Constitution.**—In the Constitution, for Article 243, the following shall be substituted, namely:—

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

- (2) Without prejudice to the generality of the foregoing provision, the Supreme Command of the Armed Forces shall vest in the President.
- (3) The President shall subject to law, have power —
 - (a) to raise and maintain the Military, Naval and Air Forces of Pakistan; and the Reserves of such Forces; and
 - (b) to grant Commissions in such Forces.
- (4) The President shall, on advice of the Prime Minister, appoint —

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- (a) the Chairman, Joint Chiefs of Staff Committee;
- (b) the Chief of the Army Staff;
- (c) the Chief of the Naval Staff; and
- (d) the Chief of the Air Staff,

and shall also determine their salaries and allowances.”

91. **Amendment of Article 246 of the Constitution.**—In the Constitution, in Article 246, in paragraph (a),—

- (a) in sub-paragraph (i), for the word “Baluchistan” the word “Balochistan” and for the words “North West Frontier” the words “Khyber Pakhtunkhwa” shall be substituted and the word “and” at the end shall be omitted; and
- (b) after sub-paragraph (ii), the following new sub-paragraphs shall be inserted, namely:—
 - “(iii) Tribal Areas adjoining Lakkī Marwat District; and
 - (iv) Tribal Areas adjoining Tank District.”

92. **Amendment of Article 260 of the Constitution.**—In the Constitution, in Article 260, in clause (1), the definition of expression “consultation” shall be omitted.

93. **Insertion of new Articles in the Constitution.**—In the Constitution, after Article 267, the following new Articles shall be inserted, namely:—

“267A. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of the Constitution (Eighteenth Amendment) Act, 2010, hereinafter in this Article referred to as the Act, or for bringing the provisions of the Act into effective operation, the matter shall be laid before both Houses in a joint sitting which may by a resolution direct that the provisions of the Act shall, during such period as may be specified in the resolution, have effect, subject to such adaptations, whether by way of modification, addition or omission, as may be deemed necessary or expedient:

Provided that this power shall be available for a period of one year from the commencement of the Act.

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267B. *Removal of doubt.*—For removal of doubt it is hereby declared that Article 152A omitted and Articles 179 and 195 substituted by the Constitution (Seventeenth Amendment) Act, 2003 (Act No. III of 2003), notwithstanding its repeal, shall be deemed always to have been so omitted and substituted.”

94. **Amendment of Article 268 of the Constitution.**—In the Constitution, in Article 268, clause (2) shall be omitted.

95. **Amendment of Article 270A of the Constitution.**—In the Constitution, in Article 270A,—

(a) in clause (1), the words, commas, brackets and figures “under which, in consequence of the result of the referendum held on the nineteenth day of December, 1984, General Mohammad Zia-ul-Haq became the President of Pakistan on the day of the first meeting of the *Majlis-e-Shoora* (Parliament) in joint sitting for the term specified in clause (7) of Article 41,” shall be omitted, and

(b) for clause (6), the following shall be substituted, namely:—

“(6) The laws referred to in clause (1) may be amended by the appropriate Legislature in the manner provided for amendment of such laws.”.

96. **Substitution of new Article in the Constitution.**—In the Constitution, for Article 270AA, the following shall be substituted, namely:—

“270AA. *Declaration and continuance of laws etc.* (1) The Proclamation of Emergency of the fourteenth day of October, 1999, the Provisional Constitution Order No.1 of 1999, the Oath of Office (Judges) Order, 2000 (No.1 of 2000), Chief Executive’s Order No. 12 of 2002, Chief Executive’s Order No.19 of 2002, the amendments made in the Constitution through the Legal Framework Order, 2002 (Chief Executive’s Order No. 24 of 2002), the Legal Framework (Amendment) Order, 2002 (Chief Executive’s Order No. 29 of 2002) and the Legal Framework (Second Amendment) Order, 2002 (Chief Executive’s Order No. 32 of 2002), notwithstanding any judgment of any court including the Supreme Court or a High Court, are hereby declared as having been made without lawful authority and of no legal effect.

(2) Except as provided in clause (1) and subject to the provisions of the Constitution (Eighteenth Amendment) Act, 2010, all laws including

President's Orders, Acts, Ordinances, Chief Executive's Orders, regulations, enactments, notifications, rules, orders or bye-laws made between the twelfth day of October, one thousand nine hundred and ninety-nine and the thirty-first day of December, two thousand and three (both days inclusive) and still in force shall, continue to be in force until altered, repealed or amended by the competent authority.

Explanation.—For the purposes of clause (2) and clause (6), “competent authority” means,—

- (a) in respect of Presidents' Orders, Ordinances, Chief Executive's Orders and all other laws, the appropriate Legislature; and
 - (b) in respect of notifications, rules, orders and bye-laws, the authority in which the power to make, alter, repeal or amend the same vests under the law.
- (3) Notwithstanding anything contained in the Constitution or clause (1), or judgment of any court including the Supreme Court or a High Court,—
- (a) Judges of the Supreme Court, High Courts and Federal Shariat Court who were holding the office of a Judge or were appointed as such, and had taken oath under the Oath of Office (Judges) Order, 2000, (1 of 2000), shall be deemed to have continued to hold the office as a Judge or to have been appointed as such, as the case may be, under the Constitution, and such continuance or appointment, shall have effect accordingly.
 - (b) Judges of the Supreme Court, High Courts and Federal Shariat Court who not having been given or taken oath under the Oath of Office of (Judges) Order, 2000 (1 of 2000), and ceased to hold the office of a Judge shall, for the purposes of pensionary benefits only, be deemed to have continued to hold office under the Constitution till their date of superannuation.
- (4) All orders made, proceedings taken, appointments made, including secondments and deputations, and acts done by any authority, or by any person which were made, taken or done, or purported to have been made, taken or done, between the twelfth day of October, one thousand nine hundred and ninety-nine and the thirty first day of December, two thousand and three (both days inclusive), in exercise of

the powers derived from any authority or laws mentioned in clause (2), or in execution of or in compliance with any orders made or sentences passed by any authority in the exercise or purported exercise of powers as aforesaid, shall, notwithstanding anything contained in clause (1), be deemed to be valid and shall not be called in question in any court or forum on any ground whatsoever.

- (5) No suit, prosecution or other legal proceedings, including writ petitions, shall lie in any court or forum against any authority or any person, for or on account of or in respect of any order made, proceedings taken or act done whether in the exercise or purported exercise of the powers referred to in clause (2) or clause (4) or in execution of or in compliance with orders made or sentences passed in exercise or purported exercise of such powers.
- (6) Notwithstanding omission of the Concurrent Legislative List by the Constitution (Eighteenth Amendment) Act, 2010, all laws with respect to any of the matters enumerated in the said List (including Ordinances, Orders, rules, bye-laws, regulations and notifications and other legal instruments having the force of law) in force in Pakistan or any part thereof, or having extra-territorial operation, immediately before the commencement of the Constitution (Eighteenth Amendment) Act, 2010, shall continue to remain in force until altered, repealed or amended by the competent authority.
- (7) Notwithstanding anything contained in the Constitution, all taxes and fees levied under any law in force immediately before the commencement of the Constitution (Eighteenth Amendment) Act, 2010, shall continue to be levied until they are varied or abolished by an Act of the appropriate legislature.
- (8) On the omission of the Concurrent Legislative List, the process of devolution of the matters mentioned in the said List to the Provinces shall be completed by the thirtieth day of June, two thousand and eleven.
- (9) For purposes of the devolution process under clause (8), the Federal Government shall constitute an Implementation Commission as it may deem fit within fifteen days of the commencement of the Constitution (Eighteenth Amendment) Act, 2010."

97. **Amendment of Article 270B of the Constitution.**—In the Constitution, in Article 270B, after the figure and comma "1977," the words, commas, figures and brackets "and the Conduct of General Elections Order, 2002 (Chief Executive's Order No.7 of 2002)," shall be inserted and shall be deemed always to have been so inserted with effect from the 21st day of August, 2002.

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98. **Insertion of new Article 270BB of the Constitution.**—In the Constitution, after Article 270B, amended as aforesaid, the following new Article shall be inserted, namely:

“270BB. *General Elections 2008.*—Notwithstanding anything contained in the Constitution or any other law for the time being in force, the General Elections 2008, to the National Assembly and the Provincial Assemblies held on the eighteenth day of February, two thousand and eight shall be deemed to have been held under the Constitution and shall have effect accordingly.”

99. **Amendment of Annex to the Constitution.**—In the Constitution, in the ANNEX, in the Objectives Resolution, in the sixth paragraph, after the word “to” the word “freely” shall be inserted.

100. **Amendment of Third Schedule to the Constitution.**—In the Constitution, in the Third Schedule, —

- (i) in the Oath prescribed for the Prime Minister, for the figure “3” occurring in the brackets, the figure “5” shall be substituted;
- (ii) in the Oath prescribed for the Chief Minister or Provincial Minister, for the figures and brackets “(31(4))” the figures and brackets “(30(5))” shall be substituted;
- (iii) in the Oath prescribed for the Speaker of a Provincial Assembly, for the words “I will discharge” the words and comma “and whenever I am called upon to act as Governor, I will discharge” shall be substituted; and
- (iv) for the Oath prescribed for the Chief Justice or a Judge of the Federal Shariat Court, the following shall be substituted, namely:—

“CHIEF JUSTICE OR JUDGE OF
THE FEDERAL SHARIAT COURT
“[Article 203C (7)]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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

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

That, as Chief Justice of the Federal Shariat Court (or a Judge of the Federal Shariat Court), I will discharge my duties, and perform my functions, honestly, to the best of my ability, and faithfully, in accordance with the Constitution of the Islamic Republic of Pakistan and the law;

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

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

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

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

May Allah Almighty help and guide me (Ameen).”

101. Amendment of Fourth Schedule to the Constitution.—In the Constitution, in the Fourth Schedule, in the Federal Legislative List,—

(i) in Part I,—

(i) in entry 18, in sub-entry (c) for the full stop at the end the semi-colon and a word “and” shall be substituted and after sub-entry (c), amended as aforesaid, the following new sub-entry shall be added, namely: —

“(d) boilers.”

(ii) for entry 32 the following shall be substituted, namely:—

“32. International treaties, conventions and agreements and International arbitration.”

(iii) entries 21, 33, 38 and 40 shall be omitted;

(iv) entry 45 and entry 46 shall be omitted;

(v) in entry 49, after the word “consumed” the comma and words “except sales tax on services” shall be added,

(vi) in entry 50, after the word “taxes” the words “on capital gains” shall be omitted.

(2) in Part II,—

(i) entries 4, 5, 6, 7, and 8 shall be renumbered as entries 14, 15, 16, 17 and 18, respectively, and

(ii) after entry 3, the following new entries shall be inserted, namely:

“4. Electricity.

5. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of port authorities therein.

6. All regulatory authorities established under a Federal law.

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

8. Supervision and management of public debt.

9. Census.

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

11. Legal, medical and other professions.

12. Standards in institutions for higher education and research, scientific and technical institutions.

13. Inter-provincial matters and co-ordination.”.

(3) The Concurrent Legislative List and the entries thereto from 1 to 47 (both inclusive) shall be omitted.

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102. Omission of the Sixth and the Seventh Schedule in the Constitution.—In the Constitution, the Sixth Schedule and the Seventh Schedule shall be omitted.

IFTIKHARULLAH BABAR,
Special Secretary.

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THE CONSTITUTION 18TH AMENDMENT ACT 2010 COMPARATIVE MATRIX

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THE CONSTITUTION EIGHTEENTH AMENDMENT ACT, 2010 – A COMPARATIVE MATRIX

PART I - INTRODUCTORY

Amendment No	Title/ Article No. of the Constitution	Article of the Constitution/ Status Before the Constitution 18 th Amendment Act 2010	After 18 th Amendment	Comment (if any)
01	Short Title	N/A	<p>Short title and commencement :- (1) This Act may be called the Constitution (Eighteenth Amendment) Act, 2010.</p> <p>(2) It shall come into force at once, save as otherwise provided in this Act.</p>	
02	Repeal	<p>LFO 2002 and 17th amendment:</p> <p>WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing;</p> <p>It is hereby enacted as follows:-</p> <p>1. Short title and commencement. - (I) This Act may be called the constitution (Seventeenth Amendment) Act, 2003.</p> <p>(2) it shall come into force at once.</p> <p>2. Amendment of Article 41 of the constitution.- In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 41,-</p>	<p>LFO termed illegal and repealed along with 17th amendment Act 2003</p> <p>Repeal, etc :- Subject to Article 264 and the provisions of the Constitution (Eighteenth Amendment) Act, 2010,-</p> <p>2 the Legal Framework Order, 2002 (Chief Executive's Order No. 24 of 2002), the Legal Framework (Amendment) Order, Framework (Second Amendment) Order, 2002 (Chief Executive's Order No. 32 of 2002), are hereby declared to have been made without lawful authority and of no legal effect and, therefore, shall stand repealed; and</p> <p>the Constitution (Seventeenth Amendment)</p>	<p>Legal Framework Order, 2002 and the 17th Amendment Act 2003 stands Repealed</p>

		<p>(l) in clause (7), in paragraph (b), for the full stop at the end, a comma shall be substituted and thereafter the following proviso shall be added, namely:-</p> <p>“Provided that paragraph (d) of clause (l) of Article 63 shall become operative on and from the 31st day of December, 2004.” ; and</p> <p>(2) after clause (7) amended as aforesaid, the following new clauses shall be added, namely:-</p> <p>“(8) Without prejudice to the provisions of clause (7), any member or members of a House of Majlis-e-Shoora (Parliament) or of a Provincial Assembly, individually or jointly, may, not later than thirty days from the commencement of the constitution (Seventeenth Amendment) Act, 2003, move a resolution for vote of confidence for further affirmation of the President in office by majority of the members present and voting, by division or any other method as prescribed in the rules made by the Federal Government under clause (9), of the electoral college consisting of members of both Houses of Majlis-e-Shoora (Parliament) and the Provincial Assemblies, in a special session of each House of Majlis-e-Shoora (Parliament) and of each Provincial Assembly summoned for the purpose, and the vote of confidence having been passed, the President, notwithstanding anything contained in the Constitution or judgment of any court, shall be deemed to be elected to hold office for a term of five years under the constitution, and the same shall not be called in question in any court or forum on any ground whatsoever.</p> <p>Provided that clauses (8) and (9) shall be valid only for the</p>	<p>Act, 2003 (Act No. III of 2003), is hereby repealed.</p>	
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		<p>forthcoming vote of confidence for the current term of the President in office.</p> <p>3. Amendment of Article 58 of the constitution.- In the Constitution, in Article 58, after clause (2), the following new clause shall be added, namely:-</p> <p>“(3) The President in case of dissolution of the National Assembly under paragraph (b) of clause (2) shall, within fifteen days of the dissolution, refer the matter to the Supreme Court and the Supreme Court shall decide the reference within thirty days whose decision shall be final.”</p> <p>4. Amendment of Article 112 of the Constitution.- In the Constitution, in Article 112, after clause (2), the following new clause shall be added, namely:-</p> <p>“(3) The Governor in case of dissolution of the Provincial Assembly under paragraph (b) of clause (2) shall within fifteen days of the dissolution refer the matter to the Supreme Court with the previous approval of the President and the Supreme Court shall decide the reference within thirty days whose decision shall be final.”</p> <p>5. Substitution of Article 152A of the Constitution.- In the Constitution, for Article 152A, the following shall be substituted, namely:-</p> <p>“152A. the National Security Council to serve as a forum for consultation on matters pertaining to the sovereignty, integrity, defense and security of the State is constituted under an Act of the Majlis-e-Shoora (Parliament)”.</p> <p>6. Amendment of Article 179 of the Constitution.- In the Constitution, in Article 179, in clause (1), for the words</p>		
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		<p>“sixty-eight years” the words “sixty-five years” shall be substituted.</p> <p>7. Amendment of Article 195 of the constitution.- In the Constitution, in Article 195, in clause (1), for the words “sixty-five years” the words “sixty-two years” shall be substituted.</p> <p>8. Amendment of Article 243 of the Constitution.- In the Constitution, in Article 243, in clause (3), for the words “in his discretion” the words “in consultation with the Prime Minister” shall be substituted.</p> <p>9. Amendment of Article 268, the Constitution.- In the Constitution, in Article 268, in clause (2), for the full stop at the end, a colon shall be substituted and thereafter following proviso shall be added, namely:-</p> <p>“Provided that the laws mentioned at entries 27 to 30 and entry 35 in the Sixth Schedule shall stand omitted after six years.”</p> <p>10. Substitution of Article 270-AA of the Constitution.- In the Constitution, for Article 270AA, the following shall be substituted, namely:-</p> <p>“270-AA. Validation and affirmation of laws etc.- (1) The Proclamation of Emergency of the fourteenth day of October, 1999, all President’s Orders, Ordinances, Chief Executive’s Orders, including the Provisional Constitution Order No. I of 1999, the Oath of Office (Judges) Order, 2000 (No. 1 of 2000), Chief Executive’s Order No. 12 of 2002, the amendments made in the constitution through the Legal Framework Order, 2002 (Chief Executive’s Order No. 24 of 2002, the Legal Framework (Amendment)</p>		
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		<p>Order, 2002 (Chief Executive's Order No. 29 of 2002, the Legal Framework (second Amendment) Order, 2002 (Chief Executive's Order No. 32 of 2002) and all other laws made between the twelfth day of October, one thousand nine hundred and ninety-nine and the date on which this Article comes into force (both days inclusive), having been validly made by the competent authority, are hereby further affirmed, adopted and declared to have been validly made and notwithstanding anything contained in the Constitution shall not be called in question in any court or forum on any ground whatsoever.</p> <p>(2) All orders made, proceedings taken, appointments made, including secondments and deputations, and acts done by any authority, or by any person, which were made, taken or done, or purported to have been made, taken or done, between the twelfth day of October, one thousand nine hundred and ninety-nine, and the date on which this Article comes into force (both days inclusive), in exercise of the powers derived from any Proclamation, President's Orders, Ordinances, Chief Executive's Orders, enactments, including amendments in the constitution, notifications, rules, orders, bye-laws, or in execution of or in compliance with any orders made or sentences passed by any authority in the exercise or purported exercise of powers as aforesaid, shall, notwithstanding – nay judgment of nay court, be deemed to be and always to have been validly made, taken or done and shall not be called in question in any court or forum on and ground whatsoever.</p> <p>(3) All Proclamations, President's Orders, Ordinances, Chief Executive's Orders. Laws, regulations, enactments, including amendments in the Constitution, notifications, rules, orders or bye-laws in force immediately before the</p>		
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		<p>date on which this Article comes into force shall continue in force until altered, repealed or amended by the competent authority.</p> <p>Explanation.- in this clause, “competent authority” Means,-</p> <p>(a) in respect of President’s Orders, Ordinances, Chief Executive’s Orders and enactments, including amendments in the Constitution, the appropriate Legislature, and</p> <p>(b) in respect of notifications, rules, orders and bye-laws, the authority in which the power to make, alter, repeal or amend the same vests under the law.</p> <p>(4) No suit, prosecution or other legal proceedings, including writ petitions, shall lie in any court or forum against any authority or any person, for or on account of or in respect of any order made, proceedings taken or act done whether in the exercise or purported exercise of the powers referred to in clause (2) or in execution of or in compliance with orders made or sentences passed in exercise or purported exercise of such powers.</p> <p>(5) For the purposes of clauses (1), (2) and (4) all orders made, proceedings taken, appointments made, including secondments and deputations, acts done or purporting to be made, taken or done by any authority or person shall be deemed to have been made, taken or done in good faith and for the purpose intended to be served thereby.”</p> <p>STATEMENTS OF OBJECTS AND REASONS This bill seeks to amend Article 41, 58, 112, 152A, 179, 195, 243, 268 and 270AA of the Constitution as under:-</p>		
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		<p>(a) Article 41, is sought to be amended to and a proviso to paragraph (b) of clause (7) and after clause (7) amended as aforesaid, new clauses (8) and (9) have been added. Clause (8) provides for vote of confidence in the President and clause (9) empowers the Federal government to make rules for conducting vote of confidence.</p> <p>(b) Article 58 in sought to be amended to the effect that on dissolution of the National Assembly in terms of paragraph (b) of clause (20 of Article 58, the President shall refer the matter to the Supreme Court.</p> <p>(c) Article 112 is also being amended on the lines of amendment proposed in Article 58.</p> <p>(d) Article 152A is proposed to be substituted to provide that the National Security Council shall be set up under an Act of the Parliament.</p> <p>(e) Article 179 is proposed to be amended to change the retirement age of Supreme Court Judges.</p> <p>(f) Article 195 is propose to be amended to change the retirement age of High Court Judges.</p> <p>(g) The amendment in Article 243 substitutes the expression “in his discretion” with the expression “in consultation with the Prime Minster”.</p> <p>(h) The amendment in clause (2) of Article 268 seeks to omit entries 27 to 30 and entry 35 in the Sixth Schedule after six years from the commencement of the Constitution (Seventeenth Amendment) Act, 2003.</p> <p>(i) Article 270AA is to be substituted for providing</p>		
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		affirmation and continuation of all laws made and actions taken between the twelfth day of October, 1999, and the day on which this Article come into force.		
		2. The Bill seeks to achieve the aforesaid objects.		
03	01	<p>1. The Republic and its territories.--(1) Pakistan shall be a Federal Republic to be known as the Islamic Republic of Pakistan, hereinafter referred to as Pakistan.</p> <p>1[(2) The territories of Pakistan shall comprise-]</p> <p>(a) the Provinces of Baluchistan, the North-West Frontier, the Punjab and Sindh;</p> <p>(b) the Islamabad Capital Territory, hereinafter referred to as the Federal Capital;</p> <p>(c) the Federally Administered Tribal Areas; and</p> <p>(d) such States and territories as are or may be included in Pakistan, whether by accession or otherwise.</p> <p>1[(3****)] deleted.</p> <p>1[(3) 2[Majlis-e-Shoora (Parliament)] may by law admit into the Federation new States or areas on such terms and conditions as it thinks fit.]</p>	In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, ink Article 1, in clause (2), in paragraph (a), for the word "Baluchistan" the word "Khayber Pakhtunkhwa", and for the word "Sind", shall be substituted.	In Para 1(2) Spellings of provinces changed from Baluchistan to Balochistan and Sind to Sindh , while NWFP is named as Khyber Pakhtounkawa
04	06	<p>6. High treason.--(1) Any person who abrogates or attempts or conspires to abrogate, subverts or attempts or conspires to subvert the Constitution by use of force or show of force or by other unconstitutional means shall be guilty of high treason.</p> <p>(2) Any person aiding or abetting the acts mentioned in</p>	for clause (1), the following shall be substituted, namely :- “(1) Any person who abrogates or subverts or suspends or holds in abeyance, or attempts or conspires to abrogate or subvert or suspend or hold in abeyance, the Constitution by use of force or show of force or by any other	substitution

		<p>clause (1) shall likewise be guilty of high treason.</p> <p>(3) 1[Majlis-e-Shoora (Parliament)] shall by law provide for the punishment of persons found guilty of high treason.</p>	<p>unconstitutional means shall be guilty of high treason.</p> <p>in clause (2), after the word “abetting” the word “ or collaborating” shall be inserted; and</p> <p>3 after clause (2) amended as aforesaid, the following new clause shall be inserted, namely :-</p> <p>“(2A). An act of high treason mentioned in clause (1) or clause (2) shall not be validated by any court including the Supreme Court and a High Court.”</p>	
PART II – FUNDAMENTAL RIGHTS AND PRINCIPLES OF POLICY				
05	10A	<p>10. Safeguards as to arrest and detention.-(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice.</p> <p>(2) Every person who is arrested and detained in custody shall be produced before a Magistrate within a period of twenty-four hours of such arrest, excluding the time necessary for the journey from the place of arrest to the Court of the nearest Magistrate, and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.</p> <p>(3) Nothing in clauses (1) and (2) shall apply to any person who is arrested or detained under any law providing for preventive detention.</p> <p>(4) No law providing for preventive detention shall be made except to deal with persons acting in a manner</p>	<p>In the Constitution after Article 10, the following new article shall be inserted namely:</p> <p>“10A. Right to fair trial :- For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due process.”</p>	New insertion

		<p>prejudicial to the integrity, security or defence of Pakistan or any part thereof, or external affairs of Pakistan, or public order, or the maintenance of supplies or services, and no such law shall authorise the detention of a person for a period exceeding 1[three months] unless the appropriate Review Board has, after affording him an opportunity of being heard in person, reviewed his case and reported, before the expiration of the said period, that there is, in its opinion, sufficient cause for such detention, and, if the detention is continued after the said period of 1[three months], unless the appropriate Review Board has reviewed his case and reported, before the expiration of each period of three months, that there is, in its opinion, sufficient cause for such detention.</p> <p>Explanation I.-In this Article, "the appropriate Review Board" means,</p> <p>(i) in the case of a person detained under a Federal Law, a Board appointed by the Chief Justice of Pakistan and consisting of a Chairman and two other persons, each of whom is or has been a Judge of the Supreme Court or a High Court: and</p> <p>(ii) in the case of a person detained under a Provincial Law, a Board appointed by the Chief Justice of the High Court concerned and consisting of a Chairman and two other persons, each of whom is or has been a Judge of a High Court.</p> <p>Explanation II.-The opinion of a Review Board shall be expressed in terms of the views of the majority of</p>		
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		<p>its members.</p> <p>(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, 2[within fifteen days] from such detention, communicate to such person the grounds on which the order has been made, and shall afford him the earliest opportunity of making a representation against the order:</p> <p>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.</p> <p>(6) The authority making the order shall furnish to the appropriate Review Board all documents relevant to the case unless a certificate, signed by a Secretary to the Government concerned, to the effect that it is not in the public interest to furnish any documents, is produced.</p> <p>(7) Within a period of twenty-four months commencing on the day of his first detention in pursuance of an order made under a law providing for preventive detention, no person shall be detained in pursuance of any such order for more than a total period of eight months in the case of a person detained for acting in a manner prejudicial to public order and twelve months in any other case:</p> <p>Provided that this clause shall not apply to any person who is employed by, or works for, or acts on</p>		
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		<p>instructions received from, the enemy 3[or who is acting or attempting to act in a manner prejudicial to the integrity, security or defence of Pakistan or any part thereof or who commits or attempts to commit any act which amounts to an anti-national activity as defined in a Federal law or is a member of any association which has for its objects, or which indulges in, any such anti-national activity].</p> <p>(8) The appropriate Review Board shall determine the place of detention of the person detained and fix a reasonable subsistence allowance for his family.</p> <p>(9) Nothing in this Article shall apply to any person who for the time being is an enemy alien.</p>		
06	17	<p>17. Freedom of association-(1) Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of 1[sovereignty or integrity of Pakistan, public order or morality.]</p> <p>2[(2) Every citizen, not being in the service of Pakistan, shall have the right to form or be a member of a political party, subject to any reasonable restrictions imposed by law in the interest of the sovereignty or integrity of Pakistan 3[or public order] and such law shall provide that where the Federal Government declares that any political party has been formed or is operating in a manner prejudicial to the sovereignty or integrity of Pakistan, 3[or public order] the Federal Government shall, within fifteen days of such declaration, refer the matter to the Supreme Court whose decision on such reference shall be final 4[:]</p>	<p>“17. Freedom of association. (1) Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.</p> <p>(2) Every citizen, not being in the service of Pakistan, shall have the right to form or be a member of a political party, subject to any reasonable restrictions imposed by law in the interest of the sovereignty or integrity of Pakistan and such law shall provide that where the Federal Government declares that any political party has been formed or is operating in a manner prejudicial to the sovereignty or integrity of Pakistan, the Federal Government shall, within fifteen days of such declaration, refer the matter to the Supreme Court whose decision on such reference shall be final.</p> <p>(3) Every political party shall account for</p>	substituted

		<p>4[Provided that no political party shall promote sectarian, ethnic, regional hatred or animosity, or be titled or constituted as a militant group of section.]</p> <p>(3) Every political party shall account for the source of its funds in accordance with law.]</p> <p>5[(4) Every political party shall, subject to law, hold intra-party elections to elect its office-bearers and party leaders.]</p>	the source of its funds in accordance with law.”	
07	19A	<p>19. Freedom of speech, etc.-Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, 1[commission of] or incitement to an offence.</p>	<p>In the Constitution, after Article 19, the following new Article shall be inserted, namely :-</p> <p>“19A. Right to information :- Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law “.</p>	New insertion
08	25	<p>25. Equality of citizens.- (1) All citizens are equal before law and are entitled to equal protection of law.</p> <p>(2) There shall be no discrimination on the basis of sex alone.</p> <p>(3) Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.</p>	<p>In the Constitution, in Article 25, in clause (2), the word “alone” occurring at the end shall be omitted.</p>	Omission of word “alone.”
09	25A		<p>In the Constitution, after Article 25, the following new Article shall be inserted, namely :-</p> <p>“25A. Right to education :- The state shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law.”</p>	New insertion

10	27	<p>27. Safeguard against discrimination in services.- (1) No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth:</p> <p>Provided that, for a period not exceeding 1[forty] years from the commencing day, posts may be reserved for persons belonging to any class or area to secure their adequate representation in the service of Pakistan:</p> <p>Provided further that, in the interest of the said service, specified posts or services may be reserved for members of either sex if such posts or services entail the performance of duties and functions which cannot be adequately performed by members of the other sex.</p> <p>(2) Nothing in clause(1) shall prevent any Provincial Government, or any local or other authority in a Province, from prescribing, in relation to any post or class of service under that Government or authority, conditions as to residence in the Province, for a period not exceeding three years, prior to appointment under that Government or authority.</p>	<p>In the Constitution, in Article 27, in clause (1), in the second proviso, for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be inserted, namely :- “Provided also that under-representation of any class or area in the service of Pakistan may be redressed in such manner as may be determined by an Act of Jajlis-e-Shoora (Parliament)”.</p>	Proviso added
11	29	<p>29. Principles of Policy.-(1) The Principles set out in this Chapter shall be known as the Principles of Policy, and it is the responsibility of each organ and authority of the State, and of each person performing functions on behalf of an organ or authority of the State, to act in accordance with those Principles in so far as they relate to the functions of the organ or authority.</p> <p>(2) In so far as the observance of any particular Principle of Policy may be dependent upon resources being available for the purpose, the Principle shall be regarded</p>		

		<p>as being subject to the availability of resources.</p> <p>(3) In respect of each year, the President in relation to the affairs of the Federation, and the Governor of each Province in relation to the affairs of his Province, shall cause to be prepared and laid before the National Assembly or, as the case may be, the Provincial Assembly, a report on the observance and implementation of the Principles of Policy, and Provision shall be made in the rules of procedure of the National Assembly or, as the case may be, the Provincial Assembly, for discussion on such report.</p>	<p>In the Constitution, in Article 29, in clause (3), for the word “the National Assembly” occurring for the first time the words and brackets, “each House of Majlis-e-Shoora (Parliament)” shall be substituted and after word “National Assembly” occurring for the second time the words “and the Senate” shall be inserted.</p>	<p>amendment</p>
12	38	<p>38. Promotion of social and economic well-being of the people.-The State shall-</p> <p>(a) secure the well-being of the people, irrespective of sex, caste, creed or race, by raising their standard of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriment of general interest and by ensuring equitable adjustment of rights between employers and employees, and landlords and tenants;</p> <p>(b) provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure;</p> <p>(c) provide for all persons employed in the service of Pakistan or otherwise, social security by compulsory social insurance or other means;</p>		<p>Amendment of Article 38 of the Constitution</p>

		<p>(d) provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment;</p> <p>(e) reduce disparity in the income and earnings of individuals, including persons in the various classes of the service of Pakistan; and</p> <p>(f) eliminate riba as early as possible.</p>	<p>In the Constitution, in Article 38,- in paragraph (e), the word “and “ at the end shall be omitted;</p> <p>in paragraph (f), for the full stop at the end a semicolon and the word “, and” shall be added and after paragraph (f) amended as aforesaid,</p> <p>the following new paragraph shall be added, namely :- “(g) the shares of the Provinces in all federal services, including autonomous bodies and corporations established by, or under the control of, the Federal Government, shall be secured and any omission in the allocation of the shares of the Provinces in the past shall be rectified.”</p>	New insertion of para g
PART III – THE FEDERATION OF PAKISTAN				
13	41	<p>41. The President.-(1) There shall be a President of Pakistan who shall be the Head of State and shall represent the unity of the Republic.</p> <p>(2) A person shall not be qualified for election as President unless he is a Muslim of not less than forty-five years of age and is qualified to be elected as member of the National Assembly.</p>		

		<p>41[(3) The President to be elected after the expiration of the term specified in clause (7) shall be elected in accordance with the provisions of the Second Schedule by the members of an electoral college consisting of-</p> <p>(a) the members of both Houses; and</p> <p>(b) the members of the Provincial Assemblies.]</p> <p>(4) Election to the office of President shall be held not earlier than sixty days and not later than thirty days before the expiration of the term of the President in office:</p> <p>Provided that, if the election cannot be held within the period aforesaid because the National Assembly is dissolved, it shall be held within thirty days of the general election to the Assembly.</p> <p>(5) An election to fill a vacancy in the office of President shall be held not later than thirty days from the occurrence of the vacancy:</p> <p>Provided that, if the election cannot be held within the period aforesaid because the National Assembly is dissolved, it shall be held within thirty days of the general election to the Assembly.</p> <p>(6) The validity of the election of the President shall not be called in question by or before any Court or other authority.</p> <p>(7) The Chief Executive of the Islamic Republic of Pakistan-</p>	<p>In the Constitution, in Article 41,- in clause (3), the words, brackets and figure “to be elected after the term specified in clause (7)” shall be omitted; and</p> <p>clauses (7), (8) and (9) shall be omitted.</p>	Amended clause 3
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		<p>(a) shall relinquish the office of Chief Executive on such day as he may determine in accordance with the judgement of the Supreme Court of Pakistan of the 12th May, 2000; and</p> <p>(b) having received the democratic mandate to serve the nation as President of Pakistan for a period of five years shall, on relinquishing the office of the Chief Executive, notwithstanding anything contained in this Article or Article 43 or any other provision of the Constitution or any other law for the time being in force, assume the office of President of Pakistan forthwith and shall hold office for a term of five years under the Constitution, and Article 44 and other provisions of the Constitution shall apply accordingly.</p> <p><i>"(7) Notwithstanding anything contained in this Article or Article 43, or any other Article of the Constitution or any other law, General Muhammad Zia-ul-Haq, in consequence of the result of the referendum held on the nineteenth day of December 1984, shall become the President of Pakistan on the day of the first meeting of Majlis-e-Shoora (Parliament) in joint sitting summoned after the elections to the Houses of Majlis-e-Shoora (Parliament) and shall hold office for a term of five years from that day; and Article 44 and other provisions of the Constitution shall apply accordingly."</i></p>		<p>clauses (7), (8) and (9) shall be omitted.</p>
14	46	<p>1[46. Duties of Prime Minister in relation to President.-It shall be the duty of the Prime Minister-</p> <p>(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;</p> <p>(b) to furnish such information relating to the</p>	<p>"46. President to be kept informed :- The Prime Minister shall keep the President informed on all matters of internal and foreign policy and on all legislative proposals the Federal Government intends to bring before Majlis-e-Shoora (Parliament)".</p>	<p>substituted</p>

		<p>administration of the affairs of the Federation and proposals for legislation as the President may call for; and</p> <p>(c) if the President so requires, to submit for the consideration of the Cabinet any matter on which a decision has been taken by the Prime Minister or a Minister or a Minister but which has not been considered by the Cabinet.]</p>		
15	48	<p>48. President to act on advice, etc.-(1) In the exercise of his functions, the President shall act in accordance with the advice of the Cabinet 2[or the Prime Minister]:</p> <p>3[Provided that the President may require the Cabinet or, as the case may be, the Prime Minister to reconsider such advice, either generally or otherwise, and the President shall act in accordance with the advice tendered after such reconsideration.]</p> <p>(2) Notwithstanding anything contained in clause (1), the President shall act in his discretion in respect of any matter in respect of which he is empowered by the Constitution to do so 4[and the validity of anything done by the President in his discretion shall not be called in question on any ground whatsoever.]</p> <p>5[(3)****] Omitted.</p> <p>(4) The question whether any, and if so what, advice was tendered to the President by the Cabinet, the Prime Minister, a Minister or Minister of State shall not be inquired into in, or by, any Court, tribunal or other authority.</p>	<p>In the Constitution, in Article 48,- In clause (1),-after the word “act” the words “on and” shall be inserted; and in the proviso, after the word “that” the words “within fifteen days” shall be inserted and after the word “shall” the commas and words “,within ten days,” shall be inserted; and for clause (5) the following shall be substituted, namely :-</p> <p>“(5) Where the President dissolves the National Assembly, notwithstanding anything contained in clause (1), he shall-</p> <p>appoint a date, not later than ninety days from the date of the dissolution, for the holding of a general election to the Assembly; and Appoint a care-taker Cabinet.”.</p> <p>for clause (6) the following shall be substituted, namely : “(6). If at any time the Prime Minister considers it necessary to hold a referendum on any matter of national importance, he may refer the matter to a joint sitting of the Majlis-e-Shoora (Parliament) and</p>	amended

		<p>(5) Where the President dissolves the National Assembly, he shall, in his discretion,-</p> <p>(a) appoint a date, not later than 6[ninety] days from the date of the dissolution, for the holding of a General election to the Assembly; and</p> <p>(b) appoint a care-taker Cabinet.</p> <p>(6) If, at any time, the President, in his discretion, or on the advice of the Prime Minister, considers that it is desirable that any matter of national importance should be referred to a referendum, the President may cause the matter to be referred to a referendum in the form of a question that is capable of being answered either by "Yes' or "No".</p> <p>(7) An Act of Majlis-e-Shoora (Parliament) may lay down the procedure for the holding of a referendum and the compiling and consolidation of the result of a referendum.]</p>	<p>if it is approved in a joint sitting, the Prime Minister may cause such matter to be referred to a referendum in the form of a question that is capable of being answered by either “Yes” or “No”.</p>									
16	51	<p>51. National Assembly.- ¹[(1) There shall be three hundred and forty-two seats of the members in the National Assembly, including seats reserved for women and non-Muslims.</p> <p>(1A) The seats in the National Assembly referred to in clause (1), except as provided in clause (2A), are allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital as under:-</p> <table border="1"><tr><td></td><td>General Seats</td><td>Women</td><td>Total</td></tr><tr><td></td><td></td><td></td><td></td></tr></table>		General Seats	Women	Total					<p>In the Constitution, for Article 51, the following shall be substituted and shall be deemed always to have been so substituted with effect from the 21st day of August, 2002, namely :-</p> <p>“51, National Assembly :- (1) There shall be three hundred and forty-two seats for members in the National Assembly, including seats reserved for women and non-Muslims. A person shall be entitled to vote if :-</p> <p>he is a citizen of Pakistan; he is not less than eighteen years of age; his name appears on the electoral roll; and</p>	substituted
	General Seats	Women	Total									

		<table><tr><td>Balochistan</td><td>14</td><td>3</td><td>17</td></tr><tr><td>The North-West Frontier Province</td><td>35</td><td>8</td><td>43</td></tr><tr><td>The Punjab</td><td>147</td><td>35</td><td>173</td></tr><tr><td>Sindh</td><td>61</td><td>14</td><td>75</td></tr><tr><td>The Federally Administered Tribal Areas</td><td>12</td><td>--</td><td>12</td></tr><tr><td>The Federal Capital</td><td>2</td><td>--</td><td>2</td></tr><tr><td>Total</td><td></td><td></td><td></td></tr></table>	Balochistan	14	3	17	The North-West Frontier Province	35	8	43	The Punjab	147	35	173	Sindh	61	14	75	The Federally Administered Tribal Areas	12	--	12	The Federal Capital	2	--	2	Total				<p>he is not declared by a competent court to be of unsound mind.</p> <p>The seats in the National Assembly referred to in clause (1), except as provided in clause (4), shall be allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital as under :-</p> <table><tr><td></td><td>Gen Seat</td><td>Women</td><td>Total</td></tr><tr><td>Balochistan</td><td>14</td><td>3</td><td>17</td></tr><tr><td>Khyber Pakhtunkhwa</td><td>35</td><td>8</td><td>43</td></tr><tr><td>Punjab</td><td>148</td><td>35</td><td>183</td></tr><tr><td>Sindh</td><td>61</td><td>14</td><td>75</td></tr><tr><td>FATA</td><td>12</td><td>-</td><td>12</td></tr><tr><td>Federal Capital</td><td>2</td><td>-</td><td>2</td></tr><tr><td>Total</td><td>272</td><td>60</td><td>332</td></tr></table>		Gen Seat	Women	Total	Balochistan	14	3	17	Khyber Pakhtunkhwa	35	8	43	Punjab	148	35	183	Sindh	61	14	75	FATA	12	-	12	Federal Capital	2	-	2	Total	272	60	332	
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(2) A person shall be entitled to vote if-

(a) he is a citizen of Pakistan;

(b) he is not less than 2[eighteen] years of age;

(c) his name appears on the electoral

In addition to the number of seats referred to in clause (3), there shall be, in the National Assembly, ten seats reserved for non-Muslims. The seats in the National Assembly shall be allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital on the basis of population in accordance with the last preceding census officially

		<p>roll; and</p> <p>(d) he is not declared by a competent Court to be of unsound mind 3[.]</p> <p>³[Proviso****] Omitted.</p> <p>4[(2A) In addition to the number of seats referred to in clause (1A), there shall be, in the National Assembly, ten seats reserved for non-Muslims.]</p> <p>(3) The seats in the National Assembly shall be allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital on the basis of population in accordance with the last preceding census officially published.</p> <p>5[(4) For the purpose of election to the National Assembly,-</p> <p>(a) the constituencies for the general seats shall be single member territorial constituencies and the members to fill such seats shall be elected by direct and free vote in accordance with law;</p> <p>(b) each Province shall be a single constituency for all seats reserved for women which are allocated to the respective Provinces under clause (1A);</p> <p>(c) the constituency for all seats reserved for</p>	<p>published.</p> <p>For the purpose of election to the National Assembly :- the constituencies for the general seats shall be single member territorial constituencies and the members to fill such seats shall be elected by direct and free vote in accordance with law;</p> <p>(b) each Province shall be a single constituency for all seats reserved for women which are allocated to the respective provinces under (3);</p> <p>(e) the constituency for all seats reserved for non-Muslims shall be the whole country;</p> <p>members to the seats reserved for women which are allocated to a Province under clause (3) shall be elected in accordance with law through proportional representation system of political parties' lists of candidates on the basis of total number of general seats secured by each political party from the Province concerned in the National Assembly:</p> <p>Provided that for the purpose of this paragraph The total number of general seats won by a political party Shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates”;</p>	
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		<p>non-Muslims shall be the whole country;</p> <p>(d) members to the seats reserved for women which are allocated to a Province under clause (1A) shall be elected in accordance with law through proportional representation system of political parties' lists of candidates on the basis of total number of general seats secured by each political party from the Province concerned in the National Assembly 6[:]</p> <p>6[Provided that for the purpose of this sub-clause the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates;]</p> <p>(e) members to the seats reserved for non-Muslims shall be elected in accordance with law through proportional representation system of political parties' lists of candidates on the basis of total number of general seats won by each political party in the National Assembly :</p> <p>7[Provided that for the purpose of this sub clause the total number of general seats won by a political party shall include the independent, returned candidates or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates;]]</p>		
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		<p>8[(4A****)] Omitted.</p> <p>9[(5****)] Omitted.</p> <p>10[(6****)] Omitted</p>		
17	58	<p>58. Dissolution of National Assembly.- 1[(1)] The President shall dissolve the National Assembly if so advised by the Prime Minister; and the National Assembly shall, unless sooner dissolved, stand dissolved at the expiration of forty-eight hours after the Prime Minister has so advised.</p> <p>Explanation.-Reference in this Article to "Prime Minister" shall not be construed to include reference to a Prime Minister against whom a 2[notice of a resolution for a vote of no-confidence has been given] in the National Assembly but has not been voted upon or against whom such a resolution has been passed or who is continuing in office after his resignation or after the dissolution of the National Assembly. 3[****]</p> <p>4[(2) Notwithstanding anything contained in clause (2) of Article 48, the President may also dissolve the National Assembly in his discretion where, in his opinion-</p> <p>(a) a vote of no-confidence having been passed against the Prime Minister, no other member of the National Assembly is likely to command the confidence of the majority of the members of the National Assembly in accordance with the provisions of the Constitution as ascertained in a session of the National Assembly summoned for the purpose; or</p> <p>5[(b) a situation has arisen in which the Government of</p>	<p>In the Constitution, for Article 58, the following shall be substituted, namely :-</p> <p>“58. Dissolution of the National Assembly :- (1) The President shall dissolve the National Assembly if so advised by the Prime Minister, and the National Assembly shall, unless sooner dissolved, stand dissolved at the expiration of forty-eight hours after the Prime Minister has so advised <i>Explanation :-</i> Reference in this Article to “Prime Minister” shall not be construed to include reference to a Prime Minister against whom a notice of a resolution for a vote of no-confidence has been given in the National Assembly but has not been passed or who is continuing in office after his resignation or after the dissolution of the National Assembly.</p> <p>(2) Notwithstanding anything contained in clause (2) of Article 48, the President may also dissolve the National Assembly in his discretion where, a vote of no-confidence having been passed against the Prime Minister, no other member of the National Assembly commands the confidence of the majority of the members of the National Assembly in accordance with the provision of the Constitution, as ascertained in</p>	substituted

		the Federation cannot be carried on in accordance with the provisions of the Constitution and an appeal to the electorate is necessary.]]	a session of the National Assembly summoned for the purpose.”.	
18	59	<p>59. The Senate.- 1[(1) The Senate shall consist of one hundred members, of whom-</p> <p>(a) fourteen shall be elected by the members of each Provincial Assembly;</p> <p>(b) eight shall be elected 2[****] from the Federally Administered Tribal Areas, in such manner as the President may, by Order, prescribe;</p> <p>(c) two on general seats, and one woman and one technocrat including aalim shall be elected from the Federal Capital in such manner as the President may, by Order, prescribe;</p> <p>(d) four women shall be elected by the members of each Provincial Assembly;</p> <p>(e) four technocrats including ulema shall be elected by the members of each Provincial Assembly.]</p> <p>(2) Election to fill Seats in the Senate allocated to each Province shall be held in accordance with the system of proportional representation by means of the single transferable vote.</p> <p>3[(3) The Senate shall not be subject to dissolution but the term of its members, who shall retire as follows, shall be six years:-</p> <p>(a) of the members referred to in paragraphs (a) of</p>	<p>In the Constitution, for Article 59, the following shall be substituted, namely :</p> <p>“59. The Senate :- (1)The Senate shall consist of one-hundred and four members, of whom :- fourteen shall be elected by the members of each Provincial Assembly;</p> <p>(b) eight shall be elected from the Federally Administered Tribal Areas, in such manner as the President may, by Order prescribe;</p> <p>two on general seats, and one woman and one technocrat including <i>aalim</i> shall be elected from the Federal Capital in such manner as the President may, by Order, prescribe;four women shall be elected by the members of each Provincial Assembly;four technocrats including ulema shall be elected by the members of each Provincial Assembly; and four non-Muslim, one from each Province, shall be elected by the members of each Provincial Assembly:</p> <p>Provided that paragraph (f) shall be effective from the next Senate election after the commencement of the Constitution (Eighteenth Amendment) Act, 2010.</p> <p>(2) Election to fill seats in the Senate</p>	substituted

		<p>clause (1), seven shall retire after the expiration of the first three years and seven shall retire after the expiration of the next three years ;</p> <p>(b) of the members referred to in paragraph (b) of the aforesaid clause, four shall retire after the expiration of the first three years and four shall retire after the expiration of the next three years;</p> <p>4[(c) of the members referred to in paragraph (c) of the aforesaid clause,-</p> <p>(i) one elected on general seat shall retire after the expiration of the first three years and the other one shall retire after the expiration of the next three years, and</p> <p>(ii) one elected on the seat reserved for technocrat shall retire after first three years and the one elected on the seat reserved for woman shall retire after the expiration of the next three years;</p> <p>(d) of the members referred to in paragraph (d) of the aforesaid clause, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years; and</p> <p>(e) of the members referred to in paragraph (e) of the aforesaid clause, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years :]</p> <p>Provided that the term of office of a person elected 5[****] to fill a casual vacancy shall be the unexpired term of the member whose vacancy he has filled.]</p>	<p>allocated to each Province shall be held in accordance with the system of proportional representation by means of the single transferable vote.</p> <p>(3) The Senate shall not be subject to dissolution but the term of its members, who shall retire as follows, shall be six years :-of the members referred to in paragraph (a) of clause (1),seven shall retire after the expiration of the first three years and seven shall retire after the expiration of the next three years; of the members referred to in paragraph (b) of the aforesaid clause, four shall retire after the expiration of the first three years and four shall retire after the expiration of the next three years; of the members referred to in paragraph © of the aforesaid clause,-</p> <p>(i) one elected on general seat shall retire after the expiration of the first three years and the other one shall retire after the expiration of the next three years; and</p> <p>(ii) one elected on the seat reserved for technocrat shall retire after first three years and the one elected on the seat reserved for women shall retire after the expiration of the next three years; of the members referred to in paragraph (d) of the aforesaid clause, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years; of the members referred to in paragraph</p>	
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		6[(4****)]	<p>(e) of the aforesaid clause, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years; and of the members referred to in paragraph (f) of the aforesaid clause, two shall retire after the expiration of first three years and two shall retire after the expiration of next three years:</p> <p>Provided that the Election Commission for the first term of seats for non-Muslims shall draw a lot as to which two members shall retire after the first three years.</p> <p>The term of office of a person elected to fill a casual vacancy shall be the unexpired term of the member whose vacancy he has filled.</p>	
19	61	61. Other provisions relating to Senate. -The provisions of clauses (2) to (7) of Article 53, clauses (2) and (3) of Article 54 and Article 55 shall apply to the Senate as they apply to the National Assembly and, in their application to the Senate, shall have effect as if references therein to the National Assembly, Speaker and Deputy Speaker were references, respectively, to the Senate, Chairman and Deputy Chairman 1[and as if, in the proviso to the said clause (2) of Article 54, for the words 2[one hundred and thirty] the word 'ninety' were substituted].	In the Constitution, in Article 61, for the word "ninety" the words "one hundred and ten" shall be substituted.	Senate working days increased from 90 to 110 (substitution)
20	62	1[62. Qualifications for membership of Majlis-e-Shoora (Parliament).-A person shall not be qualified to be elected or chosen as a member of Majlis-e-Shoora (Parliament) unless-	In the Constitution, for Article 62, the following shall be substituted, namely :- "62. Qualifications for membership of Majlis-e-Shoora (Parliament):- (1)A person shall not be qualified to be elected or chosen as a member of Majlis-e-Shoora (Parliament) unless __	substituted

		<p>(a) he is a citizen of Pakistan;</p> <p>2[(b) he is, in the case of the National Assembly, not less than twenty-five years of age and is enrolled as a voter in any electoral roll in-</p> <p>(i) any part of Pakistan, for election to a general seat or a seat reserved for non-Muslims; and</p> <p>(ii) any area in a Province from which he seeks membership for election to a seat reserved for women.]</p> <p>(c) he is, in the case of Senate, not less than thirty years of age and is enrolled as a voter in any area in a Province or, as the case may be, the Federal Capital or the Federally Administered Tribal Areas, from where he seeks membership; in that Assembly;</p> <p>(d) he is of good character and is not commonly known as one who violates Islamic Injunctions;</p> <p>(e) he has adequate knowledge of Islamic teachings and practises obligatory duties prescribed by Islam as well as abstains from major sins;</p> <p>(f) he is sagacious, righteous and non-profligate and honest and ameen;</p> <p>(g) he has not been convicted for a crime involving moral turpitude or for giving false evidence;</p> <p>(h) he has not, after the establishment of Pakistan, worked against the integrity of the country or opposed</p>	<p>(a) he is a citizen of Pakistan</p> <p>he is, in the case of the National Assembly, not less than twenty-five years of age and is enrolled as a voter in any electoral roll in.</p> <p>any part of Pakistan, for election to a general seat or a seat reserved for a non-Muslim; and any area in a Province from which she seeks membership for election to a seat reserved for women.</p> <p>he is, in the case of the Senate, not less than thirty years of age and is enrolled as a voter in any area in a Province or, as the case may be, the Federal Capital or the Federally Administered Tribal Areas, from where he seeks membership;</p> <p>he is of good character and is not commonly known as one who violates Islamic Injunctions; he has adequate knowledge of Islamic teachings and practices obligatory duties prescribed by Islam as well as well abstains from major sins;</p> <p>he is sagacious, righteous, non-profligate, honest and ameen, there being no declaration to the contrary by a court of law;</p> <p>he has not, after the establishment of Pakistan, worked against the integrity of the country or opposed the ideology of Pakistan :</p> <p>(2) The disqualifications specified in paragraphs (d) and (e) shall not apply to a person who is a non-Muslim, but such a person shall have good moral reputation;”.</p>	
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		<p>the Ideology of Pakistan;</p> <p>Provided that the disqualification specified in paragraphs (d) and (e) shall not apply to a person who is a non-Muslim, but such a person shall have good moral reputation; and</p> <p>(i) he possesses such other qualifications as may be prescribed by Act of Majlis-e-Shoora (Parliament).]</p>		
21	63	<p>"63. Disqualifications for membership of Majlis-e-Shoora</p> <p>(Parliament). (1) A person shall be disqualified from being elected or chosen as, and from being, a member of the Majlis-e-Shoora (Parliament), if __</p> <p>(a).he is of unsound mind and has been so declared by a competent court; or</p> <p>(b) he is an un-discharged insolvent; or</p> <p>(c)he ceases to be a citizen of Pakistan, or acquires the citizenship of a foreign State; or</p> <p>(d) he holds an office of profit in the service of Pakistan other than an office declared by law not to disqualify its holder; or</p> <p>(e) he is in the service of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest; or</p> <p>(f) being a citizen of Pakistan by virtue of section 14B of the Pakistan Citizenship Act, 1951 (II of 1951), he is for the time being disqualified under any law in force in Azad Jammu and Kashmir from being</p>	<p><i>In the Constitution, for Article 63, the following shall be substituted, namely.-</i></p> <p><i>"63. Disqualifications for membership of Majlis-e-Shoora</i></p> <p><i>(Parliament). (1) A person shall be disqualified from being elected or chosen as, and from being, a member of the Majlis-e-Shoora (Parliament), if __</i></p> <p><i>(a) he is of unsound mind and has been so declared by a competent court; or</i></p> <p><i>(b) he is an un-discharged insolvent; or</i></p> <p><i>(c) he ceases to be a citizen of Pakistan, or acquires the citizenship of a foreign State; or</i></p> <p><i>(d) he holds an office of profit in the service of Pakistan other than an office declared by law not to disqualify its holder; or</i></p> <p><i>(e) he is in the service of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest; or</i></p> <p><i>(f) being a citizen of Pakistan by virtue of section 14B of the Pakistan Citizenship</i></p>	<p>Many clauses Substituted, points "l and m," omitted and old n becomes new 'l."</p>

		<p>elected as a member of the Legislative Assembly of Azad Jammu and Kashmir; or</p> <p>(g) he is propagating any opinion, or acting in any manner, prejudicial to the ideology of Pakistan, or the sovereignty, integrity or security of Pakistan, or morality, or the maintenance of public order, or the integrity and independence of the judiciary of Pakistan, or which defames or brings into ridicule the judiciary or the Armed Forces of Pakistan; or</p> <p>(h) he has been, convicted by a court of competent jurisdiction on a charge of corrupt practice, moral turpitude or misuse of power or authority under any law for the time being in force; or</p> <p>(i) he has been dismissed from the service of Pakistan or service of a corporation or office set up or, controlled, by the Federal Government, Provincial Government or a Local Government on the ground of misconduct or moral turpitude; or</p> <p>(j) he has been removed or compulsorily retired from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a</p>	<p>Act, 1951 (II of 1951), he is for the time being disqualified under any law in force in Azad Jammu and Kashmir from being elected as a member of the Legislative Assembly of Azad Jammu and Kashmir; or</p> <p>(g) he has been convicted by a court of competent jurisdiction for propagating any opinion, or acting in any manner, prejudicial to the ideology of Pakistan, or the sovereignty, integrity or security of Pakistan, or the integrity or independence of the judiciary of Pakistan, or which defames or brings into ridicule the judiciary or the Armed Forces of Pakistan, unless a period of five years has elapsed since his release; or</p> <p>(h) he has been, on conviction for any offence involving moral turpitude, sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his release; or</p> <p>(i) he has been dismissed from the service of Pakistan or service of a corporation or office set up or, controlled, by the Federal Government, Provincial Government or a Local Government on the ground of misconduct, unless a period of five years has elapsed since his dismissal; or</p> <p>(j) he has been removed or compulsorily retired from the service of Pakistan or service of a corporation or office set up</p>	
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		<p>Local Government on the ground of misconduct, or moral turpitude; or</p> <p>(k) he has been in the service of Pakistan or of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest, unless a period of two years has elapsed since he ceased to be in such service; or</p> <p>(l) he is found guilty of a corrupt or illegal practice under any law for the time being in force, unless a period of five years has elapsed from the date on which that order takes effect; or</p> <p>(m) he has been convicted under section 7 of the Political Parties Act, 1962 (III of 1962), unless a period of five years has elapsed from the date on which that order takes effect; or</p> <p>(n) he, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account or as a member of a Hindu undivided family, has any share or interest in a contract, not being a contract between a cooperative society and Government, for the supply of goods to, or for the execution of any contract or for the performance of any service undertaken by, Government:</p> <p>Provide that the disqualification under this paragraph shall not apply to a person _</p> <p>a. where the share or interest in the</p>	<p><i>or controlled by the Federal Government, Provincial Government or a Local Government on the ground of misconduct, unless a period of three years has elapsed since his removal or compulsory retirement; or</i></p> <p><i>(k) he has been in the service of Pakistan or of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest, unless a period of two years has elapsed since he ceased to be in such service; or</i></p> <p><i>(l) he, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account or as a member of a Hindu undivided family, has any share or interest in a contract, not being a contract between a cooperative society and Government, for the supply of goods to, or for the execution of any contract or for the performance of any service undertaken by, Government:</i></p> <p><i>Provide that the disqualification under this paragraph shall not apply to a person _</i></p> <p><i>a. where the share or interest in the contract</i></p>	
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		<p>contract devolves on him by inheritance or succession or as a legatee, executor or administrator, until the expiration of six months after it has so devolved on him;</p> <p>b. where the contract has been entered into by or on behalf of a public company as defined in the Companies Ordinance, 1984 (XLVII of 1984), of which he is a shareholder but is not a director holding an office of profit under the company; or</p> <p>c. where he is a member of a Hindu undivided family and the contract has been entered into by any other member of that family in the course of carrying on a separate business in which he has no share or interest; or</p> <p><i>Explanation.</i> ____ In this Article “goods” does not include agricultural produce or commodity grown or produced by him or such goods as he is, under any directive of Government or any law for the time being in force, under a duty or obligation to supply.</p> <p>(o) he holds any office of profit in the service of Pakistan other than the following offices, namely :-</p> <p>a. an office which is not whole time office remunerated either by salary or by fee;.</p> <p>b. The office of Lumbardar, whether called by this or any other title;</p> <p>c. The Qaumi Razakars;</p> <p>d. any office the holder whereof, by virtue of such office, is liable to be called up for military training or military service under any</p>	<p><i>devolves on him by inheritance or succession or as a legatee, executor or administrator, until the expiration of six months after it has so devolved on him;</i></p> <p><i>b. where the contract has been entered into by or on behalf of a public company as defined in the Companies Ordinance, 1984 (XLVII of 1984), of which he is a shareholder but is not a director holding an office of profit under the company; or</i></p> <p><i>c. where he is a member of a Hindu undivided family and the contract has been entered into by any other member of that family in the course of carrying on a separate business in which he has no share or interest; or</i></p> <p><i>Explanation.</i> ____ <i>In this Article “goods” does not include agricultural produce or commodity grown or produced by him or such goods as he is, under any directive of Government or any law for the time being in force, under a duty or obligation to supply.</i></p> <p><i>(o) he holds any office of profit in the service of Pakistan other than the following offices, namely :-</i></p> <p><i>a. an office which is not whole time office remunerated either by salary or by fee;.</i></p> <p><i>b. The office of Lumbardar, whether called by this or any other title;</i></p> <p><i>c. The Qaumi Razakars;</i></p> <p><i>d. any office the holder whereof, by virtue of</i></p>	
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		<p>law providing for the constitution or raising of a Force; or</p> <p>(q) he has obtained a loan for an amount of two million rupees or more, from any bank, financial institution, cooperative society or cooperative body in his own name or in the name of his spouse or any of his dependants, which remains unpaid for more than one year from the due date, or has got such loan written off; or</p> <p>(r) he or his spouse or any of his dependents has defaulted in payment of government dues and utility expenses, including telephone, electricity, gas and water charges in excess of ten thousand rupees, for over six months, at the time of filing his nomination papers; or</p> <p>(s) he is for the time being disqualified from being elected or chosen as a member of a Majlis-e-Shoora (Parliament) or of Provincial Assembly under any law for the time being in force.</p> <p>(2) If any question arises whether a member of the Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker or, as the case may be, the Chairman, shall, within thirty days from raising of such question refer the question to the Election Commissioner.</p> <p>(3) Where a question is referred to The Election Commissioner under clause (2), he shall lay such question before the Election Commission, which shall give its decision thereon not later than three months from its receipt by the Chief Election Commissioner.</p>	<p><i>such office, is liable to be called up for military training or military service under any law providing for the constitution or raising of a Force; or</i></p> <p><i>he has obtained a loan for an amount of two million rupees or more, from any bank, financial institution, cooperative society or cooperative body in his own name or in the name of his spouse or any of his dependants, which remains unpaid for more than one year from the due date, or has got such loan written off; or</i></p> <p><i>he or his spouse or any of his dependents has defaulted in payment of government dues and utility expenses, including telephone, electricity, gas and water charges in excess of ten thousand rupees, for over six months, at the time of filing his nomination papers; or</i></p> <p><i>he is for the time being disqualified from being elected or chosen as a member of a Majlis-e-Shoora (Parliament) or of Provincial Assembly under any law for the time being in force.</i></p> <p><i>Explanation :- For the purposes of this paragraph "law" shall not include an Ordinance promulgated under Article 89 or Article 128.</i></p> <p><i>(2) If any question arises whether a member of the Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker or, as the case may be, the Chairman, shall, unless he decides that no such question has arisen, refer the question to the Election Commissioner within thirty days and should he fail to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission.</i></p> <p><i>(3) The Election Commission shall decide</i></p>	
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			<i>the question within ninety days from is receipt or deemed to have been received and if it is of the opinion that the member has become disqualified, he shall cease to be a member and his seat shall become vacant."</i>	
22	63A	<p>1[63A. Disqualification on grounds of defection, etc.-(1) If a member of a Parliamentary Party composed of a single political party in a House-</p> <p>(a) resigns from membership of his political party or joins another Parliamentary Party; or</p> <p>(b) votes or abstains from voting in the House contrary to any direction issued by the Parliamentary Party to which he belongs, in relation to-</p> <p>(i) election of the Prime Minister or the Chief Minister; or</p> <p>(ii) a vote of confidence or a vote of no-confidence; or</p> <p>(iii) a Money Bill;</p> <p>he may be declared in writing by the Head of the Parliamentary Party to have defected from the political party and the Head of the Parliamentary Party may forward a copy of the declaration to the Presiding Officer, and shall similarly forward a copy thereof to the member concerned :</p> <p>Provided that before making the declaration, the Head of the Parliamentary Party shall provide such member with an opportunity to show cause as to why such</p>	<p>In the Constitution, for Article 63A, the following shall be substituted, namely :-</p> <p>"63A. Disqualification on grounds of defection, etc:- (I) If a member of a member of a Parliamentary Party composed of a single political party in a House-resigns from membership of his political party or joins another Parliamentary Party; or votes or abstains from voting in the House contrary to any direction issued by the Parliamentary Party to which he belongs, in relation to- election of the Prime Minister or the Chief Minister; or a vote of confidence or a vote of no-confidence; or a Money Bill or a Constitution (Amendment) Bill;he may be declared in writing by the Party Head to have defected from the political party, and the Party Head may forward a copy of the declaration to the Presiding Officer and the Chief Election Commissioner and shall similarly forward a copy thereof to the member concerned:</p> <p>Provided that before making the declaration, the Party Head shall provide such member with an opportunity to show cause as to why such declaration may not be made against him.</p> <p>Explanation :- "Party Head" means any person, by whatever name called, declared as such by the Party.</p>	substituted

		<p>declaration may not be made against him.</p> <p>(2) A member of a House shall be deemed to be a member of a Parliamentary Party if he, having been elected as a candidate or nominee of a political party which constitutes the Parliamentary Party in the House or, having been elected otherwise than as a candidate or nominee of a political party, has become a member of such Parliamentary Party after such election by means of a declaration in writing.</p> <p>(3) Upon receipt of the declaration under clause (1), the Presiding Officer of the House shall within two days refer the declaration to the Chief Election Commissioner who shall lay the declaration before the Election Commission for its decision thereon confirming the declaration or otherwise within thirty days of its receipt by the Chief Election Commissioner.</p> <p>(4) Where the Election Commission confirms the declaration, the member referred to in clause (1) shall cease to be a member of the House and his seat shall become vacant.</p> <p>(5) Any party aggrieved by the decision of the Election Commission may, within thirty days, prefer an appeal to the Supreme Court which shall decide the matter within three months from the date of the filing of the appeal.</p> <p>(6) Nothing contained in this Article shall apply to the Chairman or Speaker of a House.</p> <p>(7) For the purpose of this Article,-</p> <p>(a) "House" means the National Assembly or the Senate,</p>	<p>(2) A member of a House shall be deemed to be a member of a Parliamentary Party if he, having been elected as a candidate or nominee of a political party which constitutes the Parliamentary Party in the House or, having been elected otherwise than as a candidate or nominee of a political party, has become a member of such Parliamentary Party after such election by means of a declaration in writing.</p> <p>(3) Upon receipt of the declaration under clause (1), the Presiding Officer of the House shall within two days refer, and in case he fails to do so it shall be deemed that he has referred, the declaration to the Chief Election Commissioner who shall lay the declaration before the Election Commission for its decision thereon confirming the declaration or otherwise within thirty days of its receipt by the Chief election Commissioner.</p> <p>(4) where the election Commission confirms the declaration, the member referred to in clause (1) shall cease to be a member of the House and his seat shall become vacant.</p> <p>(5) Any party aggrieved by the decision of the election Commission may, within thirty days, prefer an appeal to the Supreme Court which shall decide the matter within ninety days from the date of the filing of the appeal.</p> <p>(6) Nothing contained in this Article shall apply to the Chairman or Speaker of a House.</p> <p>(7) For the purpose of this Article :-</p> <p>(a) "House" means the National Assembly or the Senate, in relation to the Federation; and a Provincial Assembly in relation to the Province, as the case may be;</p>	
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		<p>in relation to the Federation; and a Provincial Assembly in relation to the Province, as the case may be;</p> <p>(b) "Presiding Officer" means the Speaker of the National Assembly, the Chairman of the Senate or the Speaker of the Provincial Assembly, as the case may be.]</p>	<p>(b) "Presiding Office" means the Speaker of the National Assembly, the Chairman of the Senate or the Speaker of the Provincial Assembly, as the case may be.</p> <p>(8) Article 63A substituted as aforesaid shall come into effect from the next general elections to be held after the commencement of the Constitution (Eighteenth Amendment) Act, 2010: Provided that till Article 63A substituted as aforesaid come into effect the provision of existing Article 63A shall remain operative,".</p>	
23	70	<p>1[70. Introduction and passing of Bills.-(1) A bill with respect to any matter in the Federal Legislative List or in the Concurrent Legislative List may originate in either House and shall, if it is passed by the House in which it originated, be transmitted to the other House; and, if the Bill is passed without amendment, by the other House also, it shall be presented to the President for assent.</p> <p>(2) If a Bill transmitted to a House under clause (1) is rejected or is not passed within ninety days of its receipt or is passed with amendment, the Bill, at the request of the House in which it originated, shall be referred to a Mediation Committee constituted under Article 71 for consideration and resolution thereon.]</p> <p>3[(3) Where a Bill is referred to the Mediation Committee under clause (2), the Mediation Committee shall, within ninety days, formulate an agreed Bill which is likely to be passed by both Houses of the Majlis-e-Shoora (Parliament) and place the agreed Bill separately</p>	<p>In the Constitution, for Article 70, the following shall be substituted, namely :-</p> <p>"70. Introduction and passing of Bills. (1) A Bill with respect to any matter in the Federal Legislative List may originate in either House and shall, if it is passed by the House in which it originated, be transmitted to the other House; and, if the Bill is passed without amendment by the other House also, it shall be presented to the President for assent.</p> <p>(2) If a Bill transmitted to a House under clause (1) is passed with amendments it shall be sent back to the House in which it originated and if that House passes the Bill with those amendments it shall be presented to the President for assent.</p> <p>(3) If a Bill transmitted to a House under clause (1) is rejected or is not passed within ninety days of its laying in the House or a Bill sent to a House under clause (2) with amendments is not passed by that House with</p>	substituted

		<p>before each House, and if both the Houses pass the Bill, it shall be presented to the President for assent.]</p> <p>(4) In this Article and the succeeding provisions of the Constitution, "Federal Legislative List" and "Concurrent Legislative List" mean respectively the Federal Legislative List and the Concurrent Legislative List in the Fourth Schedule.]</p>	<p>such amendments, the Bill, at the request of the House in which it originated, shall be considered in a joint sitting and if passed by the votes of the majority of the members present and voting in the joint sitting it shall be presented to the President for assent.</p> <p>(4) In this Article and the succeeding provisions of the Constitution, "Federal Legislative List" means the Federal Legislative List in the Fourth Schedule."</p>	
24	71	<p>1[71. Mediation Committee.-(1) Both Houses of Majlis-e-Shoora (Parliament) shall, within fifteen days from the date of referral of the Bill by the House in which it was originated for consideration and resolution by the Mediation Committee under clause (2) of Article 70, nominate eight members each as members of a Mediation Committee.</p> <p>(2) The House in which the Bill was originated shall nominate a member of the Mediation Committee as Chairman of the Committee and the other House shall nominate a member as the Vice-Chairman thereof.</p> <p>(3) All decisions of the Mediation Committee shall be made by a majority of the total number of members of each House in the Committee.</p> <p>(4) The President may, in consultation with the Speaker of the National Assembly and Chairman of the Senate, make rules for conduct of business of the Mediation Committee.]</p>	<p>In the Constitution, Article 71 shall be omitted.</p>	omitted
25	73	<p>73. Procedure with respect to Money Bills.-(1) Notwithstanding anything contained in Article 70, a Money Bill shall originate in the National Assembly :</p>	<p>In the Constitution, in Article 73,- For clause (1) the following shall be substituted, namely :-</p>	substitution

	<p>Provided that simultaneously when a Money Bill, including the Finance Bill containing the Annual Budget Statement, is presented in the National Assembly, a copy thereof shall be transmitted to the Senate which may, within seven days, make recommendations thereon to the National Assembly.</p> <p>(1A) The National Assembly shall, consider the recommendations of the Senate and after the bill has been passed by the Assembly with or without incorporating the recommendations of the Senate, it shall be presented to the President for assent.]</p> <p>(2) For the purposes of this Chapter, a Bill or amendment shall be deemed to be a Money Bill if it contains provisions dealing with all or any of the following matters, namely:-</p> <p>(a) the imposition, abolition, remission, alteration or regulation of any tax;</p> <p>(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;</p> <p>(c) the custody of the Federal Consolidated Fund, the payment of moneys into, or the issue of moneys from, that Fund;</p> <p>(d) the imposition of a charge upon the Federal Consolidated Fund, or the abolition or alteration of any such charge;</p> <p>(e) the receipt of moneys on account of the Public</p>	<p>“(1) Notwithstanding anything contained in Article 70, a Money Bill shall originate in the National Assembly:</p> <p>Provided that simultaneously when a Money Bill, including the Finance bill containing the Annual Budget Statement, is presented in the National Assembly, a copy thereof shall be transmitted to the Senate which may, within fourteen days, make recommendations thereon to the National Assembly.”; and</p> <p>(ii) after clause (1) substituted as aforesaid, the following new clause shall be inserted, namely :-</p> <p>“(1A) The National Assembly shall, consider the recommendations of the Senate and after the Bill has been passed by the Assembly with or without incorporating the recommendations of the Senate, it shall be presented to the President for assent.”</p>	
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		<p>Account of the Federation, the custody or issue of such moneys;</p> <p>(f) the audit of the accounts of the Federal Government or a Provincial Government; and</p> <p>(g) any matter incidental to any of the matters specified in the preceding paragraphs.</p> <p>(3) A Bill shall not be deemed to be a Money Bill by reason only that it provides--</p> <p>(a) for the imposition or alteration of any fine or other pecuniary penalty, or for the demand or payment of a licence fee or a fee or charge for any service rendered; or</p> <p>(b) for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.</p> <p>(4) If any question arises whether a Bill is a Money Bill or not, the decision of the Speaker of the National Assembly thereon shall be final.</p> <p>(5) Every Money Bill presented to the President for assent shall bear a certificate under the hand of the Speaker of the National Assembly that it is a Money Bill, and such certificate shall be conclusive for all purposes and shall not be called in question.</p>		
26	75	<p>75. President's assent to Bills.-(1) When a bill is presented to the President for assent, the President shall, within 2[thirty] days, --</p>	<p>Amendment of Article 75 of the Constitution :- In the Constitution, in Article 75 :- (i) in clause (1), for the word "thirty", the word "ten" shall be substituted;</p>	<p>Substitution of words and paras</p>

		<p>(a) assent to the Bill; or</p> <p>(b) in the case of a Bill other than a Money Bill, return the Bill to the Majlis-e-Shoora (Parliament) with a message requesting that the Bill, or any specified provision thereof, be reconsidered and that any amendment specified in the message be considered.]</p> <p>3[(2) When the President has returned a Bill to the Majlis-e-Shoora (Parliament), it shall be reconsidered by the Majlis-e-Shoora (Parliament) 4[****] and, if it is again passed, with or without amendment, by the Majlis-e-Shoora (Parliament), 5[in accordance with article 70] it shall be deemed for the purposes of the Constitution to have been passed by both Houses and shall be presented to the President and the President shall not withhold assent therefrom].</p> <p>(3) When the President has assented to a Bill, it shall become law and be called an Act of Majlis-e-Shoora (Parliament).</p> <p>(4) No act of Majlis-e-Shoora (Parliament), and no provision in any such Act, shall be invalid by reason only that some recommendation, previous sanction or consent required by the Constitution was not given if that Act was assented to in accordance with the Constitution</p>	<p>(ii) for clause (2), the following shall be substituted, namely:-</p> <p>“(2) When the President has returned a Bill to the Majlis-e-Shoora (Parliament), it shall be reconsidered by the Majlis-e-Shoora (Parliament) in joint sitting and, if it is again passed, with or without amendment, by the Majlis-e-Shoora (Parliament), by the votes of the majority of the members of both Houses present and voting, it shall be deemed for the purposes of the Constitution to have been passed by both Houses and shall be presented to the President and the President shall give his assent within ten days, failing which such assent shall be deemed to have been given.” The words “ or is deemed to have assented” , shall be inserted.</p>	
27	89	<p>89. Power of President to promulgate Ordinances.-(1) The President may, except when the National Assembly is in session, if satisfied that circumstances exist which render it necessary to take immediate action, make and promulgate an Ordinance as the circumstances may require.</p>	<p>In the Constitution, in Article 89:-</p> <p>(i) in clause (1), before the words “National Assembly” the words “Senate or” shall be inserted;</p>	amended

		<p>(2) An Ordinance promulgated under this Article shall have the same force and effect as an Act of 1[Majlis-e-Shoora (Parliament)] and shall be subject to like restrictions as the power of 1[Majlis-e-Shoora (Parliament)] to make law, but every such Ordinance--</p> <p>(a) shall be laid -</p> <p>(i) before the National Assembly if it 2[contains provisions dealing with all or any of the matters specified in clause (2) of Article 73], and shall stand repealed at the expiration of four months from its promulgation or, if before the expiration of that period a resolution disapproving it is passed by the Assembly, upon the passing of that resolution;</p> <p>(ii) before both Houses if it 3[does not contain provisions dealing with any of the matters referred to in subparagraph (i)], and shall stand repealed at the expiration of four months from its promulgation or, if before the expiration of that period a resolution disapproving it is passed by either House, upon the passing of that resolution; and</p> <p>(b) may be withdrawn at any time by the President.</p>	<p>(ii) in clause (2), in paragraph (a):- in sub-paragraph (i), for the words “four months” the words “one hundred and twenty days” shall be substituted; and for the semi-colon at the end a colon shall be substituted and thereafter the following proviso shall be inserted, namely :-</p> <p>“Provided that the National Assembly may by a resolution extend the Ordinance for a further period of one hundred and twenty days and it shall stand repealed at the expiration of the extended period, or if before the expiration of that resolution:</p> <p>Provided further that extension for further period may be made only once.”, and</p> <p>(b) Provided that either House may by a resolution extend it for a further period of one hundred and twenty days and it shall stand repealed at the expiration of the extended period, or if before the expiration of that period a resolution disapproving it is passed by a House, upon the passing of that resolution:</p> <p>Provided further that extension for a further period may be made only once.</p>	
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		<p>(3) Without prejudice to the provisions of clause (2), an Ordinance laid before the National Assembly, shall be deemed to be a Bill introduced in the National Assembly.</p>	<p>for clause (3), the following shall be substituted, namely :-</p> <p>“(3) without prejudice to the provisions of clause (2),-”</p> <p>an Ordinance laid before the National Assembly under sub-paragraph (i) of Paragraph (a) of clause (2) shall be deemed to be a Bill introduced in the National Assembly; and an Ordinance laid before both Houses under sub-paragraph (ii) of paragraph (a) of clause (2) shall be deemed to be a Bill introduced in the House where it was first laid.”.</p>	
28	90	<p>1[90. Exercise of executive authority of the Federation.-</p> <p>2[(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.</p> <p>(2) Nothing contained in clause (1) shall-</p> <p>(a) be deemed to transfer to the President any functions conferred by any existing law on the Government of any Province or other authority; or</p> <p>(b) prevent the Majlis-e-Shoora (Parliament) from conferring by law functions on authorities other than the President.]</p>	<p>28. Substitution of Article 90 of the Constitution :- In the Constitution, for Article 90, the following shall be substituted, namely :-</p> <p>“90. The Federal Government :-(1) Subject to the Constitution, the executive authority of the Federation shall be exercised in the name of the President by the Federal Government, consisting of the Prime Minister and the Federal Minister, which shall act through the Prime Minister, who shall be the chief executive of the Federation.</p> <p>(2) In the performance of his functions under the Constitution, the Prime Minister may act</p>	substituted

			either directly or through the Federal Ministers.”	
29	91	<p>1[91. The Cabinet.-(1) There shall be a Cabinet of Ministers, with the Prime Minister at its head, to aid and advice the President in the exercise of his functions.</p> <p>(2) 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.</p> <p>2[(2A) Notwithstanding anything contained in clause (2), after the twentieth day of March, one thousand nine hundred and ninety, the President shall invite the member of the National Assembly to be the Prime Minister who commands the confidence of the Majority of the members of the National Assembly, as ascertained in a session of the Assembly summoned for the purpose in accordance with the provisions of the Constitution.]</p> <p>(3) The person appointed under clause (2), 3[or as the case may be, invited under clause (2A)] shall, before entering upon the office, make before the President oath in the form set out in the Third Schedule and shall within a period of sixty days thereof obtain a vote of confidence from the National Assembly.</p> <p>(4) The Cabinet, together with the Ministers of State, shall be collectively responsible to the National Assembly.</p>	<p>Substitution of Article 91 of the Constitution: In the Constitution, for Article 91, the following shall be substituted, namely:-</p> <p>91. The Cabinet.-(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.</p> <p>(2) The National Assembly shall meet on the twenty-first day following the day on which a general election to the Assembly is held, unless sooner summoned by the President.</p> <p>(3) After the election of the Speaker and the Deputy Speaker, the National Assembly shall, to the exclusion of any other business, proceed to elect without debate one of its Muslim members to be the Prime Minister.</p> <p>(4) The Prime Minister shall be elected by the votes of the majority of the total membership of the National Assembly: Provided that, if no member secures such majority in the first poll, a second poll shall be</p>	substituted

		<p>(5) 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, 4[in which case he shall summon the National Assembly and require the Prime Minister to obtain a vote of confidence from the Assembly.]</p> <p>(6) The Prime Minister may, by writing under his hand addressed to the President, resign his office.</p> <p>(7) 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:</p> <p>Provided that nothing contained in this clause shall apply to a Minister who is a member of the Senate.</p> <p>(8) Nothing contained in this Article shall be construed as disqualifying the Prime Minister or any other Minister or a Minister of State 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 during any such period.]</p>	<p>held between the members who secure the two highest numbers of votes in the first poll and the member who secures a majority of votes of the members present and voting shall be declared to have been elected as Prime Minister,</p> <p>Provide further that, if the number of votes secured by two or more members securing the highest numbers of votes is equal, further poll shall be held between them until one of them secures a majority of votes of the members present and voting.</p> <p>(5) The member elected under clause (4) shall be called upon by the President to assume the office of Prime Minister and he shall, before entering upon the office, make before the President oath in the form set out in the Third Schedule:</p> <p>Provided that there shall be no restriction on the number of terms for the office of the Prime Minister.</p> <p>(6) The Cabinet, together with the Ministers of State, shall be collectively responsible to the Senate and the National Assembly.</p> <p>(7) 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, in which case he shall summon the National Assembly and require the Prime Minister to obtain a vote of confidence from the Assembly.</p>	
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			<p>(8) The Prime Minister may, by writing under his hand addressed to the President, resign his office.</p> <p>(9) 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:</p> <p>Provided that nothing contained in this clause apply to a Minister who is member of the Senate.</p> <p>(10) Nothing contained in this Article shall be construed as disqualifying the Prime Minister or any other Minister or a Minister of State 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 a Minister of State during any such period.</p>	
30	92	<p>[92. Federal Ministers and Ministers of State.-(1) Subject to clauses (7) and (8) of Article 91, the President shall appoint Federal Ministers and Ministers of State from amongst the members of Majlis-e-Shoora (Parliament) on the advice of the Prime Minister:</p> <p>Provided that the number of Federal Ministers and Ministers of State who are members of the Senate shall not at any time exceed one-fourth of the number of Federal Ministers.</p> <p>(2) Before entering upon office, a Federal Minister or Minister of State shall make before the President oath in</p>	<p>In the Constitution, in Article 92, in clause (1).- for the brackets and figures “(7) and (8)” the brackets and figures “(9) and (10)” shall be substituted; and in the proviso, for full stop at the end a colon shall be substituted and thereafter the following provisos shall be inserted, namely :</p> <p>“Provided further that the total strength of the Cabinet including Ministers of State, shall not exceed eleven percent of the total membership of Majlis-e-Shoora (parliament):</p> <p>Provided also that the aforesaid</p>	substituted

		<p>the form set out in the Third Schedule.</p> <p>(3) A Federal Minister or Minister of State may, by writing under his hand addressed to the President, resign his office or may be removed from office by the President on the advice of the Prime Minister.</p>	<p>amendment shall be effective from the next general election held after the commencement of the Constitution (Eighteenth Amendment) Act, 2010.”</p>	
31	99	<p>99. Conduct of business of Federal Government.-(1) All executive actions of the Federal Government shall be expressed to be taken in the name of the President.</p> <p>(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.</p> <p>(3) The President shall also make rules for the allocation and transaction of the business of the Federal Government.</p>	<p>In the constitution, in Article 99,-</p> <p>(i) In clause (2), for the word “President” occurring for the first time the word “Federal Government” shall be substituted and for the words “in his name” the words “ in the name of the President” shall be substituted; and</p> <p>(ii) for clause (3), the following shall be substituted, namely :-</p> <p>“(3), The Federal Government shall also make rules for the allocation and transaction of its business.”.</p>	Substitution of words
32	100	<p>100. Attorney-General for Pakistan.-(1) The President shall appoint a person, being a person qualified to be appointed a Judge of the Supreme Court, to be the Attorney-General for Pakistan.</p> <p>(2) The Attorney-General shall hold office during the pleasure of the President.</p> <p>(3) It shall be the duty of the Attorney-General to give advice to the Federal Government upon such legal matters, and to perform such other duties of a legal character as may be referred or assigned to him by the Federal Government, and in the performance of his duties he shall have the right of audience in all Courts and</p>	<p>In the Constitution, in Article 100, in clause (2), after the word “President” the words “and shall not engage in private practice so long as he holds the office of the Attorney-General.” Shall be added.</p>	Amended (addition)

		<p>Tribunals in Pakistan.</p> <p>(4) The Attorney-General may, by writing under his hand addressed to the President, resign his office</p>		
PART IV – THE PROVINCES				
33	101	<p>101. Appointment of Governor.-(1) There shall be a Governor for each Province, who shall be appointed by the President 1[2[after consultation with] the Prime Minister.]</p> <p>(2) A person shall not be appointed a Governor unless he is qualified to be elected as a member of the National Assembly and is not less than thirty-five years of age 2[:]</p> <p>2[Proviso****] Omitted 2[(2A****)] Omitted.</p> <p>(3) The Governor shall hold office during the pleasure of the President 3[and shall be entitled to such salary, allowances and privileges as the President may determine].</p> <p>(4) The Governor may, by writing under his hand addressed to the President, resign his office.</p> <p>4[(5) The President may make such provision as he thinks fit for the discharge of the functions of a Governor] 5[in any contingency not provided for in this Part]:</p>	<p>In the constitution, in Article 101,-</p> <p>(i) for clause (1) the following shall be substituted, namely :-</p> <p>“(1) There shall be a Governor for each Province, who shall be appointed by the President on the advice of the Prime Minister.”.</p> <p>(ii) in clause (2), after the word “age”, the words “and is a registered voter and resident of the Province concerned” shall be added.</p>	<p>Clause 1 shall be substituted and Claude 2 amended</p>
34	104	<p>104. Acting Governor. When the Governor is absent from Pakistan or is unable to perform the functions of his office due to any cause, such other person as the President may direct shall act as Governor.</p>	<p>In the Constitution, for Article 104, the following shall be substituted namely :-</p> <p>“104. Speaker Provincial Assembly to act as, or perform functions of Governor in his absence.- When the Governor, by reason of</p>	<p>substituted</p>

			absence from Pakistan or for any other cause, is unable to perform his functions, the Speaker of the Provincial Assembly and in his absence any other person as the President may nominate shall perform the functions of Governor until the Governor returns to Pakistan or, as the case may be, resumes his functions.”	
35	105	<p>105. Governor to act on advice, etc. –</p> <p>(1) Subject to the Constitution, in the performance of his functions, the Governor shall act in accordance with the advice of the Cabinet, 2[or the Chief Minister:]</p> <p>3[Provided that the Governor may require the Cabinet or, as the case may be, the Chief Minister to reconsider such advice, whether generally or otherwise, and the Governor shall act in accordance with the advice tendered after such reconsideration.]</p> <p>4[Proviso****] Omitted.</p> <p>5[(2) The question whether any, and if so what, advice was tendered to the Governor by the Chief Minister 6[or the Cabinet] shall not be inquired into in, or by, any Court, tribunal or other authority.]</p> <p>(3) Where the Governor dissolves the Provincial Assembly, he shall appoint, in his discretion, but with the previous approval of the President, a care-taker Cabinet.</p> <p>(4) The powers conferred by this Article on the President</p>	<p>In the constitution, in Article 105,-</p> <p>(in clause (1), after the word “act” the words “on and” shall be inserted, and in the proviso, after the word “shall” the commas and words “, within ten days,” shall be inserted; and</p> <p>for clause (3) the following shall be substituted, namely :-</p> <p>“(3) Where the Governor dissolves the Provincial Assembly, notwithstanding anything contained in clause (1), he shall , - appoint a date, not later than ninety days from the date of dissolution, for the holding of a</p>	amended

		<p>shall be exercised by him in his discretion.</p> <p>(5) The provisions of clause 7[(2)] of Article 48 shall have effect in relation to a Governor as if reference therein to "President" were reference to "Governor".</p>	<p>general election to the Assembly; and appoint a care-taker Cabinet." And Clause (4) shall be omitted.</p>																																																			
36	106	<p>106. Constitution of Provincial Assemblies.-¹[(1) Each Provincial Assembly shall consist of general seats and seats reserved for women and non-Muslims as specified herein below:--</p> <table border="1"> <thead> <tr> <th></th><th>Gen. Seats</th><th>Women</th><th>Non-Muslims</th><th>Total</th></tr> </thead> <tbody> <tr> <td>Balochistan</td><td>51</td><td>11</td><td>3</td><td>65</td></tr> <tr> <td>NWFP</td><td>99</td><td>22</td><td>3</td><td>124</td></tr> <tr> <td>Punjab</td><td>297</td><td>66</td><td>8</td><td>371</td></tr> <tr> <td>Sindh</td><td>130</td><td>29</td><td>9</td><td>168</td></tr> </tbody> </table> <p>A person shall be entitled to vote if--</p> <p>(a) he is a citizen of Pakistan ;</p> <p>(b) he is not less than 2[eighteen] year of age ;</p> <p>(c) his name appears on the electoral roll for any area in the Province ; and</p> <p>(d) he is not declared by a competent Court to be of unsound mind 3[.]</p>		Gen. Seats	Women	Non-Muslims	Total	Balochistan	51	11	3	65	NWFP	99	22	3	124	Punjab	297	66	8	371	Sindh	130	29	9	168	<p>In the Constitution, for Article 106 the following shall be substituted and shall be deemed always to have been so substituted with effect from 21 th day of August, 2002, namely :-</p> <p>"106. Constitution of Provincial Assemblies.- (1) Each Provincial Assembly shall consist of general seats and seats reserved for women and non-Muslims as specified herein h below .-</p> <table border="1"> <thead> <tr> <th></th><th>Gen Seats</th><th>Women</th><th>Non-Muslim</th><th>Total</th></tr> </thead> <tbody> <tr> <td>Balochistan</td><td>51</td><td>11</td><td>3</td><td>65</td></tr> <tr> <td>Khyber Pakhtunkhwa</td><td>99</td><td>22</td><td>3</td><td>124</td></tr> <tr> <td>Punjab</td><td>297</td><td>66</td><td>8</td><td>371</td></tr> <tr> <td>Sindh</td><td>130</td><td>29</td><td>9</td><td>168</td></tr> </tbody> </table> <p>(2) A person shall be entitled to vote if__</p> <p>(a) he is a citizen of Pakistan;</p> <p>(b) he is not less than eighteen years of age;</p> <p>His name appears on the electoral roll for any area in the Province; and</p> <p>He is not declared by a competent court to be of unsound mind</p> <p>(2) For the purpose of election to a Provincial Assembly,-the constituencies for the general seats shall be single member territorial constituencies and the members to fill such seats shall be elected by direct and free vote;</p>		Gen Seats	Women	Non-Muslim	Total	Balochistan	51	11	3	65	Khyber Pakhtunkhwa	99	22	3	124	Punjab	297	66	8	371	Sindh	130	29	9	168	substitution
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Punjab	297	66	8	371																																																		
Sindh	130	29	9	168																																																		

		<p>³[proviso****] Omitted.</p> <p>⁴[(3) For the purpose of election to a Provincial Assembly,-</p> <p>(a) the constituencies for the general seats shall be single member territorial constituencies and the members to fill such seats shall be elected by direct and free vote;</p> <p>(b) each Province shall be a single constituency for all seats reserved for women and non-Muslims allocated to the respective Provinces under clause (1);</p> <p>(c) the members to fill seats reserved for women and non-Muslims allocated to a Province under clause (1) shall be elected in accordance with law through proportional representation system of political parties' lists of candidates on the basis of the total number of general seats secured by each political party in the Provincial Assembly:]</p> <p>⁵[Provided that for the purpose of this sub-clause, the total number of general seats won by a political party shall include the independent returned candidates or candidates who may duly join such political party within three days of the publication in the official Gazette of the names be inserted, namely.]</p> <p>⁶[(4****)] Omitted.</p> <p>⁷[(5****)] Omitted.</p>	<p>(b) each Province shall be a single constituency for all seats reserved for women and non-Muslims allocated to the respective Provinces under clause (1); the members to fill seats reserved for women and non-Muslims allocated to a Province under clause (1) shall be elected in accordance with law through proportional representation system of political parties' lists of candidates on the basis of the total number of general seats secured by each political parties in the Provincial Assembly: Provided that for the purpose of this sub-clause, the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates.</p>	
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		⁸ [(6****)]	Omitted.	
37	112	<p>112. Dissolution of Provincial Assembly.- 1[(1)] The Governor shall dissolve the Provincial Assembly if so advised by the Chief Minister; and the Provincial Assembly shall, unless sooner dissolved, stand dissolved at the expiration of forty-eight hours after the Chief Minister has so advised.</p> <p>EXPLANATION. --- Reference in this Article to "Chief Minister" shall not be construed to include reference to a Chief Minister against whom a 2[notice of a resolution for a vote of no-confidence has been given] in the Provincial Assembly but has not been voted upon or against whom a resolution for a vote of no-confidence has been passed or who is continuing in office by virtue of clause (2) of Article 134 or a Provincial Minister performing the functions of Chief Minister under clause (1) or clause (3) of Article 135.</p> <p>3[(2) The Governor may also dissolve the Provincial Assembly in his discretion, but subject to the previous approval of the President, where, in his opinion,-</p> <p>(a) a vote of no-confidence having been passed against the Chief Minister, no other member of the Provincial Assembly is likely to command the confidence of the majority of the members of the Provincial Assembly in accordance with the provisions of the Constitution, as ascertained in a session of the Provincial Assembly summoned for the purpose; or</p> <p>4[(b) a situation has arisen in which the Government of the Province cannot be carried on in accordance with the provisions of the Constitution and an appeal to the electorate is necessary.]]</p>	<p>In the Constitution, for Article 112, the following shall be substituted, namely:-</p> <p>"112. Dissolution of Provincial Assembly .-</p> <p>(1) The Governor shall dissolve the `Provincial Assembly if so advised by the Chief Minister; and the Provincial Assembly shall, unless sooner dissolved, stand dissolved at the expiration of forty-eight hours after the Chief Minister has so advised.</p> <p><i>Explanation.-</i>Reference in this Article to 'Chief Minister' shall not be construed to include reference to a Chief Minister against whom a notice of a resolution for a vote of no-confidence has been given in the Provincial Assembly but has not been voted upon or against whom a resolution for a vote of no-confidence has been passed.</p> <p>The Governor may also dissolve the Provincial Assembly in his discretion, but subject to the previous approval of the President, where a vote of no-confidence having been passed against the Chief Minister, no other member of the Provincial Assembly commands the confidence of The majority of the members of the Provincial Assembly in accordance with the provisions of the Constitution, as ascertained in a session of the Provincial Assembly summoned for the purpose."</p>	substituted

38	116	<p>1[116. Governor's assent to Bills.-(1) When a Bill has been passed by the Provincial Assembly, it shall be presented to the Governor for assent.</p> <p>(2) When a Bill is presented to the Governor for assent, the Governor shall within 2[thirty]days,</p> <p>(a) assent to the Bill ; or</p> <p>(b) in the case of a Bill other than a Money Bill, return the Bill to the Provincial Assembly with a message requesting that the Bill, or any specified provision thereof, be reconsidered and that any amendment specified in the message be considered.</p> <p>3[(3) When the Governor has returned a Bill to the Provincial Assembly, it shall be reconsidered by the Provincial Assembly and, if it is again passed, with or without amendment, by the Provincial Assembly, by votes of the majority of the members of the Provincial Assembly present and voting, it shall be again presented to the Governor and the Governor shall not withhold assent therefrom.]</p> <p>(4) When the Governor has assented to a Bill, it shall become law and be called an Act of Provincial Assembly.</p> <p>(5) No Act of a Provincial Assembly, and no provision in any such Act, shall be invalid by reason only that some recommendation, previous sanction or consent required by the Constitution was not given if that Act was assented to in accordance with the Constitution</p>	<p>In the Constitution, in Article 116,-</p> <p>(i) in clause (2), for the word "thirty" the word "ten" shall be substituted;</p> <p>(ii) in clause (3), for the words "not withhold his assent- there from" the words "give his assent within ten days, failing which such assent shall be deemed to have been given" shall be substituted;</p> <p>in clause (4), after the word "assented" the words "or is deemed to have assented" shall be inserted.</p>	
39	122	<p>122. Procedure relating to Annual Budget Statement. ---</p> <p>(1) So much of the Annual Budget Statement as relates to expenditure charged upon the Provincial Consolidated</p>	<p>In the Constitution, in Article 122, in clause (2), proviso shall be omitted.</p>	

		<p>Fund may be discussed in, but shall not be submitted to the vote of, the Provincial Assembly.</p> <p>(2) So much of the Annual Budget 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 :</p> <p>Provided that, for a period of ten years from the commencing day or the holding of the second general election to the Provincial Assembly, whichever occurs later, a demand shall be deemed to have been assented to unless, by the votes of a majority of the total membership of the</p> <p>Assembly, it is refused or assented to subject to a reduction of the amount specified therein.</p> <p>(3) No demand for a grant shall be made except on the recommendation of the Provincial Government.</p>		
40	127	<p>127. Provisions relating to National Assembly, etc., to apply to Provincial Assembly, etc.- Subject to the Constitution, the provisions of clauses (2) to (8) of Article 53, clauses (2) and (3) of Article 54, Article 55, Articles 63 to 67, Article 69, Article 77, Article 87 and Article 88 shall apply to and in relation to a Provincial Assembly or a committee or members thereof or the Provincial Government, but so that---</p> <p>(a) any reference in those provisions to 1[Majlis-e-Shoora (Parliament)], a House or the National Assembly shall be read as a reference to the Provincial Assembly;</p>	In the constitution, in Article 127, in paragraph (g), for the word "seventy" the words "one hundred" shall be substituted.	Number of working days for Provincial Assemblies are increased from 70 to 110 per Parliamentary Year.

		<p>(b) any reference in those provisions to the President shall be read as a reference to the Governor of the Province;</p> <p>(c) any reference in those provisions to the Federal Government shall be read as a reference to the Provincial Government;</p> <p>(d) any reference in those provisions to the Prime Minister shall be read as a reference to the Chief Minister;</p> <p>(e) any reference in those provisions to a Federal Minister shall be read as a reference to a Provincial Minister; 2[****]</p> <p>(f) any reference in those provisions to the National Assembly of Pakistan shall be read as a reference to the Provincial Assembly in existence immediately before the commencing day 3[; and]</p> <p>4[(g) the said clause (2) of Article 54 shall have effect as if, in the proviso thereto, for the words "one hundred and thirty" the word "seventy" were substituted.]</p>		
41	128	<p>128. Power of Governor to promulgate Ordinances.-(1) The Governor may, except when the Provincial Assembly is in session, if satisfied that circumstances exist which render it necessary to take immediate action, make and promulgate an Ordinance as the circumstances may require.</p> <p>(2) An Ordinance promulgated under this Article shall have the same force and effect as an Act of the Provincial Assembly and shall be subject to like restrictions as the power of the Provincial Assembly to make laws, but every</p>	<p>In the Constitution, in Article 128, in clause (2) in paragraph (a), for the words “three months” the words “ninety days” shall be substituted and thereafter, the following provisos shall be inserted, namely :-</p> <p>“Provided that the Provincial Assembly may by a resolution extend the Ordinance for a further period of ninety days and it shall stand repealed at the expiration of the extended period, or if before the expiration of that period a resolution disapproving it is passed by the Assembly, upon</p>	substitution

		<p>such Ordinance-</p> <p>(a) shall be laid before the Provincial Assembly and shall stand repealed at the expiration of three months from its promulgation or, if before the expiration of that period a resolution disapproving it is passed by the Assembly, upon the passing of that resolution; and</p> <p>(b) may be withdrawn at any time by the Governor.</p> <p>(3) Without prejudice to the provisions of clause (2) an Ordinance laid before the Provincial Assembly shall be deemed to be a Bill introduced in the Provincial Assembly.</p>	<p>the passing of that resolution:</p> <p>Provided further that extension for a further period may be made only once.”.</p>	
42	129	<p>1[129. Exercise of Executive authority of the Province.- The executive authority of the 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.]</p>	<p>In the Constitution, for Article 129, the following shall be substituted, namely :-</p> <p>“129. The Provincial Government .- (1) Subject to the Constitution, the executive authority of the Province shall be exercised in the name of the Governor by the Provincial Government, consisting of the Chief Minister and Provincial Minister, which shall act through the Chief Minister.</p> <p>(2) In the performance of his functions under the Constitution, the Chief Minister may act either directly or through the Provincial Ministers.”</p>	substituted
43	130	<p>1[130. The Cabinet.-(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.</p> <p>(2) The Governor shall appoint from amongst the members of the Provincial Assembly a Chief Minister who, in his opinion, is likely to command the confidence of the</p>	<p>The following shall be substituted, namely :-</p> <p>“130. The Cabinet.- (1) There shall be a Cabinet of Minister, with the Chief Minister at its head, to aid and advise the Governor in the exercise of his function.</p> <p>(2) The Provincial Assembly shall meet on the twenty-first day following the day on which</p>	substitution

		<p>majority of the members of the Provincial Assembly.</p> <p>2[(2A) Notwithstanding anything contained in clause (2) after the twentieth day of March, on thousand nine hundred and eighty-eight, the Governor shall invite the member of the Provincial Assembly to be the Chief Minister who commands the confidence of the majority of the members of the Provincial Assembly, as ascertained in a session of the Assembly summoned for the purpose in accordance with the provisions of the Constitution:</p> <p>Provided that nothing contained in this clause shall apply to a Chief Minister holding office on the twentieth day of March, one thousand nine hundred and eighty-eight, in accordance with the provisions of the Constitution.]</p> <p>(3) The person appointed under clause (2) 3[or as the case may be, invited under clause (2A)] shall, before entering upon the office, make before the Governor oath in the form set out in the Third Schedule and shall within a period of sixty days thereof obtain a vote of confidence from the Provincial Assembly.</p> <p>(4) The Cabinet shall be collectively responsible to the Provincial Assembly.</p> <p>(5) 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, 4[in which case he shall summon the Provincial Assembly and require the Chief Minister to obtain a vote of confidence from the Assembly.]</p>	<p>a general election to the Assembly is held, unless sooner summoned by the Governor.</p> <p>(3) After the election of Speaker and the Deputy Speaker, the Provincial Assembly shall, to the exclusion of any other business, proceed to elect without debate one of its members to be the Chief Minister.</p> <p>(4) The Chief Minister shall be elected by the votes of the majority of the total membership of the Provincial Assembly:</p> <p>Provided that, if no member secures such majority in the first poll, a second poll shall be held between the members who secure the two highest numbers of votes in the first poll and the member who secures a majority of votes of the members present and voting shall be declared to have been elected as Chief Minister:</p> <p>Provided further that, if the number of votes secured by two or more members securing the highest number of votes is equal, further polls shall be held between them until one of them secures a majority of votes of the members present and voting.</p> <p>The member elected under clause (4) shall be called upon by the Governor to assume the office of Chief Minister and he shall, before entering upon the office, make before the Governor oath in the form set out in the Third Schedule:</p>	
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		<p>(6) The chief Minister may, by writing under his hand addressed to the Governor, resign his office.</p> <p>(7) 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.</p> <p>(8) Nothing contained in this Article shall be construed as disqualifying the Chief Minister or any other Minister 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 during any such period.]</p>	<p>Provided that there shall be no restriction on the number of terms for the office of the Chief Minister.</p> <p>The Cabinet shall be collectively responsible to the Provincial Assembly and the total strength of the Cabinet shall not exercised fifteen members or eleven percent of the total membership of a Provincial Assembly, whichever is higher:</p> <p>Provided that the aforesaid limit shall be effective from the next general elections after the commencement of the Constitution (Eighteenth Amendment) Act, 2010.</p> <p>(7) 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, in which case he shall summon the Provincial Assembly and require the Chef Minister to obtain a vote of confidence from the Assembly.</p> <p>(8) The Chief Minister may, by writing under his hand addressed to the Governor, resign his office.</p> <p>A Minister who for any period 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</p>	
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			<p>that Assembly.</p> <p>Nothing contained in this Article shall be construed as disqualifying the Chief Minister or any other Minister 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 during any such period. The Chief Minister shall not appoint more than five Advisers.”</p>	
44	131	<p>1[131. Duties of Chief Minister in relation to Governor.-It shall be the duty of the Chief Minister-</p> <p>(a) to communicate to the Governor all decisions of the Cabinet relating to the administration of the affairs of the Province and proposals for legislation;</p> <p>(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</p> <p>(c) if the Governor so requires to submit for consideration of the Cabinet any matter on which a decision has been taken by the Chief Minister or a Minister but which has not been considered by the Cabinet.]</p>	<p>In the Constitution, for Article 131, the following shall be substituted, namely :-</p> <p>“131. Governor to be kept informed .-The Chief Minister shall keep the Governor informed on matters relating to Provincial administration and on all legislative proposals the Provincial Government intends to bring before the Provincial Assembly.”</p>	substituted
45	132	<p>1[132. Provincial Ministers.-(1) Subject to clauses (7) and (8) of Article 130, the Governor shall appoint Provincial Ministers from amongst members of the Provincial Assembly on the advice of the Chief Minister.</p> <p>(2) Before entering upon office, a Provincial Minister shall make before the Governor oath in the form set out in the</p>	<p>In the Constitution, in Article 132, in clause (1), for the brackets and figures “(7) and (8) the brackets and figures “(9) nd (10)” shall , respectively, be substituted.</p>	

		Third Schedule. (3) A Provincial Minister may, by writing under his hand addressed to the Governor, resign his office or may be removed from office by the Governor on the advice of the Chief Minister.]		
46	139	139. Conduct of business of Provincial Government. (1) All executive actions of the Provincial Government shall be expressed to be taken in the name of the Governor. (2) The Governor shall be 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.	In the Constitution, in Article 139,- (i) in clause (2), for the word "Governor" occurring for the first time the words "Provincial Government" shall be substituted and for the words "in his name" the words "in the name of Governor" shall be substituted; and (ii) for clause (3) the following shall be substituted, namely :- "(3) The Provincial Government shall also make rules for the allocation and transaction of its business."	
47	140	140. Advocate-General for a Province. (1) The Governor of each Province shall appoint a person, being a person qualified to be appointed a Judge of the High Court, to be the Advocate-General for the Province. (2) It shall be the duty of the Advocate-General to give advice to the Provincial Government upon such legal matters, and to perform such other duties of a legal character, as may be referred or assigned to him by the Provincial Government. (3) The Advocate-General shall hold office during the pleasure of the Governor. (4) The Advocate-General may, by writing under his hand addressed to the Governor, resign his office.	In the Constitution, in Article 140, in clause (3), after the word "Governor" occurring at the end, the words "and shall not engage in private practice so long as he holds the office of the Advocate-General" shall be added.	
PART V - RELATIONS BETWEEN FEDERATION AND PROVINCES				
48	140A	141. Extent of Federal and Provincial laws. -Subject to the Constitution, 1[Majlis-e-Shoora (Parliament)] may make	after Article 140 amended as aforesaid, the following new Article shall be inserted, namely	New insertion

		laws (including laws having extra territorial operation) for the whole or any part of Pakistan, and a Provincial Assembly may make laws for the Province or any part thereof.	:- “140A. Local Government.- Each Province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments. (2) Elections to the local governments shall be held by the Election Commission of Pakistan.”.	
49	142	<p>142. Subject-matter of Federal and Provincial laws.- Subject to the Constitution-</p> <p>(a) 1[Majlis-e-Shoora (Parliament)] shall have exclusive power to make laws with respect to any matter in the Federal Legislative List;</p> <p>(b) 1[Majlis-e-Shoora (Parliament)], and a Provincial Assembly also, shall have power to make laws with respect to any matter in the Concurrent Legislative List;</p> <p>(c) A provincial Assembly shall, and 1[Majlis-e-Shoora (Parliament)] shall not, have power to make laws with respect to any matter not enumerated in either the Federal Legislative List or the Concurrent Legislative List; and</p> <p>(d) 1[Majlis-e-Shoora (Parliament)] shall have exclusive power to make laws with respect to matters not enumerated in either of the Lists for such areas in the Federation as are not included in any Province.</p>	<p>In the Constitution, in Article 142,-</p> <p>(i) for paragraph (b) the following shall be substituted, namely :- “(b) Majlis-e-Shoora (Parliament) and a Provincial Assembly shall have power to make laws with respect to criminal law, criminal procedure and evidence.”.</p> <p>(ii) for paragraph (c) the following shall be substituted namely :- “(c) Subject to paragraph (b), a Provincial Assembly shall, and Majlis-e-Shoora (Parliament) shall not, have power to make laws with respect to any matter not enumerated in the Federal Legislative List.”.</p> <p>for paragraph (d) the following shall be substituted, namely :- “(d) Majlis-e-Shoora (Parliament) shall have exclusive power to make laws with respect to all matters pertaining to such areas in the Federation as are not included in any Province.”</p>	Substitution of paragraph
50	143	<p>143. Inconsistency between Federal and Provincial laws.- If any provision of an Act of a Provincial Assembly is</p>	for Article 143, the following shall be substituted, namely :-	substituted

		repugnant to any provision of an Act of 1[Majlis-e-Shoora (Parliament)] which 1[Majlis-e-Shoora (Parliament)] is competent to enact, or to any provision of any existing law with respect to any of the matters enumerated in the Concurrent Legislative List, then the Act of 1[Majlis-e-Shoora (Parliament)] , whether passed before or after the Act of the Provincial Assembly, or, as the case may be, the existing law, shall prevail and the Act of the Provincial Assembly shall, to the extent of the repugnancy, be void.	“143.- Inconsistency between Federal and Provincial law .- If any provision of an Act of a Provincial Assembly is repugnant to any provision of an Act of Majlis-e-Shoora (Parliament) which Majlis-e-Shoora (Parliament), whether passed before or after the Act of the Provincial Assembly, shall prevail and the Act of the Provincial Assembly shall, to the extent of the repugnancy, be void.”	
51	144	144. Power of 1[Majlis-e-Shoora (Parliament)] to legislate for two or more Provinces by consent. -(1) If two or more Provincial Assemblies pass resolutions to the effect that 1[Majlis-e-Shoora (Parliament)] may by law regulate any matter not enumerated in either List in the Fourth Schedule, it shall be lawful for 1[Majlis-e-Shoora (Parliament)] to pass an Act for regulating that matter accordingly, but any act so passed may, as respects any Province to which it applies, be amended or repealed by Act of the Assembly of that Province. 2[(2)****] Omitted.	In the Constitution, in Article 144,- For the word “two” the word “one” shall be substituted; and For the words “either List” the words “the Federal Legislative List”, shall be substituted.	Substitution of terms
52	147	147. Power of the Provinces to entrust functions to the Federation. -Notwithstanding anything contained in the Constitution, the Government of a Province may, with the consent of the Federal Government, entrust, either conditionally or unconditionally, to the Federal Government, or to its officers, functions in relation to any matter to which the executive authority of the Province extends.	In the Constitution, In Article 147, for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely :- “Provided that the Provincial Government shall get the functions so entrusted ratified by the Provincial Assembly within sixty days.”.	Proviso added
53	149	149. Directions to Provinces in certain cases. -(1) The executive authority of every Province shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation, and the executive		

		<p>authority of the Federation shall extend to the giving of such directions to a Province as may appear to the Federal Government to be necessary for that purpose.</p> <p>(2) The executive authority of the Federation shall also extend to the giving of directions to a Province as to the carrying into execution therein of any Federal law which relates to a matter specified in the Concurrent Legislative List and authorises the giving of such directions.</p> <p>(3) The executive authority of the Federation shall also extend to the giving of directions to a Province as to the construction and maintenance of means of communication declared in the direction to be of national or strategic importance.</p> <p>(4) The executive authority of the Federation shall also extend to the giving of directions to a Province as to the manner in which the executive authority thereof is to be exercised for the purpose of preventing any grave menace to the peace or tranquillity or economic life of Pakistan or any part thereof.</p>	<p>In the Constitution, in Article 149, clause (2) shall be omitted.</p>	<p>omission</p>
54	153	<p>153. Council of Common Interests.-(1) There shall be a Council of Common Interests, in this Chapter referred to as the Council, to be appointed by the President.</p> <p>(2) The members of the Council shall be--</p> <p>(a) the Chief Ministers of the Provinces, and</p> <p>(b) an equal number of members from the Federal Government to be nominated by the Prime Minister from time to time.</p> <p>(3) The Prime Minister, if he is a member of the Council,</p>	<p>In the constitution, in Article 153,-</p> <p>i). for clause (2) the following shall be substituted, namely :-</p> <p>“(2) The Council shall consist of ___ the Prime Minister who shall be the Chairman of the Council; the Chief Ministers of the Provinces; and three members from the Federal Government to be nominated by the Prime Minister from time to time.”</p>	<p>Amended (addition)</p>

		<p>shall be the Chairman of the Council but, if at any time he is not a member, the President may nominate a Federal Minister who is a member of the Council to be its Chairman.</p> <p>(4) The Council shall be responsible to 1[Majlis-e-Shoora (Parliament)].</p>	<p>(ii) clause (3) shall be omitted; and</p> <p>in clause (4), after the word "Parliament" occurring in the brackets at the end, the words "and shall submit an Annual Report to both the Houses of Majlis-e-Shoora (Parliament)" shall be added.</p>	<p>Omission of clause</p> <p>Words added</p>
55	154	<p>154. Functions and rules of procedure.-(1) The Council shall formulate and regulate policies in relation to matters in Part II of the Federal Legislative List and, in so far as it is in relation to the affairs of the Federation, the matter in entry 34 (electricity) in the Concurrent Legislative List, and shall exercise supervision and control over related institutions.</p> <p>(2) The decisions of the Council shall be expressed in terms of the opinion of the majority.</p> <p>(3) Until 1[Majlis-e-Shoora (Parliament)] makes provision by law in this behalf, the Council may make its rules of procedure.</p> <p>(4) 1[Majlis-e-Shoora (Parliament)] in joint sitting may from time to time by resolution issue directions through the Federal Government to the Council generally or in a particular matter to take action as 1[Majlis-e-Shoora (Parliament)] may deem just and proper and such directions shall be binding on the Council.</p> <p>(5) If the Federal Government or a Provincial Government is dissatisfied with a decision of the Council, it may refer</p>	<p>In the Constitution, in Article 154,- for clause (1), the following shall be substituted, namely :-</p> <p>"(1) The Council shall formulate and regulate policies in relation to matters in Part II of the Federal Legislative List and shall exercise supervision and control over related institutions."</p> <p>Clauses (2), (3), (4) and (5) shall be renumbered as clauses (4), (5), (6) and (7), respectively, and after clause (1) amended as aforesaid, the following new clauses shall be inserted, namely :-</p> <p>"(2) The Council shall be constituted within thirty days of the Prime Minister taking oath of office.</p> <p>The Council shall have a permanent Secretariat and shall meet at least once in ninety days; Provided that the Prime Minister may convene a meeting on the request of a Province on an urgent matter."</p>	<p>substitution</p>

		the matter to 1[Majlis-e-Shoora (Parliament)] in a joint sitting whose decision in this behalf shall be final.		
56	155	<p>155. Complaints as to interference with water supplies.-</p> <p>(1) If the interests of a Province, the Federal Capital or the Federally Administered Tribal Areas, or any of the inhabitants thereof, in water from any natural source of supply have been or are likely to be affected prejudicially by--</p> <p>(a) any executive act or legislation taken or passed or proposed to be taken or passed, or</p> <p>(b) the failure of any authority to exercise any of its powers with respect to the use and distribution or control of water from that source,</p> <p>the Federal Government or the Provincial Government concerned may make a complaint in writing to the Council.</p> <p>(2) Upon receiving such complaint, the Council shall, after having considered the matter, either give its decision or request the President to appoint a commission consisting of such persons having special knowledge and experience in irrigation, engineering, administration, finance or law as he may think fit, hereinafter referred to as the Commission.</p> <p>(3) Until 1[Majlis-e-Shoora (Parliament)] makes provision by law in this behalf, the provisions of the Pakistan Commissions of Inquiry Act, 1956, as in force immediately before the commencing day shall apply to the Council or the Commission as if the Council or the Commission were a commission</p>	In the Constitution, for Article 155, in Clause (1) after the word "supply," the words "or reservoir," shall be inserted.	

		<p>appointed under that Act to which all the provisions of section 5 thereof applied and upon which the power contemplated by section 10A thereof had been conferred.</p> <p>(4) After considering the report and supplementary report, if any, of the Commission, the Council shall record its decision on all matters referred to the Commission.</p> <p>(5) Notwithstanding any law to the contrary, but subject to the provisions of clause (5) of Article 154, it shall be the duty of the Federal Government and the Provincial Government concerned in the matter in issue to give effect to the decision of the Council faithfully according to its terms and tenor.</p> <p>(6) No proceeding shall lie before any court at the instance of any party to a matter which is or has been in issue before the Council, or of any person whatsoever, in respect of a matter which is actually or has been or might or ought to have been a proper subject of complaint to the Council under this Article.</p>		
57	156	<p>156. National Economic Council.-(1) The President shall constitute a National Economic Council consisting of the Prime Minister, who shall be its Chairman, and such other members as the President may determine:</p> <p>Provided that the President shall nominate one member from each Province on the recommendation of the Government of that Province.</p> <p>(2) The National Economic Council shall review the overall economic condition of the country and shall, for advising the Federal Government and the Provincial Governments,</p>	<p>for Article 156, the following shall be substituted, namely :-</p> <p>“156 National Economic Council.- (1) The President shall constitute a National Economic Council which shall consist of__</p> <p>the Prime Minister, who shall be the Chairman of the Council;</p> <p>the Chief Ministers and one member from each Province to be nominated by the Chief Minister;</p>	substituted

		<p>formulate plans in respect of financial, commercial, social and economic policies; and in formulating such plans, it shall be guided by the Principles of Policy set out in Chapter 2 of Part II.</p>	<p>and</p> <p>four other members as the Prime Minister may nominated from time to time.</p> <p>The National Economic Council shall review the overall economic condition of the country and shall, for advising the Federal Government and the Provincial Governments, formulate plans in respect of financial, Commercial, social and economic policies; and in formulating such plans it shall, amongst other factors, ensure balanced development and regional equity and shall also be guided by the Principles of Policy set out in Chapter 2 of Part-II</p> <p>The meetings of the Council shall be summoned by the Chairman or on a requisition made by one-half of the members of the Council.</p> <p>The Council shall meet at least twice in a year and the quorum for a meeting of the Council shall be one-half of its total membership.</p> <p>The Council shall be responsible to the Majlis-e-Shoora (Parliament) and shall submit an Annual Report to each House of Majlis-e-Shoora (Parliament).”</p>	
58	157	<p>157. Electricity.-(1) The Federal Government may in any Province construct or cause to be constructed hydro-electric or thermal power installations or grid stations for the generation of electricity and lay or cause to be laid inter-Provincial transmission lines.</p> <p>(2) The Government of a Province may-</p>	<p>In the Constitution, in Article 157,-</p> <p>in clause (1) for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be inserted,</p> <p>“Provided that the Federal Government shall, prior to taking a decision to construct or cause</p>	Clause 1 amended

		<p>(a) to the extent electricity is supplied to that Province from the national grid, require supply to be made in bulk for transmission and distribution within the Province:</p> <p>(b) levy tax on consumption of electricity within the Province:</p> <p>(c) Construct power houses and grid stations and lay transmission lines for use within the Province; and</p> <p>(d) determine the tariff for distribution of electricity within the Province.</p>	<p>to be constructed, hydor-electric power stations in any Province, shall consult the Provincial Government concerned. “, and</p> <p>after clause (2), the following new clause shall be added, namely –</p> <p>“(3) In case of any dispute between the Federal Government and a Provincial Government in respect ;of any matter under this Article, any of the said Governments may move the Council of Common Interests for resolution of the disput.”</p>	New clause 3 added
PART VI – FINANCE, PROPERTY, CONTRACTS AND SUITS				
59	160	<p>160. National Finance Commission.-(1) Within six months of the commencing 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 Minister 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.</p> <p>(2) It shall be the duty of the National Finance Commission to make recommendations to the President as to--</p> <p>(a) the distribution between the Federation and the Provinces of the net proceeds of the taxes mentioned in clause (3);</p> <p>(b) the making of grants-in-aid by the Federal Government to the Provincial Governments;</p>	<p>In the Constitution, in Article 160, after clause (3), the following new clauses shall be inserted, namely :-</p>	New clauses added

		<p>(c) the exercise by the Federal Government and the Provincial Governments of the borrowing powers conferred by the Constitution; and</p> <p>(d) any other matter relating to finance referred to the Commission by the President.</p> <p>(3) The taxes referred to in paragraph (a) of clause (2) are the following taxes raised under the authority of 1[Majlis-e-Shoora (Parliament)], namely:--</p> <p>(i) taxes on income, including corporation tax, but not including taxes on income consisting of remuneration paid out of the Federal Consolidated Fund;</p> <p>2[(ii) taxes on the sales and purchase of goods imported, exported, produced, manufactured or consumed;]</p> <p>(iii) export duties on cotton, and such other export duties as may be specified by the President;</p> <p>(iv) such duties of excise as may be specified by the President; and</p> <p>(v) such other taxes as may be specified by the President.</p> <p>(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 paragraph (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, notwithstanding the provision of Article 78 shall not form</p>	<p>“(3A) The share of the Provinces in each Award of National Finance Commission shall not be less than share given to the Provinces in the previous Award.</p> <p>(3B) The Federal Finance Minister and Provincial Finance Ministers shall monitor the implementation of the Award biannually and lay their reports before both Houses of Majlis-e-Shoora (Parliament) and the Provincial Assemblies.”.</p>	
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		<p>part of the Federal Consolidated Fund.</p> <p>(5) The recommendations of the National Finance Commission, together with an explanatory memorandum as to the action taken thereon, shall be laid before both Houses and the provincial Assemblies.</p> <p>(6) At any time before an order under clause (4) is made, the President may, by Order, make such amendments or modifications in the law relating to the distribution of revenues between the Federal Government and the Provincial Governments as he may deem necessary or expedient.</p> <p>(7) The President may, by Order, make grants-in-aid of the revenues of the Provinces in need of assistance and such grants shall be charged upon the Federal Consolidated Fund</p>		
60	161	<p>161. Natural gas and hydro-electric power:-(1) Notwithstanding the provisions of Article 78 the net proceeds of the Federal duty of excise on natural gas levied at well-head and collected by the Federal Government, and of the royalty collected by the Federal Government, shall not form part of the Federal Consolidated Fund and shall be paid to the Province in which the well-head of natural gas is situated.</p> <p>(2) The net profits earned by the Federal Government, or any undertaking established or administered by the Federal Government from the bulk generation of power at a hydro-electric station shall be paid to the Province in which the hydro-electric station is situated.</p>	<p>In the Constitution, in Article 161, for clause (I) the following shall be substituted, namely :-</p> <p>1) Notwithstanding the Provisions of Article 78,-</p> <p>the net proceeds of the Federal duty of excise on natural gas levied at well-head and collected by the Federal Government and of the royalty collected by the Federal Government, shall not form part of the Federal Consolidated Fund and shall be paid to the Province in which the well-head of natural gas is situated;</p> <p>the net proceeds of the Federal duty of excise on oil levied at well-head and collected by the Federal Government, shall not form part of the</p>	Substitution of clause 1

			Federal Consolidated Fund and shall be paid to the Province in which the well-head of oil is situated.	
61	167	<p>167. Borrowing by Provincial Government.-(1) Subject to the provisions of this Article, the executive authority of a Province extends to borrowing upon the security of the Provincial Consolidated Fund within such limits, if any, as may from time to time be fixed by Act of the Provincial Assembly, and to the giving of guarantees within such limits, if any, as may be so fixed.</p> <p>(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 fixed under Article 166 are not exceeded give guarantees in respect of loans raised by, any Province, and any sums required for the purpose of making loans to a Province shall be charged upon the Federal Consolidated Fund.</p> <p>(3) A Province may not, without the consent of the Federal Government, 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 guarantee has been given by the Federal Government; and consent under this clause may be granted subject to such conditions, if any, as the Federal Government may think fit to impose.</p>	<p>In the Constitution, in Article 167, after clause (3) the following new clause shall be inserted, namely :-</p> <p>“A Province may raise domestic or international loan, or give guarantees on the security of the Provincial Consolidated Fund within such limits and subject to such conditions as may be specified by the National Economic Council.”.</p>	New clause inserted
62	168	<p>168. Auditor-General of Pakistan.-(1) There shall be an Auditor-General of Pakistan, who shall be appointed by the President.</p> <p>(2) Before entering upon office, the Auditor-General shall make before the Chief Justice of Pakistan oath in the form</p>	<p>In the Constitution, in Article 168,- for clause (3) the following shall be substituted, namely :-</p>	Clauses 3 substituted and 3A newly inserted

		<p>set out in the Third Schedule.</p> <p>(3) The terms and conditions of service, including the term of office, of the Auditor-General shall be determined by Act of 1[Majlis-e-Shoora (Parliament)] and, until so determined, by Order of the President.</p> <p>(4) A person who has held office as Auditor-General shall not be eligible for further appointment in the service of Pakistan before the expiration of two years after he has ceased to hold that office.</p> <p>(5) The Auditor-General shall not be removed from office except in the like manner and on the like grounds as a Judge of the Supreme Court.</p> <p>(6) At any time, when the office of the Auditor-General is vacant or the Auditor -General is absent or is unable to perform the functions of his office due to any cause, such other person as the President may direct shall act as Auditor-General and perform the functions of that office.</p>	<p>“(3) The Auditor-General shall, unless he sooner resigns or is removed from office in accordance with clause (5), hold office for a term of four years from the date on which he assumes such office or attains the age of sixty-five years, whichever is earlier: after clause (3) amended as aforesaid, the following new clause shall be inserted, namely :-</p> <p>(3A) The other terms and conditions of service of the Auditor-General shall be determined, by Act of Majlis-e-Shoora (Parliament); and, until so determined, by Order of the President.”. and in clause (6), for the words “ such other person as the President may direct shall” the words “the President may appoint the most senior officer in the Office of the Auditor-General to” shall be substituted.</p>	
63	170	<p>170. Power of Auditor-General to give directions as to accounts.-The accounts of the Federation and of the Provinces shall be kept in such form and in accordance with such principles and methods as the Auditor-General may, with the approval of the President, prescribe.</p>	<p>In the Constitution, Article 170 shall be renumbered as clause (1) of that Article and after clause (1) renumbered as aforesaid the following new clause shall be added, namely :-</p> <p>“(2) The audit of the accounts of the Federal and of the Provincial Government and the accounts of any authority or body established by, or under the control of, the Federal or a Provincial Government shall be conducted by the Auditor-General, who shall determine the extent and nature of such audit.”.</p>	

64	171	171. Reports of Auditor-General. -The reports of the Auditor-General relating to the accounts of the Federation shall be submitted to the President, who shall cause them to be laid before the National Assembly and the reports of the Auditor-General relating to the accounts of a Province, shall be submitted to the Governor of the Province, who shall cause them to be laid before the Provincial Assembly.	In Article 171, for the words ‘the National Assembly’ the words and brackets “both Houses of Majlis-e-Shoora (Parliament)” shall be substituted.	substitution
65	172	172. Ownerless property. -(1) Any property which has no rightful owner shall, if located in a Province, vest in the Government of that Province, and in every other case, in the Federal Government. (2) All lands, minerals and other things of value within the continental shelf or underlying the ocean within the territorial waters of Pakistan shall vest in the Federal Government.	In the Constitution, in Article 172,- in clause (2), for the word “within” occurring for the second time the word “beyond” shall be substituted; and after clause (2) amended as aforesaid, the following new clause shall be inserted, namely :- “(3) Subject to the existing commitments and obligations, mineral oil and natural gas within the Province or the territorial waters adjacent thereto shall vest jointly and equally in that Province and the Federal Government.”.	Clause 2 substituted and clause 3 new insertion
PART VII – THE JUDICATURE				
66	175	175. Establishment and jurisdiction of courts. -(1) There shall be a Supreme Court of Pakistan, a High Court for each Province and such other courts as may be established by law. (2) No court shall have any jurisdiction save as is or may be conferred on it by the Constitution or by or under any law.	In the Constitution, in Article 175, in clause (1), after the word “Province” the words “and a High Court for the Islamabad Capital Territory” shall be inserted and under clause (1) amended as aforesaid, the following Explanation shall be added, namely :- <i>Explanation .-</i> The words “High Court” wherever occurring in the Constitution shall include the High Court	substituted

		(3) The Judiciary shall be separated progressively from the Executive within 1[fourteen] years from the commencing day.	for the Islamabad Capital Territory.”.	
67	175A		<p>the following new Article shall be inserted, namely :-</p> <p>“175A. Appointment of Judges to the Supreme Court, High Courts and the Federal Shariat Court.- (1) There shall be a Judicial Commission of Pakistan, hereinafter in this</p> <p>Article referred to as the commission, for appointment of Judges of the Supreme Court, High Courts and the Federal Shariat Court, as hereinafter provided.</p> <p>(2) For appointment of Judges of the Supreme Court, the Commission shall consist_</p> <p>(i) Chief Justice of Pakistan; Chairman</p> <p>(ii) two most senior Judges of the Supreme Court; Member</p> <p>(iii) a former Chief Justice or a former Judge Member, the Supreme Court of Pakistan to be nominated by the Chief Justice of Pakistan, in consultation with the two member Judges, for a period of two years;</p> <p>(iv) Federal Minister for Law and Justice; Member</p> <p>(v) Attorney-General for Pakistan; and Member</p>	New insertion

			<p>(vi) a Senior Advocate of the Supreme Court of Member Pakistan nominated by the Pakistan Bar Council for a term of two years.</p> <p>(3) Notwithstanding anything contained in clause (1) or clause (2), the President shall appoint the most senior Judge of the Supreme Court as the Chief Justice of Pakistan.</p> <p>(4) The Commission may make rules regulating its procedure.</p> <p>(5) For appointment of Judges of a High Court, the Commission in clause (2) shall also include the following, namely:-</p> <p>(i) Chief Justice of the High Court to which the Member appointment is being made;</p> <p>(ii) the most senior Judge of that High Court; Member</p> <p>(iii) Provincial Minister for Law; and Member</p> <p>(iv) a senior advocate to be nominated by the Provincial Member</p> <p>Bar Council for a period of two years; Provided that for appointment of the Chief Justice of a High Court, the most senior Judge of the Court shall be substituted by a former Chief Justice or former Judge of that Court, to be nominated by the Chief Justice of Pakistan in consultation with the two member Judges of the Commission mentioned in clause (2); Provided further that if for any reason the Chief Justice of Hifh Court is not available, he shall also be substituted in the manner as provided</p>	
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			<p>in the foregoing proviso.</p> <p>(6) For appointment of Judges of the Islamabad High Court, the Commission in clause (2) shall also include the following, namely :-</p> <p>(i) Chief Justice of the Islamabad High Court; and Member</p> <p>(ii) the most senior Judge of that High Court: Member</p> <p>Provided that for initial appointment of the Judges, Of the Islamabad High Court, the Chief Justices of the four Provincial High Courts shall also be members of the Commission:</p> <p>Provided further that subject to the foregoing proviso, in case of appointment of Chief Justice of Islamabad High Court, the provisos to clause (5) shall, <i>mutatis mutandis</i>, apply.</p> <p>(7) For appointment of Judges of the Federal Shariat Court, the Commission in clause (2) shall also include the Chief Justice of the Federal Shariat Court and the most senior Judge of that Court as its members:</p> <p>Provided that for appointment of Chief Justice of Federal Shariat Court, the provisos to clause (5) shall, <i>mutatis mutandis</i>, apply.</p> <p>(8) The Commission by majority of its total membership shall nominate to the Parliamentary Committee one person, for each vacancy of a Judge in the Supreme Court, a High Court or the Federal Shariat Court, as the case may be;</p>	
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			<p>(9) The Parliamentary Committee, hereinafter in this Article referred to as the Committee, shall consist of the following eight members, namely :-four members from the Senate; and four members from the National Assembly.</p> <p>(10) Out of the eight members of the Committee, four shall be from the Treasury Benches, two from each House and four from the Opposition Benches, two from each House. The nomination of members from the Treasury Benches shall be made by the Leader of the House and from the Opposition Benches by the Leader of the Opposition.</p> <p>Secretary, Senate shall act as the Secretary of the Committee.</p> <p>The committee on receipt of a nomination from the Commission may confirm the nominee by majority of its total membership within fourteen days, failing which the nomination shall be deemed to have been confirmed:</p> <p>Provided that the Committee may not confirm the nomination by three-fourth majority of its total membership within the said period, in which case, the Commission shall send another nomination.</p> <p>The Committee shall forward the name of the nominee confirmed by it or deemed to have been confirmed to the President for appointment.</p>	
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			No action or decision taken by the Commission or a Committee shall be invalid or called in question only on the ground of the existence of a vacancy therein or of the absence of any member from any meeting thereof. The Committee may make rules for regulating its procedure.	
68	177	<p>177. Appointment of Supreme Court Judges.-(1) The Chief Justice of Pakistan shall be appointed by the President, and each of the other Judges shall be appointed by the President after consultation with the Chief Justice.</p> <p>(2) A person shall not be appointed a Judge of the Supreme Court unless he is a citizen of Pakistan and-</p> <p>(a) has for a period of, or for periods aggregating, not less than five years been a Judge of a High Court (Including a High Court which existed in Pakistan at any time before the commencing day); or</p> <p>(b) has for a period of, or for periods aggregating not less than fifteen years been an advocate of a High Court (including a High Court which existed in Pakistan at any time before the commencing day.)</p>	<p>In the Constitution, in Article 177, for clause (1) the following shall be substituted, namely :-</p> <p>“(1) The Chief Justice of Pakistan and each of the other Judges of the Supreme Court shall be appointed by the President in accordance with Article 175A.”.</p>	substitution
69	193	<p>193. Appointment of High Court Judges.-(1) A Judge of a High Court shall be appointed by the President after consultation--</p> <p>(a) with the Chief Justice of Pakistan;</p> <p>(b) with the Governor concerned; and</p> <p>(c) except where the appointment is that of Chief Justice,</p>	<p>In the Constitution, in Article 193,- for clause (1), the following shall be substituted, namely:-</p> <p>“(1) The Chief Justice and each of other Judges of a High Court shall be appointed by the President in accordance with Article 175A.”</p>	substituted

		<p>with the Chief Justice of the High Court</p> <p>(2) A person shall not be appointed a Judge of a High Court unless he is a citizen of Pakistan, is not less than 1[forty-five years] of age, and --</p> <p>(a) he has for a period of, or for periods aggregating, not less than ten years been, an advocate of a High Court (including a High Court which existed in Pakistan at any time before the commencing day); or</p> <p>(b) he is, and has for a period of not less than ten years been, a member of civil service prescribed by law for the purposes of this paragraph, and has, for a period of not less than three years, served as or exercised the functions of a District Judge in Pakistan; or</p> <p>(c) he has for a period of not less than ten years, held, a judicial office in Pakistan.</p>	<p>in clause (2), for the word “forty” the word “forty-five” shall be substituted and shall be deemed always to have been so substituted with effect from the 21st day of August, 2002.</p>	
70	194	<p>194. Oath of office.-Before entering upon office, the Chief Justice of a High Court shall make before the Governor, and any other Judge of the Court shall make before the Chief Justice, oath in the form set out in the Third schedule.</p>	<p>In the Constitution, in Article 194, for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely :</p> <p>“Provided that the Chief Justice of the Islamabad High Court shall make oath before the President and other Judges of that Court shall make oath before the Chief Justice of the Islamabad High Court.”</p>	Proviso added
71	198	<p>198. Seat of the High Court.- 1[(1)] Each High Court in existence immediately before the commencing day shall continue to have its principal seat at the place where it had such seat before that day.</p> <p>1[(2) Each High Court and the Judges and divisional</p>	<p>In the Constitution, in Article 198,-</p> <p>after clause (1), the following new clause shall be inserted, namely :-</p> <p>“(1A) The High Court for Islamabad Capital Territory shall have its principal seat at</p>	

		<p>Courts thereof shall sit at its principal seat and the seats of its Benches and may hold, at any place within its territorial jurisdiction, circuit Courts consisting of such of the Judges as may be nominated by the Chief Justice.</p> <p>(3) The Lahore High Court shall have a Bench each at Bahawalpur, Multan and Rawalpindi; the High Court of Sind shall have a Bench at Sukkur; the Peshawar High Court shall have a Bench each at Abbottabad and Dera Ismail Khan and the High Court of Baluchistan shall have a Bench at Sibi.</p> <p>(4) Each of the High Courts may have Benches at such other places as the Governor may determine on the advice of the Cabinet and in consultation with the Chief Justice of the High Court.</p> <p>(5) A Bench referred to in clause (3), or established under clause (4), shall consist of such of the Judges of the High Court as may be nominated by the Chief Justice from time to time for a period of not less than one year.</p> <p>(6) The Governor in consultation with the Chief Justice of the High Court shall make rules to provide the following matters, that is to say,-</p> <p>(a) assigning the area in relation to which each Bench shall exercise jurisdiction vested in the High Court; and</p> <p>(b) for all incidental, supplemental or consequential matters.]</p>	<p>Islamabad.”</p> <p>in clause (3),- after the word Abbottabad, the comma and the word “Mingora” shall be inserted; and</p> <p>after the word “Sibi” occurring at the end, the words “and Turbat” shall be added.</p>	
72	199	<p>199. Jurisdiction of High Court.-(1) Subject to the Constitution, a High Court may, if it is satisfied that no other adequate remedy is provided by law,-</p>	<p>In the Constitution, in Article 199, for clause (4A), the following shall be substituted, namely,-</p> <p>“(4A) An interim order made by a High Court</p>	Substitution

		<p>(a) on the application of any aggrieved party, make an order-</p> <p>(i) directing a person performing, within the territorial jurisdiction of the Court, functions in connection with the affairs of the Federation, a Province or a local authority, to refrain from doing anything he is not permitted by law to do, or to do anything he is required by law to do; or</p> <p>(ii) declaring that any act done or proceeding taken within the territorial jurisdiction of the Court by a person performing functions in connection with the affairs of the Federation, a Province or a local authority has been done or taken without lawful authority and is of no legal effect; or</p> <p>(b) on the application of any person, make an order --</p> <p>(i) directing that a person in custody within the territorial jurisdiction of the Court be brought before it so that the Court may satisfy itself that he is not being held in custody without lawful authority or in an unlawful manner; or</p> <p>(ii) requiring a person within the territorial jurisdiction of the Court holding or purporting to hold a public office to show under what authority of law he claims to hold that office; or</p> <p>(c) on the application of any aggrieved person, make an order giving such directions to any person or authority, including any Government exercising any power or performing any function in, or in relation to, any territory within the jurisdiction of that Court as may be appropriate for the enforcement of any of the Fundamental Rights</p>	<p>on an application made to it question the validity or legal effect of any order made, proceeding taken or act done by any authority or person, which has been made, taken or done or purports to have been made, taken or done under any law which is specified in Part I of the First Schedule or relates to, or is connected with, State property or assessment or collection of public revenues shall cease to have effect on the expiration of a period of six months following the day on which it is made: Provided that the matter shall be finally decided by the High court within six months from the date on which the interim order is made.”.</p>	
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		<p>conferred by Chapter 1 of Part II.</p> <p>(2) Subject to the Constitution, the right to move a High Court for the enforcement of any of the Fundamental Rights conferred by Chapter 1 of Part II shall not be abridged.</p> <p>1[(3) An order shall not be made under clause (1) on application made by or in relation to a person who is a member of the Armed Forces of Pakistan, or who is for the time being subject to any law relating to any of those Forces, in respect of his terms and conditions of service, in respect of any matter arising out of his service, or in respect of any action taken in relation to him as a member of the Armed Forces of Pakistan or as a person subject to such law.]</p> <p>2[(3A****)] Omitted. 2[(3B****)] Omitted. 2[(3C****)] Omitted.</p> <p>(4) Where --</p> <p>(a) an application is made to a High Court for an order under paragraph (a) or paragraph (c) of clause (1), and</p> <p>(b) the making of an interim order would have the effect of prejudicing or interfering with the carrying out of a public work or of otherwise being harmful to the public interest 3[or State property] or of impeding the assessment or collection of public revenues,</p> <p>the Court shall not make an interim order unless the prescribed law officer has been given notice of the application and he or any person authorised by him in</p>		
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		<p>that behalf has had an opportunity of being heard and the Court, for reasons to be recorded in writing, is satisfied that the interim order-</p> <p>(i) would not have such effect as aforesaid; or</p> <p>(ii) would have the effect of suspending an order or proceeding which on the face of the record is without jurisdiction.</p> <p>4[(4A) An interim order made by a High Court on an application made to it to question the validity or legal effect of any order made, proceeding taken or act done by any authority or person, which has been made, taken or done or purports to have been made, taken or done under any law which is specified in part 1 of the First Schedule or relates to, or is connected with, 3[State Property or] assessment or collection of public revenues shall cease to have effect on the expiration of a period of 5[six months] following the day on which it is made, 6[provided that the matter shall be finally decided by the High Court within six months from the date on which the interim order is made.]]</p> <p>7[(4B****)] Omitted</p> <p>(5) In this Article, unless the context otherwise requires,-</p> <p>"person" includes any body politic or corporate, any authority of or under the control of the Federal Government or of a Provincial Government, and any Court or tribunal, other than the Supreme Court, a High Court or a Court or tribunal established under a law relating to the Armed Forces of Pakistan; and</p>		
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		<p>"prescribed law officer" means-</p> <p>(a) in relation to an application affecting the Federal Government or an authority of or under the control of the Federal Government, the Attorney-General, and</p> <p>(b) in any other case, the Advocate-General for the Province in which the application is made</p>		
73	200	<p>200. Transfer of High Court Judges.-(1) The President may transfer a Judge of a High Court from one High Court to another High Court, but no Judge shall be so transferred except with his consent and after consultation by the President with the Chief Justice of Pakistan and the Chief Justice of both High Courts 1[:]</p> <p>1[Provided that such consent, or consultation with the Chief Justices of the High Courts, shall not be necessary if such transfer is for a period not exceeding 2[two years] at a time.</p> <p>Explanation.-In this Article, "Judge" does not include a Chief Justice 3[but includes a Judge for the time being acting as Chief Justice of a High Court other than a Judge of the Supreme Court acting as such in pursuance of a request made under paragraph (b) of Article 196.]</p> <p>4[(2) Where a Judge is so transferred or is appointed to an office other than that of Judge at a place other than the principal seat of the High Court, he shall, during the period for which he serves as a Judge of the High Court to which he is transferred, or holds such other office, be entitled to such allowances and privileges, in addition to his salary, as the President may, by Order, determine.]</p> <p>5[(3) If at any time it is necessary for any person to</p>	<p>In the Constitution, in Article 200,-</p> <p>In clause (1), the proviso shall be omitted;</p> <p>and clause (4) shall be omitted.</p>	omissions

		<p>increase temporarily the number of Judges of a High Court, the Chief Justice of that Court may require a Judge of any other High Court to attend sittings of the former High Court for such period as may be necessary and, while so attending the sittings of the High Court, the Judge shall have the same power and jurisdiction as a Judge of that High Court:</p> <p>Provided that a Judge shall not be so required except with his consent and the approval of the President and after consultation with the Chief Justice of Pakistan and the Chief Justice of the High Court of which he is a Judge.]</p> <p>6[Explanation.-In this Article, "High Court" includes a Bench of a High Court.]</p> <p>7[(4) A Judge of a High Court who does not accept transfer to another High Court under clause (1) shall be deemed to have retired from his office and, on such retirement, shall be entitled to receive a pension calculated on the basis of the length of his service as Judge and total service, if any, in the service of Pakistan.]</p>		
74	203C	<p>203. High Court to superintend subordinate courts.-Each High Court shall supervise and control all courts subordinate to it.</p>	<p>In the Constitution, in Article 203C,- in clause (2), after the word "President" occurring at the end the words, figures and letters "in accordance with Article 175A" shall be inserted; in clause (3A), for the words "who are well-versed in Islamic Law" the words and comma "having at least fifteen years experience in Islamic law, research or instruction" shall be substituted;</p>	amendment

			<p>in clause (4), in the proviso, the words “for a period exceeding two years” shall be omitted; for clause (4B) the following shall be substituted, namely :-</p> <p>“(4B) The Chief Justice and a Judge shall not be removed from office except in the like manner and on the like grounds as a Judge of the Supreme Court.”, and</p> <p>Clause (4C) and clause (5) shall be omitted.</p> <p>For clause (9), the following shall be substituted and deemed always to have been so substituted with effect from the 21st day of August, 2002, namely :-</p> <p>“(9) A Chief Justice who is not a Judge of the Supreme Court shall be entitled to the same remuneration, allowances and privileges as are admissible to a Judge of the Supreme Court and a Judge who is not a Judge of a High Court shall be entitled to the same remuneration, allowances and privileges as are admissible to a Judge of a High Court:</p> <p>Provided that where a Judge is already drawing a pension for any other post in the service of Pakistan, the amount of such pension shall be deducted from the pension admissible under this clause.”.</p>	
75	203D	<p>1[203D. Powers, jurisdiction and functions of the Court.-</p> <p>(1) The Court may, 2[either of its own motion or] on the petition of a citizen of Pakistan or the Federal Government or a Provincial Government, examine and decide the question whether or not any law or provision of law is repugnant to the Injunctions of Islam, as laid down in the Holy Quran and Sunnah of the Holy Prophet,</p>	<p>In the Constitution, in Article 203D, in clause (1A), the words “or the Concurrent Legislative List” shall be omitted and for the words” in either of those lists” the words “in the Federal Legislative List” shall be substituted.</p>	Omission and substitution

		<p>hereinafter referred to as the Injunction of Islam.</p> <p>3[(1A) Where the Court takes up the examination of any law or provision of law under clauses (1) and such law or provision of law appears to it to be repugnant to the Injunction of Islam, the Court shall cause to be given to the Federal Government in the case of a law with respect to a matter in the Federal Legislative List or the Concurrent Legislative List, or to the Provincial Government in the case of a law with respect to a matter not enumerated in the either of those Lists, a notice specifying the particular provisions that appear to it to be so repugnant, and afford to such Government adequate opportunity to have its point of view placed before the Court.]</p> <p>(2) If the Court decides that any law or provision of law is repugnant to the Injunctions of Islam, it shall set out in its decision-</p> <p>(a) the reasons for its holding that opinion; and</p> <p>(b) the extent to which such law or provision is so repugnant;</p> <p>and specify the day on which the decision shall take effect 4[:]</p> <p>4[Provided that no such decision shall be deemed to take effect before the expiration of the period within which an appeal therefrom may be preferred to the Supreme Court or, where an appeal has been so preferred, before the disposal of such appeal.]</p> <p>(3) If any law or provision of law is held by the Court to</p>		
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		<p>be repugnant to the Injunctions of Islam,-</p> <p>(a) the President in the case of a law with respect to a matter in the Federal Legislative List or the Concurrent Legislative List, or the Governor in the case of a law with respect to a matter not enumerated in either of those Lists, shall take steps to amend the law so as to bring such law or provision into conformity with the Injunctions of Islam; and</p> <p>(b) such law or provision shall, to the extent to which it is held to be so repugnant, cease to have effect on the day on which the decision of the Court takes effect.</p> <p>5[(4)****] Omitted.]</p>		
76	209	<p>209. Supreme Judicial Council.-(1) There shall be a Supreme Judicial Council of Pakistan, in this Chapter referred to as the Council.</p> <p>(2) The Council shall consist of-</p> <p>(a) the Chief Justice of Pakistan;</p> <p>(b) the two next most senior Judges of the Supreme Court; and</p> <p>(c) the two most senior Chief Justices of High Courts.</p> <p>Explanation. -- For the purpose of this clause, the inter se seniority of the Chief Justices of the High Courts shall be determined with reference to their dates of appointment as Chief Justice 1[otherwise than as acting Chief Justice], and in case the dates of such appointment are the same,</p>	<p>In Article 209, for clause (5) the following shall be substituted, namely:</p> <p>“(5) If, on information from any source, the Council or the President is of the opinion that a Judge of the Supreme Court or of a High Court.</p> <p>(a) may be incapable of properly performing the duties of his office by reason of physical or mental incapacity; or</p> <p>(b) may have been guilty of misconduct, the President shall direct the Council to, or the Council may, on its own motion, inquire into the matter.”.</p>	substitution

		<p>with reference to their dates of appointment as Judges of any of the High Courts.</p> <p>(3) If at any time the Council is inquiring into the capacity or conduct of a Judge who is a member of the Council, or a member of the Council is absent or is unable to act due to illness or any other cause, then-</p> <p>(a) if such member is a Judge of the Supreme Court, the Judge of the Supreme Court who is next in seniority below the Judges referred to in paragraph (b) of clause (2), and</p> <p>(b) if such member is the Chief Justice of a High Court, the Chief Justice of another High Court who is next in seniority amongst the Chief Justices of the remaining High Courts,</p> <p>shall act as a member of the Council in his place.</p> <p>(4) If, upon any matter inquired into by the Council, there is a difference of opinion amongst its members, the opinion of the majority shall prevail, and the report of the Council to the President shall be expressed in terms of the view of the majority.</p> <p>(5) If, on information 2[from any source, the Council or] the President is of the opinion that a Judge of the Supreme Court or of a High Court,-</p> <p>(a) may be incapable of properly performing the duties of his office be reason of physical or mental incapacity; or</p> <p>(b) may have been guilty of misconduct,</p> <p>the President shall direct the Council to 3[, or the Council</p>		
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		<p>may, on its own motion,] inquire into the matter.</p> <p>(6) If, after inquiring into the matter, the Council reports to the President that it is of the opinion,-</p> <p>(a) that the Judge is incapable of performing the duties of his office or has been guilty of misconduct, and</p> <p>(b) that he should be removed from office,</p> <p>the President may remove the Judge from office.</p> <p>(7) A Judge of the Supreme Court or of a High Court shall not be removed from office except as provided by this Article.</p> <p>(8) The Council shall issue a code of conduct to be observed by Judges of the Supreme Court and of the High Courts.</p>		
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PART VIII – ELECTIONS

77	213	<p>213. Chief Election Commissioner.-(1) There shall be a Chief Election Commissioner (in this Part referred to as the Commissioner), who shall be appointed by the President 1[in his discretion].</p> <p>(2) No person shall be appointed to be Commissioner unless he is, or has been, a Judge of the Supreme Court or is, or has been, a Judge of a High Court and is qualified under paragraph (a) of clause (2) of Article 177 to be appointed a Judge of the Supreme Court.</p> <p>(3) The Commissioner shall have such powers and functions as are conferred on him by the Constitution and</p>	<p>In the Constitution, in Article 213,-</p> <p>(i) In clause (1), the words “in his discretion” shall be omitted;</p> <p>(ii) after clause (2), the following new clauses shall be inserted, namely:-</p> <p>“(2A). The Prime Minister shall in consultation with the Leader of the Opposition in the National Assembly, forward three names for appointment of the Commissioner to a Parliamentary Committee for hearing and confirmation of any one person.</p>	New insertions
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		law.	<p>(2B) The Parliamentary Committee to be constituted by the Speaker shall comprise fifty percent members from the Treasury Benches and fifty percent from the Opposition Parties, based on their strength in Majlis-e-Shoora (Parliament), to be nominated by the respective Parliamentary Leaders :</p> <p>Provided that in case there is no consensus between the Prime Minister and the Leader of the Opposition, each shall forward separate lists to the Parliamentary Committee for consideration which may confirm any one name:</p> <p>Provided further that the total strength of the Parliamentary Committee shall not exceed twelve members out of which one-third shall be from the Senate:</p> <p>Provided also that when the National Assembly is dissolved and a vacancy occurs in the office of the Chief Election Commissioner, the Parliamentary Committee shall comprise the members from the Senate only and the foregoing provisions of this clause shall, <i>mutatis mutandis</i>, apply,”.</p>	
78	215	<p>215. Term of office of Commissioner.-(1) The Commissioner shall, subject to this Article, hold office for a term of three years from the day he enters upon his office:</p> <p>Provided that the National Assembly may by resolution extend the term of the Commissioner by a period not exceeding one year.</p>	<p>In the Constitution, in Article 215, in clause (1),- for the word “three” the word “five” shall be substituted and thereafter the following proviso shall be inserted, namely :-</p> <p>“Provided that the aforesaid amendment shall be effective after the expiry of current tenure of the present incumbent; and the existing proviso shall be omitted.</p>	

		<p>(2) The Commissioner shall not be removed from office except in the manner prescribed in Article 209 for the removal from office of a Judge and, in the application of the Article for the purposes of this clause, any reference in that Article to a Judge shall be construed as a reference to the Commissioner.</p> <p>(3) The Commissioner may, by writing under his hand addressed to the President, resign his office.</p>		
79	216	<p>216. Commissioner not to hold office of profit.-(1) The Commissioner shall not,-</p> <p>(a) hold any other office of profit in the service of Pakistan; or</p> <p>(b) occupy any other position carrying the right to remuneration for the rendering of services.</p> <p>(2) A person who has held office as Commissioner shall not hold any office of profit in the service of Pakistan before the expiration of two years after he has ceased to hold that office:</p> <p>Provided that-</p> <p>(a) this clause shall not be construed as preventing a person who was a Judge of the Supreme Court or of a High Court immediately before his appointment as Commissioner from resuming his duties as such Judge on the expiration of his term as Commissioner; and</p> <p>(b) a person who has held office as Commissioner may, with the concurrence of both Houses, be reappointed to that office before the expiration of two years after he has ceased to hold that office.</p>	<p>In the constitution, in Article 216, in clause (2), in the proviso,-</p> <p>(i) in paragraph (a), for the semicolon and the word “, and “ a full stop shall be substituted; and</p> <p>(ii) paragraph (b) shall be omitted.</p>	

80	218	<p>218. Election Commission.- 1[(1) For the purpose of election to both Houses of Majlis-e-Shoora (Parliament), Provincial Assemblies and for election of such other public offices as may be specified by law or until such law is made by the Majlis-e-Shoora (Parliament) by Order of the President, a permanent Election Commission shall be constituted in accordance with this Article.]</p> <p>(2) The Election Commission shall consist of,--</p> <p>(a) the Commissioner who shall be Chairman of the Commission; and</p> <p>(b) 2[four] members, each of whom shall be a Judge of a High Court, 2[from each Province] appointed by the President after consultation with the Chief Justice of the High Court concerned and with the Commissioner.</p> <p>(3) It shall be the duty of the Election Commission constituted in relation to an election to organize and conduct the election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against.</p>	<p>In the Constitution, in Article 218,- for clause (1), the following shall be substituted, namely :- “(1) For the purpose of election to both Houses of Majlis-e-Shoora (Parliament), Provincial Assemblies and for election to such other public offices as may be specified by law, a permanent Election Commission shall be constituted in accordance with this Article.”.</p> <p>for clause (2), the following shall be substituted, namely :- “(2) The Election Commission shall consist of .-</p> <p>The Commissioner who shall be the Chairman of the Commission; and</p> <p>Four members, each of whom has been a Judge of a High Court from each Province, appointed by the President in the manner provided for appointment of the Commissioner in clauses (2A) and (2B) of Article 213.”.</p>	
81	219	<p>219. Duties of Commissioner.-The Commissioner shall be charged with the duty of,-</p> <p>(a) preparing electoral rolls for election to the National Assembly and the Provincial Assemblies, and revising such rolls annually;</p> <p>(b) organizing and conducting election to the Senate or to</p>	<p>In the Constitution, in Article 219,- for the word “Commissioner” the word “Commission” shall be substituted; and</p> <p>in paragraph ©, for the full stop at the end a semi colon shall be substituted and after paragraph © amended as aforesaid, the</p>	substitution

		<p>fill casual vacancies in a House or a Provincial Assembly; and</p> <p>(c) appointing Election Tribunals.</p>	<p>following new paragraphs shall be added; namely :-</p> <p>the holding of general elections to the National Assembly, Provincial Assemblies and the local governments; and</p> <p>such other functions as may be specified by an Act of Majlis-e-Shoora (Parliament).</p>	
82	221	<p>221. Officers and servants.—Until 1[Majlis-e-Shoora (Parliament)] by law otherwise provides, the Commissioner may, with the approval of the President, make rules providing for the appointment by the Commissioner of officers and servants to be employed in connection with the functions of the Commissioner or an Election Commission and for their terms and conditions of employment.</p>	<p>In the Constitution, in Article 221, for the word “Commissioner” occurring for the first and second time, the words, “Election Commission” shall be substituted and the words “Commissioner or an” shall be omitted.</p>	Substitution and omission
83	224	<p>224. Time of election and bye-election.—(1) A general election to the National Assembly or a Provincial Assembly shall be held within a period of sixty days immediately 1[following] the day on which the term of the Assembly is due to expire, unless the Assembly has been sooner dissolved, and the results of the election shall be declared not later than fourteen days before that day 2 [:]</p> <p>2[Provided that on dissolution of an Assembly on completion of its term, the President, in his discretion, or, as the case may be, the Governor, in his discretion but with the previous approval of the President, shall appoint a care-taker Cabinet.]</p> <p>(2) When the National Assembly or a Provincial Assembly</p>	<p>In the Constitution, in Article 224, , -</p> <p>for clause (1), the following shall be substituted, namely :-</p> <p>“(1) A general election to the National Assembly or a Provincial Assembly shall be held within a period of sixty days immediately following the day on which the term of the Assembly is due to expire, unless the Assembly has been sooner dissolved, and the results of the election shall be declared not later than fourteen days before that day.”.</p> <p>(ii) after clause (1) substituted as the aforesaid, the following new clauses shall be inserted, namely :-</p> <p>“(1A) On dissolution of the Assembly on</p>	substitution

		<p>is dissolved, a general election to the Assembly shall be held within a period of ninety days after the dissolution, and the results of the election shall be declared not later than fourteen days after the conclusion of the polls.</p> <p>(3) An election to fill the seats in the Senate which are to become vacant on the expiration of the term of the members of the Senate shall be held not earlier than thirty days immediately preceding the day on which the vacancies are due to occur.</p> <p>(4) When, except by dissolution of the National Assembly or a Provincial Assembly, a 3[general] seat in any such Assembly has become vacant not later than one hundred and twenty days before the term of that Assembly is due to expire, an election to fill the seat shall be held within sixty days from the occurrence of the vacancy.</p> <p>(5) When a seat in the Senate has become vacant, an election to fill the seat shall be held within thirty days from the occurrence of the vacancy.</p> <p>4[(6) When a seat reserved for women or non-Muslims in the National Assembly or a Provincial Assembly falls vacant, for death, resignation or disqualification of a member, it shall be filled by the next person in order of precedence from the party list of the candidates submitted to the Election Commission for the last general election by the political party whose member has vacated such seat.</p> <p>(7) When a care-taker Cabinet is appointed, on dissolution of the National Assembly under Article 58 or a Provincial Assembly under Article 112, or on dissolution of any such Assembly on completion of its</p>	<p>completion of its term, or in case it is dissolved under Article 58 or Article 112, the President, or the governor, as the case may be, shall appoint a care-taker Cabinet;</p> <p>Provided that the care-taker Prime Minister shall be selected by the President in consultation with the Prime Minister and Leader of the Opposition in the outgoing National Assembly, and a care-taker Chief Minister shall be appointed by the Governor in consultation with the Chief Minister and the Leader of the Opposition in the outgoing Provincial Assembly:</p> <p>Provided further that the Members of the Federal and Provincial care-taker Cabinets shall be appointed on the advice of the care-taker Prime Minister or the care-taker Chief Minister, as the case may be.</p> <p>(IB) Members of the care-taker Cabinets including the care-taker Prime Minister and the care-taker Chief Minister and their immediate family ;members shall not be eligible to contest the immediately following elections to such Assemblies”.</p> <p><i>Explanation :-</i> In this clause “immediate family members” means spouse and children.</p> <p>(iii) after clause (5) the following new clause shall be inserted and shall be deemed always to have been so inserted with effect from the 21st day of August, 2002, namely :-</p> <p>“(6) When a seat reserved for women or non-</p>	
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		term, the Prime Minister or, as the case may be, the Chief Minister of the care-taker Cabinet shall not be eligible to contest the immediately following election of such Assembly.]	Muslims in the National Assembly or a Provincial Assembly falls vacant, on account of death, resignation or disqualification of a member, it shall be filled by the next person in order of precedence from the party list of the candidates to be submitted to the Election commission by the Political party whose member has vacated such seat.”.	
84	226	226. Elections to be by secret ballot. -All elections under the Constitution 1[****] shall be by secret ballot.	In the Constitution, for Article 226, the following shall be substituted, namely :- “226. Election by secret ballot .- All elections under the Constitution, other than those of the Prime Minister and the Chief Minister, shall be by secret ballot.”.	substituted
PART IX – ISLAMIC PROVISIONS				
85	228	228. Composition, etc., of Islamic Council. -(1) There shall be, constituted with a period of ninety days from the commencing day a Council of Islamic ideology, in this part referred to as the Islamic Council. (2) The Islamic Council shall consist of such members, being not less than eight and not more than 1[twenty] as the President may appoint from amongst persons having knowledge of the principles and philosophy of Islam as enunciated in the Holy Quran and Sunnah, or understanding of the economic, political, legal or administrative problems of Pakistan. (3) While appointing members of the Islamic Council the President shall ensure that --	In the Constitution, in Article 228, in clause (3), in paragraph ©, for the word “four” the words “one-third” shall be substituted.	substitution

		<p>(a) so far as practicable various schools of thought are represented in the Council;</p> <p>(b) not less than two of the members are persons each of whom is, or has been a Judge of the Supreme Court or of a High Court;</p> <p>(c) not less than four of the members are persons each of whom has been engaged, for a period of not less than fifteen years, in Islamic research or instruction; and</p> <p>(d) at least one member is a woman.</p> <p>2[(4) The President shall appoint one of the members of the Islamic Council to be the Chairman thereof.]</p> <p>(5) Subject to clause (6), a member of the Islamic Council shall hold office for a period of three years.</p> <p>(6) A member may, by writing under his hand addressed to the President, resign his office or may be removed by the President upon the passing of a resolution for his removal by a majority of the total membership of the Islamic Council.</p>		
PART – X – EMERGENCY PROVISIONS				
86	232	<p>232. Proclamation of emergency on account of war, internal disturbance, etc.-(1) If the President is satisfied that a grave emergency exists in which the security 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</p>	<p>In the Constitution, in Article 232, in clause (1), for the full stop at the end a colon shall be substituted and after clause (1) amended as aforesaid, the following provisos shall be inserted, namely:</p>	substitution

		<p>issue a Proclamation of Emergency.</p> <p>(2) Notwithstanding anything in the Constitution, while a Proclamation of Emergency is in force, --</p> <p>1[(a) Majlis-e-Shoora (Parliament) shall have power to make laws for a Province, or any part thereof, with respect to any matter not enumerated in the Federal Legislative List or the Concurrent Legislative List;]</p> <p>(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</p> <p>(c) the Federal Government may by Order assume to itself, or direct the Governor of a Province to assume on behalf of the Federal Government, 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 Assembly, and make such incidental and consequential provisions as appear to the Federal Government 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:</p> <p>Provided that nothing in paragraph (c) shall authorise, the Federal Government to assume to itself, or direct the Governor of the Province to assume on its 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</p>	<p>“Provided that for imposition of emergency due to internal disturbance beyond the powers of a Provincial Government to control, a Resolution from the Provincial Assembly of that Province shall be required:</p> <p>Provided further that if the President acts on his own, the Proclamation of Emergency shall be placed before both Houses of Majlis-e-Shoora (Parliament) for approval by each House within ten days.”.</p>	
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		<p>provisions of the Constitution relating to High Courts.</p> <p>(3) The power of 2[Majlis-e-Shoora (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.</p> <p>(4) Nothing in this Article shall restrict the power of a Provincial Assembly 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 an Act of 2[Majlis-e-Shoora (Parliament)] which 2[Majlis-e-Shoora (Parliament)] has under this Article power to make, the Act of 2[Majlis-e-Shoora (Parliament)]. 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 Act of 2[Majlis-e-Shoora (Parliament)] continues to have effect, be void.</p> <p>(5) A law made by 2[Majlis-e-Shoora (Parliament)], which 2[Majlis-e-Shoora (Parliament)] would not but for the issue of a Proclamation of Emergency have been competent to make, shall, to the extent of the incompetency, cease to have effect on the expiration of a period of six months after the Proclamation of Emergency has ceased to be in force, except as respects things done or omitted to be done before the expiration of the said period.</p> <p>(6) While a Proclamation of Emergency is in force, 2[Majlis-e-Shoora (Parliament)] may by law extend the term of the National Assembly for a period not exceeding</p>		
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		<p>one year and not extending in any case beyond a period of six months after the Proclamation has ceased to be in force.</p> <p>(7) A Proclamation of Emergency shall be laid before a joint sitting which shall be summoned by the President to meet within thirty days of the Proclamation being issued and-</p> <p>(a) shall cease to be in force at the expiration of two months unless before the expiration of that period it has been approved by a resolution of the joint sitting; and</p> <p>3[(b) shall, subject to the provisions of paragraph (a), cease to be in force upon a resolution disapproving the Proclamation being passed by the votes of the majority of the total memberships of the two Houses in joint sitting.]</p> <p>(8) Notwithstanding anything contained in clause (7), if the National Assembly stands dissolved at the time when a Proclamation of Emergency is issued, the Proclamation shall continue in force for a period of four months but, if a general election to the Assembly is not held before the expiration of that period, it shall cease to be in force at the expiration of that period unless it has earlier been approved by a resolution of the Senate.</p>		
87	233	<p>233. Power to suspend Fundamental Rights, etc., during emergency period.-(1) Nothing contained in Articles 15, 16, 17, 18, 19, and 24 shall, while a proclamation of Emergency is in force, restrict the power of the State as defined in Article 7 to make any law or take any executive action which it would, but for the provisions in the said Articles, be competent to make or to take, but any law so made shall, to the extent of the incompetency, cease to</p>	<p>In the Constitution, in Article 233, in clause (3), for the words “a joint sitting” the words “both Houses of Majlis-e-Shoora (Parliament) separately” shall be substituted.</p>	substituted

		<p>have effect, and shall be deemed to have been repealed, at the time when the Proclamation is revoked or has ceased to be in force.</p> <p>(2) While a Proclamation of Emergency is in force, the President may, by Order, declare that the right to move any Court for the enforcement of such of the Fundamental Rights conferred by Chapter I of Part II as may be specified in the Order, and any proceeding in any Court which is for the enforcement, or involves the determination of any question as to the infringement, of any of the Rights so specified, shall remain suspended for the period during which the Proclamation is in force, and any such Order may be made in respect of the whole or any part of Pakistan.</p> <p>(3) Every Order made under this Article shall, as soon as may be, be laid before a joint sitting for approval and the provisions of clauses (7) and (8) of Article 232 shall apply to such an Order as they apply to Proclamation of Emergency.</p>		
88	234	<p>234. Power to issue Proclamation in case of failure of constitutional machinery in a Province.-(1) If the President, on receipt of a report from the Governor of a Province or otherwise, 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, or if a resolution in this behalf is passed at a joint sitting shall, by Proclamation:--</p> <p>(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</p>	<p>In the Constitution, in Article 234, in clause (1),-</p> <p>the words “ or otherwise” shall be omitted; and for the words”at a joint sitting” the words “by each House separately” shall be substituted.</p>	omissions

		<p>Provincial Assembly;</p> <p>(b) declare that the powers of the Provincial Assembly shall be exercisable by, or under the authority of, 1[Majlis-e-Shoora (Parliament)]; and</p> <p>(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:</p> <p>Provided that nothing in this Article shall authorise 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.</p> <p>(2) The provisions of Article 105 shall not apply to the discharge by the Governor of his functions under clause (1).</p> <p>(3) A Proclamation issued under this Article shall be laid before a joint sitting and shall cease to be in force at the expiration of two months, unless before the expiration of that period it has been approved by resolution of the joint sitting and may by like resolution be extended for a further period not exceeding two months at a time; but no such Proclamation shall in any case remain in force for more than six months.</p> <p>(4) Notwithstanding anything contained in clause (3), if the National Assembly stands dissolved at the time when</p>		
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		<p>a Proclamation is issued under this Article, the Proclamation shall continue in force for a period of three months but, if a general election to the Assembly is not held before the expiration of that period, it shall cease to be in force at the expiration of that period unless it has earlier been approved by a resolution of the Senate.</p> <p>(5) Where by a Proclamation issued under this Article it has been declared that the powers of the Provincial Assembly shall be exercisable by or under the authority of 1[Majlis-e-Shoora (Parliament)], it shall be competent --</p> <p>(a) to 1[Majlis-e-Shoora (Parliament)] in joint sitting to confer on the President the power to make laws with respect to any matter within the legislative competent of the Provincial Assembly;</p> <p>(b) to 1[Majlis-e-Shoora (Parliament)] in joint sitting, or the President, when he is empowered under paragraph (a), to make laws conferring powers and imposing duties, or authorising the conferring of powers and the imposition of duties, upon the Federation, or officers and authorities thereof;</p> <p>(c) to the President, when 1[Majlis-e-Shoora (Parliament)] is not in session, to authorise 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 1[Majlis-e-Shoora (Parliament)] in joint sitting; and</p> <p>(d) to 1[Majlis-e-Shoora (Parliament)] in joint sitting by resolution to sanction expenditure authorised by the President under paragraph (c).</p>		
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		(6) Any law made by 1[Majlis-e-Shoora (Parliament)] or the President which, 1[Majlis-e-Shoora (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 be in force, except as to things, done or omitted to be done before the expiration of the said period.		
PART XI – MISCELLANEOUS				
89	242	<p>242. Public Service Commission.-(1) 1[Majlis-e-Shoora (Parliament)] in relation to the affairs of the Federation, and the Provincial Assembly of a Province in relation to the affairs of the Province, may, by law, provide for the establishment and constitution of a Public Service Commission.</p> <p>2[(1A) The Chairman of the Public Service Commission constituted in relation to the affairs of the Federation shall be appointed by the President in his discretion.]</p> <p>(2) A Public Service Commission shall perform such functions as may be prescribed by law.</p>	<p>In the Constitution, in Article 242,-</p> <p>(i) in clause (1A), for the words “in his discretion” the words “on the advice of the Prime Minister” shall be substituted”; and</p> <p>(ii) after clause (1A) amended as aforesaid the following new clause shall be inserted, namely :-</p> <p>“(1B) The Chairman of the Public Service Commission constituted in relation to affairs of a Province shall be appointed by the Governor on advice of the Chief Minister.”.</p>	substituted
90	243	<p>243. Command of Armed Forces.-(1) The Federal Government shall have control and command of the Armed Forces.</p> <p>1[(1A) without prejudice to the generality of the foregoing provision, the Supreme Command of the Armed Forces shall vest in the President.]</p> <p>(2) The President shall subject to law, have power --</p>	<p>In the Constitution, for Article 243, the following shall be substituted, namely :-</p> <p>“243. Command of Armed Forces.- (1) The Federal Government shall have control and command of the Armed Forces.</p> <p>Without prejudice to the generality of the foregoing provision, the supreme Command of the Armed Forces shall vest in the President.</p> <p>The President shall subject to law, have power to raise and maintain the Military, Naval and Air Forces of Pakistan; and the Reserves of such</p>	substituted

		<p>(a) to raise and maintain the Military, Naval and Air Forces of Pakistan; and the Reserves of such Forces; 2[and]</p> <p>(b) to grant Commission in such Forces 3[.]</p> <p>4[(c****)] Omitted</p> <p>5[(3) the President shall, in his discretion, appoint-</p> <p>(a) the Chairman, Joint Chiefs of Staff Committee;</p> <p>(b) the Chief of the Army Staff;</p> <p>(c) the Chief of the Naval Staff; and</p> <p>(d) the Chief of the Air Staff,</p> <p>and shall also determine their salaries and allowances.]</p>	<p>Forces; and</p> <p>to grant commissions in such forces.</p> <p>The President shall, on advice of the Prime Minister, appoint-</p> <p>The Chairman, Joint Chiefs of Staff Committee;</p> <p>The Chief of the Army Staff,</p> <p>The Chief of the Naval Staff; and</p> <p>The Chief of the Air Staff,</p> <p>and shall also determine their salaries and allowances.”.</p>	
91	246	<p>246. Tribal Area.-In the Constitution-</p> <p>(a) "Tribal Areas" means the areas in Pakistan which, immediately before the commencing day, were Tribal Areas, and includes-</p> <p>(i) the Tribal Areas of Baluchistan and the North-West Frontier Province; and</p> <p>(ii) the former States of Amb, Chitral, Dir and Swat;</p> <p>(b) "Provincially Administered Tribal Areas" means --,</p> <p>(i) the districts of Chitral, Dir and Swat (which includes Kalam) 1[the Tribal Area in Kohistan district,] Malakand Protected Area, the Tribal Area adjoining 2[Mansehra]</p>	<p>In the Constitution, in Article 246, in paragraph (a),-</p> <p>in sub-paragraph (i), for the word “Baluchistan” the word “Baluchistan” and for the words “North West Frontier” the words “ Khyber Pakhtunkhawa” Shall be substituted and the word “and” at the end shall be omitted, and after sub-paragraph (ii), the following new sub-paragraphs shall be inserted, namely :-</p> <p>“(iii) Tribal Areas adjoining Lakki Marwat District; and</p> <p>(iv) Tribal Areas adjoining Tank District,”.</p>	

		<p>district and the former State of Amb; and</p> <p>(ii) Zhob district, Loralia district (excluding Duki Tehsil), Dalbandin Tehsil of Chagai District and Marri and Bugti tribal territories of Sibi district; and</p> <p>(c) "Federally Administered Tribal Areas" includes</p> <p>(i) Tribal Areas, adjoining Peshawar district;</p> <p>(ii) Tribal Areas, adjoining Kohat district;</p> <p>(iii) Tribal Areas, adjoining Bannu district;</p> <p>(iv) Tribal Areas adjoining Dear Ismail Khan district;</p> <p>3[(v) Bajaur Agency;</p> <p>(va) Orakzai Agency;]</p> <p>(vi) Mohammad Agency;</p> <p>(vii) Khayber Agency;</p> <p>(viii) Kurram Agency;</p> <p>(ix) North Waziristan Agency; and</p> <p>(x) South Waziristan Agency.</p>		
92	260	<p>260. Definitions.-(1) In the Constitution, unless the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them, that is to say, --</p>	<p>In the constitution, in Article 260, in clause (1), the definition of expression "consultation" shall be omitted.</p>	

		<p>" Act of 1[Majlis-e-Shoora" (Parliament)]" means an Act passed by 1[Majlis-e-Shoora (Parliament)] or the National Assembly and assented to, or deemed to have been assented to, by the President;</p> <p>"Act of Provincial Assembly" means an Act passed by the Provincial Assembly of a Province and assented to, or deemed to have been assented to, by the Governor;</p> <p>"agricultural income" means agricultural income as defined for the purposes of the law relating to income-tax;</p> <p>"Article" means Article of the Constitution;</p> <p>"borrow" includes the raising of money by the grant of annuities, and "loans" shall be construed accordingly;</p> <p>"Chairman" means the Chairman of the Senate and, except in Article 49, includes a person acting as Chairman of the Senate;</p> <p>2["Chief Justice", in relation to the Supreme Court or a High Court, includes the Judge for the time being acting as Chief Justice of the Court;]</p> <p>"citizen" means a citizen of Pakistan as defined by law;</p> <p>"clause" means clause of the Article in which it occurs;</p> <p>3["consultation" shall, save in respect of appointments of Judges of the Supreme Court and High Courts, mean discussion and deliberation which shall not be binding</p>		
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		<p>on the President.]</p> <p>"corporation tax" means any tax or income that is payable by companies and in respect of which the following conditions apply:--</p> <p>(a) the tax is not chargeable in respect of agricultural income;</p> <p>(b) no deduction in respect of the tax paid by companies is, by any law which may apply to the tax, authorised to be made from dividends payable by the companies to individuals;</p> <p>(c) no provision exists for taking the tax so paid into account in computing for the purposes of income-tax the total income of individual receiving such dividends, or in computing the income-tax payable by, or refundable to, such individuals;</p> <p>"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;</p> <p>"estate duty" means a duty assessed on, or by reference to, the value of property passing upon death;</p> <p>"existing law" has the same meaning as in clause (7) of Article 268.</p> <p>"Federal law" means a law made by or under the authority of 1[Majlis-e-Shoora (Parliament)];</p> <p>"financial year" means a year commencing on the first day</p>		
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		<p>of July;</p> <p>"goods" includes all materials, commodities and articles;</p> <p>"Governor" means the Governor of a Province and includes any person for the time being acting as the Governor of a Province;</p> <p>"guarantee" includes any obligation undertaken before the commencing day to make payments in the event of the profits of an undertaking falling short of a specified amount;</p> <p>"House" means the Senate or the National Assembly;</p> <p>"Joint sitting" means a joint sitting of the two Houses;</p> <p>"Judge" in relation to the Supreme Court or a High Court, includes the Chief Justice of the Court and also includes-</p> <p>(a) in relation to the Supreme Court, a person who is acting as a Judge of the Court; and</p> <p>(b) in relation to the High Court, a person who is an Additional Judge of the Court;</p> <p>"members of the Armed Forces" does not include persons who are not, for the time being, subject to any law relating to the members of the Armed Forces;</p> <p>"net proceeds" means, in relation to any tax or duty, the proceeds thereof, reduced by the cost of collection, as ascertained and certified by the Auditor-General;</p>		
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		<p>"oath" includes affirmation;</p> <p>"Part " means Part of the Constitution;</p> <p>"pension" means a pension, whether contributory or not, of any kind whatsoever payable to, or in respect of, any person and includes retired pay so payable, a gratuity so payable, and any sum or sums so payable by way of the return, with or without interest thereon or any addition thereto, of subscriptions to a provident fund;</p> <p>"person" includes any body politic or corporate;</p> <p>"President" means the President of Pakistan and includes a person for the time being acting as, or performing the functions of, the President of Pakistan and, as respects anything required to be done under the Constitution before the commencing day, the President under the Interim Constitution of the Islamic Republic of Pakistan;</p> <p>"Property" includes any right, title or interest in property, movable or immovable, and any means and instruments of production;</p> <p>"Provincial law" means a law made by or under the authority of the Provincial Assembly;</p> <p>"remuneration" includes salary and pension;</p> <p>"Schedule" means Schedule to the Constitution;</p> <p>"security of Pakistan" includes the safety, welfare, stability and integrity of Pakistan and of each part of Pakistan, but shall not include public safety as such;</p>		
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		<p>"service of Pakistan" means any service, post or office in connection with the affairs of the Federation or of a Province, and includes an All-Pakistan Service, service in the Armed Forces and any other service declared to be a service of Pakistan by or under Act of 1[Majlis-e-Shoora (Parliament)] or of a Provincial Assembly, but does not include service as Speaker, Deputy Speaker, Chairman, Deputy Chairman, Prime Minister, Federal Minister, Minister of State, Chief Minister, Provincial Minister, 4[Attorney General, 5[Advocate-General, Parliamentary Secretary] or 6[Chairman or member of a Law Commission, Chairman or member of the Council of Islamic Ideology, Special Assistant to the Prime Minister, Adviser to the Prime Minister, Special Assistant to a Chief Minister, Adviser to a Chief Minister] or member of a House or a Provincial Assembly;</p> <p>"Speaker means the Speaker of the National Assembly or a Provincial Assembly, and includes any person acting as the Speaker of the Assembly;</p> <p>"taxation" includes the imposition of any tax or duty, whether general, local or special, and "tax" shall be construed accordingly;</p> <p>"tax on income" includes a tax in the nature of an excess profits tax or a business profits tax.</p> <p>(2) In the Constitution "Act of 1[Majlis-e-Shoora (Parliament)]" or "Federal Law" or "Act of Provincial Assembly" or "Provincial law" shall include an Ordinance promulgated by the President or, as the case may be, a Governor.</p> <p>7[(3) In the Constitution and all enactments and other</p>		
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		<p>legal instruments, unless there is anything repugnant in the subject or context,-</p> <p>(a) "Muslim" means a person who believes in the unity and oneness of Almighty Allah, in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him), the last of the Prophets and does not believe in, or recognize as a prophet or religious reformer, any person who claimed or claims to be a prophet, in any sense of the word or of any description whatsoever, after Muhammad (peace be upon him); and</p> <p>(b) "non-Muslim" means a person who is not a Muslim and includes a person belonging to the Christian, Hindu, Sikh, Budhhist or Parsi community, a person of the Qadiani Group or the Lahori Group (who call themselves 'Ahmadis' or by any other name), or a Bahai, and a person belonging to any of the scheduled castes.]</p>		
93	267A and 267B	<p>267. Power of President to remove difficulties.-(1) At any time before the commencing day or before the expiration of three months from the commencing day, the President may, for the purpose of removing any difficulties, or for bringing the provisions of the Constitution into effective operation, by Order, direct that the provisions of the Constitution shall, during such period as may be specified in the Order, have effect , subject to such adaptations, whether by way of modification, addition or omission, as he may deem to be necessary or expedient.</p> <p>(2) An Order made under clause (1) shall be laid before both Houses without undue delay, and shall remain in force until a resolution disapproving it is passed by each House or, in case of disagreement between the two Houses, until such resolution is passed at a joint sitting.</p>	<p>In the Constitution, after Article 267, the following new Articles shall be inserted, namely:-</p> <p>“267A. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of the Constitution (Eighteenth Amendment) Act, 2010, hereinafter in this Article referred as the Act, or for bringing the provisions of the Act into effective operation, the matter shall be laid before both Houses in a Joint sitting which may by a resolution direct that the provisions of the Act shall, during such period as may be specified in the resolution, have effect, subject to such</p>	New insertion

			<p>adaptations, whether by way of modification, addition or omission, as may be deemed necessary or expedient:</p> <p>Provided that this power shall be available for a period of one year from the commencement of the Act.</p> <p>267B. Removal of doubt.- For removal of doubt it is hereby declared that Article 152A omitted and Articles 179 and 195 substituted by the Constitution (Seventeenth Amendment) Act, 2003 (Act No. III of 2003), notwithstanding its repeal, shall be deemed always to have been so omitted and substituted.”</p>	
94	268	<p>268. Continuance in force, and adaptation of, certain laws.-(1) Except as provided by this Article, all existing laws shall, subject to the Constitution, continue in force, so far as applicable and with the necessary adaptations, until altered, repealed or amended by the appropriate Legislature.</p> <p>(2) The laws specified in the Sixth Schedule shall not be altered, repealed or amended 1[, expressly or impliedly,] without the previous sanction of the President 2[accorded after consultation with the Prime Minister].</p> <p>(3) For the purpose of bringing the provisions of any existing law into accord with the provisions of the Constitution (other than Part II of the Constitution), the President may by Order, within a period of two years from the commencing day, make such adaptations, whether by way of modification, addition or omission, as he may deem to be necessary or expedient, and any such Order</p>	<p>In the Constitution, in Article 268, clause (2) shall be omitted.</p>	omissions

		<p>may be made so as to have effect from such day, not being a day earlier than the commencing day, as may be specified in the Order.</p> <p>(4) The President may authorise the Governor of a Province to exercise, in relation to the Province, the powers conferred on the President by clause (3) in respect of laws relating to matters with respect to which the Provincial Assembly has power to make laws.</p> <p>(5) The powers exercisable under clauses (3) and (4) shall be subject to the provisions of an Act of the appropriate Legislature.</p> <p>(6) Any Court, tribunal or authority required or empowered to enforce an existing law shall, notwithstanding that no adaptations have been made in such law by an Order made under clause (3) or clause (4), construe the law with all such adaptations as are necessary to bring it into accord with the provisions of the Constitution.</p> <p>(7) In this Article, "existing laws" means all laws (including Ordinances, Orders-in-Council, Orders, rules, bye-laws, regulations and Letters Patent constituting a High Court, and any notifications and other legal instruments having the force of law), in force in Pakistan or any part thereof, or having extra-territorial validity, immediately before the commencing day.</p> <p>Explanation.-In this Article, "in force" in relation to any law, means having effect as law whether or not the law has been brought into operation.</p>		
95	270AA	1[270AA. Validation of laws.- (1) The Proclamation of Emergency of the fourteenth day of October, 1999, all	In the Constitution, for Article 270AA, the following shall be substituted, namely :-	substituted

	<p>President's Orders, Ordinances, Chief Executive's Orders, including the Provisional Constitution Order No. 1 of 1999, the Oath of Office (Judges) Order, 2000 (No. 1 of 2000), the Referendum Order, 2002 (Chief Executive's Order No. 12 of 2002) and all other laws made between the twelfth day of October, one thousand nine hundred and ninety-nine and the date on which this Article comes into force, are hereby affirmed, adopted and declared notwithstanding any judgment of any court, to have been validly made by competent authority and notwithstanding anything contained in the Constitution shall not be called in question in any court on any ground whatsoever.</p> <p>(2) All orders made, proceedings taken, appointments made, including secondments and deputations, and acts done by any authority, or by any person, which were made, taken or done, or purported to have been made, taken or done, between the twelfth day of October, one thousand nine hundred and ninety-nine, and the date on which this Article comes into force (both days inclusive), in exercise of the powers derived from any Proclamation, President's Orders, Ordinances, Chief Executive's Orders, enactments, notifications, rules, orders, bye-laws, or in execution of or in compliance with any orders made or sentences passed by any authority in the exercise or purported exercise of powers as aforesaid, shall, notwithstanding any judgment of any court, be deemed to be and always to have been validly made, taken or done and shall not be called in question in any court on any ground whatsoever.</p> <p>(3) All Proclamations, President's Orders, Ordinances, Chief Executive's Orders, laws, regulations, enactments, notifications, rules, orders or bye-laws in force</p>	<p>"270AA. Declaration and continuance of laws etc.- (1) The Proclamation of emergency of the fourteenth day of October, 1999, the Provisional constitution Order No. 1 of 1999, the Oath of Office (Judges) Order, 2000 (No.1 of 2000), Chief Executive's Order No. 12 of 2002, Chief Executive's Order No. 19 of 2002, the amendments made in the Constitution through the Legal Framework (Amendment) Order, 2002 (Chief Executive's Order N. 29 of 2002) and the Legal Framework (Second Amendment) Order, 2002 (Chief Executive's Order No. 32 of 2002), notwithstanding any judgment of any court including the Supreme Court or a High Court, are hereby declared as having been made without lawful authority and of no legal effect.</p> <p>(2) Except as provided in clause (1) and subject to the provisions of the Constitution (Eighteenth Amendment) Act, 2010, all other laws including President's Orders, Acts, Ordinances, Chief Executive's Orders, regulations, enactments, notifications, rules, orders or bye-laws made between the twelfth day of October, one thousand nine hundred and ninety-nine and the thirty-first day of October, two thousand and three (both days inclusive) and still in force shall, continue to be in force until altered, repealed or amended by the competent authority.</p> <p><i>Explanation .-</i> For the purposes of clause (2) and clause (6), "competent authority"</p>	
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		<p>immediately before the date on which this Article comes into force shall continue in force until altered, repealed or amended by competent authority.</p> <p>Explanation.- In this clause, "competent authority" means,-</p> <p>(a) in respect of President's Orders, Ordinances, Chief Executive's Orders and enactments, the appropriate Legislature; and</p> <p>(b) in respect of notifications, rules, orders and bye-laws, the authority in which the power to make, alter, repeal or amend the same vests under the law.</p> <p>(4) No suit, prosecution or other legal proceedings shall lie in any court against any authority or any person, for or on account of or in respect of any order made, proceedings taken or act done whether in the exercise or purported exercise of the powers referred to in clause (2) or in execution of or in compliance with orders made or sentences passed in exercise or purported exercise of such powers.</p> <p>(5) For the purposes of clauses (1), (2) and (4), all orders made, proceedings taken, appointments made, including secondments and deputations, acts done or purporting to be made, taken or done by any authority or person shall be deemed to have been made, taken or done in good faith and for the purpose intended to be served thereby.]</p>	<p>means,-</p> <p>(a) in respect of President's Orders, Ordinances, Chief Executive's Orders and all other laws, the appropriate Legislatukre; and</p> <p>(b) in respect of notifications, rules, orders and bye-laws, the authority in which the power to make, alter, repeal or amend the same vests under the law.</p> <p>(3) Notwithstanding anything contained in the Constitution or clause (1), or judgment of any court including the Supreme Court or a High Court,-</p> <p>(a) Judges of the Supreme Court, High Co7urts and Federal Shariat Court who were continuing to hold the office of a Judge or were appointed as such, and had taken oath under the Oath of Office (Judges) Order, 20-00, (I of 2000), shall be deemed to continue to hold the office as a Judge or appointed as such, as the case may be, under the Constitution, and such continuance or appointment, shall have effect accordingly.</p> <p>Judges of the Supreme Court, High Courts and Federal Shariat Court who not having been given or taken oath under the Oath of Office of (Judges) Order, 2000 (I of 2000), and ceased to hold the office of a Judge shall, for the purposes of pensionery benefits only, be deemed to have continued to hold office under the Constitution till their date of superannuation.</p> <p>All orders made, proceedings taken, appointments made, including secondments and deputations, and acts done by any authority, or by any person which were made,</p>	
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			<p>taken or done, or purported to have been made, taken or done, in exercise of the powers derived from any authority or laws mentioned in clause (2), or in execution of or in compliance with any orders made or sentences passed by any authority in the exercise or purported exercise of powers as aforesaid, shall, notwithstanding anything contained in clause (1), be deemed to be valid and shall not be called in question in any court or forum on any ground whatsoever.</p> <p>No suit, prosecution or other legal proceedings, including writ petitions, for or on account of or in respect of any order made, proceedings taken or act done whether in the exercise or purported exercise of the powers referred to in clause (2) or clause (4) or in execution of or in compliance with orders made or sentences passed in exercise or purported exercise of such powers.</p> <p>Notwithstanding omission of the concurrent Legislative List by the Constitution (Eighteenth Amendment) Act, 2010, all laws with respect to any of the matters enumerated in the said List (including Ordinances, Orders, rules, bye-laws, regulations and notifications and other legal instruments having the force of law) in force in Pakistan or any part thereof, or having extra-territorial operation, immediately before the commencement of the Constitution (Eighteenth Amendment) Act, 2010, shall continue to remain in force until altered, repealed or amended by the competent authority.</p> <p>Notwithstanding anything contained in the</p>	
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			<p>Constitution, all taxes and fees levied under any law in force immediately before the commencement of the Constitution (Eighteenth Amendment) Act, 2010, shall continue to be levied until they are varied or abolished by an Act of the appropriate legislature.</p> <p>On the omission of the Concurrent Legislative List, the process of devolution of the matters mentioned in the said List to the Provinces shall be completed by the thirtieth day of June, two thousand and eleven.</p> <p>For purposes of the devolution process under clause (8), the Federal Government shall constitute an Implementation Commission as it may deem fit within fifteen days of the commencement of the Constitution (Eighteenth Amendment) Act, 2010.”.</p>	
96	270B	<p>1[270B. Elections to be deemed to be held under Constitution.- Notwithstanding anything contained in the Constitution, the elections held under the Houses of (Parliament) and Provincial Assemblies (Elections) Order, 1977, 2[and the Conduct of General Elections Order, 2002 (Chief Executive's Order No. 7 of 2002),] to the Houses and the Provincial Assemblies shall be deemed to have been held under the Constitution and shall have effect accordingly].</p>	<p>96. Amendment of Article 270B of the Constitution.- In the Constitution, in Article 270B, after the figure and comma “1977,”, the words, commas, figures and brackets “and the Conduct of General Elections Order, 2002 (Chief Executive’s Order No. 7 of 2002), “ shall be inserted and shall be deemed always to have been so inserted with effect from the 21st day of August, 2002.</p>	
97	270BB		<p>Insertion of new Article 270BB of the Constitution.- In the Constitution, after Article 270B amended as aforesaid, the following new Article shall be inserted, namely</p> <p>Notwithstanding anything contained in the</p>	New insertion

			Constitution or any other law for the time being in force, the General Elections 2008, to the National Assembly and the Provincial Assemblies held on the eighteenth day of February, two thousand and eight shall be deemed to have been held under the Constitution and shall have effect accordingly.”	
ANNEXURES				
98	Annex, paragraph six	<p>ANNEX (Article 2A) The Objectives Resolution</p> <p>Whereas sovereignty over the entire universe belongs to Allah Almighty alone and the authority which He has delegated to the State of Pakistan, through its people for being exercised within the limits prescribed by Him is a sacred trust;</p> <p>This Constituent Assembly representing the people of Pakistan resolves to frame a Constitution for the sovereign independent State of Pakistan;</p> <p>Wherein the State shall exercise its powers and authority through the chosen representatives of the people;</p> <p>Wherein the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam shall be fully observed;</p> <p>Wherein the Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam as set out in the Holy Quran and the Sunnah;</p> <p>Wherein adequate provision shall be made for the minorities to *** profess and practice their religions</p>	<p>In the Constitution, in the Annex, in the Objectives Resolution, in the sixth paragraph, after the word “to” the word “freely” shall be inserted.</p> <p>Wherein adequate provision shall be made for the minorities to freely profess and practice their religions and develop their cultures;</p>	Add word “freely,”

		<p>and develop their cultures; Wherein the territories now included in or in accession with Pakistan and such other territories as may hereafter be included in or accede to Pakistan shall form a Federation wherein the units will be autonomous with such boundaries and limitations on their powers and authority as may be prescribed; Wherein shall be guaranteed fundamental rights including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality; Wherein adequate provisions shall be made to safeguard the legitimate interests of minorities and backward and depressed classes; Wherein the independence of the Judiciary shall be fully secured; Wherein the integrity of the territories of the Federation, its independence and all its rights including its sovereign rights on land, sea and air shall be safeguarded;</p> <p>So that the people of Pakistan may prosper and attain their rightful and honored place amongst the nations of the World and make their full contribution towards international peace and progress and happiness of humanity.</p>		
SCHEDULES				
99	Third schedule		<p>In the Constitution, in the Third schedule,-in the Oath prescribed for the Prime Minister, for the figure "3" occurring in the brackets, the figure "5" shall be substituted;</p> <p>in the Oath prescribed for the Chief Minister or</p>	

			<p>Provincial Minister, for the figures and brackets “131 (4) “ the figures and brackets “130 (5) “ shall be substituted;</p> <p>in the Oath prescribed for the Speaker of a Provincial Assembly, for the words “I will discharge” the words and comma “and whenever I am called upon to act as Governor, I will discharge” shall be substituted; and</p> <p>for the Oath prescribed for the Chief Justice or a Judge of the Federal Shariat Court, the following shall be substituted, namely :-</p> <p>{Article 203C (7)}</p> <p>(In the name of Allah, the most beneficent, the most merciful.)</p> <p>I, _____,</p> <p>do solemnly swear that I will bear true Faith and allegiance to Pakistan :</p> <p>That, as Chief Justice of the Federal Shariat Court (or a Judge of the Federal Shariat Court), I will discharge my duties, and perform my functions,</p> <p>Honestly, to the best of my ability, and faithfully, in accordance with the Constitution of the Islamic Republic of Pakistan and the law:</p> <p>That I will not allow my personal interest to influence my official conduct or my official decisions.</p>	
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			<p>That I will abide by the code of conduct issued by the Supreme Judicial Council:</p> <p>That I, will preserve, protect and defend the Constitution of the Republic of Pakistan:</p> <p>And that, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will.</p> <p>(May Allah Almighty help and guide me (A,meen})”.</p>	
100	fourth schedule	<p>FOURTH SCHEDULE</p> <p>[Article 70(4)]</p> <p>LEGISLATIVE LISTS</p> <p>Federal Legislative List</p> <p>PART I</p> <p>1. The defence of the Federation or any part thereof in peace or war; the military, naval and air force of the Federation and any other armed forces raised or maintained by the Federation; any armed forces which are not forces of the Federation but are attached to or operating with any of the Armed Forces of the Federation including civil armed forces; Federal Intelligence Bureau; preventive detention for reasons of State connected with defence, external affairs, or the security of Pakistan or any part thereof; persons subjected to such detention;</p>	<p>In the Constitution, in the Fourth Schedule, in the Federal Legislative List,-</p> <p>(1) in Part I,</p> <p>in entry 18, in sub-entry © for the full stop at the end the semi- colon and a word “.,and” shall be added and after sub-entry © amended as aforesaid the following new sub-entry shall be added, namely :-</p> <p>“(d) boilers,”.</p> <p>for entry 32 the following shall be substituted, namely :-</p> <p>“32. International treaties, conventions and agreements and International arbitration.”.</p> <p>entries 21, 33, 38 and 40 shall be omitted;</p>	

	<p>industries declared by Federal law to be necessary for the purpose of defence or for the prosecution of war.</p> <p>2. Military, naval and air force works; local self-government in cantonment areas, the constitution and powers within such areas of cantonment authorities, the regulation of house accommodation in such areas, and the delimitation of such areas.</p> <p>3. External affairs; the implementing of treaties and agreements, including educational and cultural pacts and agreements, with other countries; extradition, including the surrender of criminals and accused persons to Governments outside Pakistan.</p> <p>4. Nationality, citizenship and naturalisation.</p> <p>5. Migration from or into, or settlement in, a Province or the Federal Capital.</p> <p>6. Admission into, and emigration and expulsion from, Pakistan including in relation thereto the regulation of the movements in Pakistan of persons not domiciled in Pakistan; pilgrimages to places beyond Pakistan.</p> <p>7. Posts and telegraphs, including telephones, wireless, broadcasting and other like forms of communications Post Office Saving Bank.</p> <p>8. Currency, coinage and legal tender.</p> <p>9. Foreign exchange; cheques, bills of exchange, promissory notes and other like instruments.</p> <p>10. Public debt of the Federation, including the borrowing</p>	<p>entry 45 and entry 46 shall be omitted;</p> <p>in entry 49, after the word “consumed” the comma and words “,except sales tax on services” shall be added.</p> <p>In entry 50, after the word “taxes” the words “on capital gains” shall be omitted.</p> <p>in Part II,-</p> <p>entries 4, 5, 6, 7, and 8 shall be renumbered as entries 13, 14, 15, 16 and 17, respectively, and</p> <p>after entry 3, the following new entries shall be inserted, namely :-</p> <p>“4. Electricity.</p> <p>Major ports, that is to say, the declaration and delimitation of such ports, that is to say, the declaration and delimitation of such sports, and the constitution and powers of port authorities therein.</p> <p>All regulatory authorities established under a Federal law.</p> <p>National planning and national economic coordination including planning and coordination of scientific and technological research.</p> <p>Supervision and management of public debt.</p>	
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		<p>of money on the security of the Federal Consolidated Fund; foreign loans and foreign aid.</p> <p>11. Federal Public Services and Federal Public Service Commission.</p> <p>12. Federal pensions, that is to say, pensions payable by the Federation or out of the Federal Consolidated Fund.</p> <p>13. Federal Ombudsmen.</p> <p>14. Administrative Courts and Tribunals for Federal subjects.</p> <p>15. Libraries, museums, and similar institutions controlled or financed by the Federation.</p> <p>16. Federal agencies and institutes for the following purposes, that is to say, for research, for professional or technical training, or for the promotion of special studies.</p> <p>17. Education as respects Pakistani students in foreign countries and foreign students in Pakistan.</p> <p>18. Nuclear energy, including-</p> <p>(a) mineral resources necessary for the generation of nuclear energy;</p> <p>(b) the production of nuclear fuels and the generation and use of nuclear energy; and</p> <p>(c) ionizing radiations.</p> <p>19. Port quarantine, seamen's and marine hospitals and</p>	<p>Census.</p> <p>Extension of the powers and jurisdiction of members of a police force belonging to any province to any area in another Province, but not so as to enable the police of one Province to exercise powers and jurisdiction in another</p> <p>Province without the consent of the government of that Province; extension of the powers and jurisdiction of members of a police force belonging to any province to railway areas outside that Province.</p> <p>Legal, medical and other professions.</p> <p>Standards in institutions for higher education and research, scientific and technical institutions.</p> <p>Inter-provincial matters and co-ordination".</p> <p>(13) The Concurrent Legislative List and the entries thereto from ` to 47 (both inclusive) shall be omitted.</p>	
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		<p>hospitals connected with port quarantine.</p> <p>20. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.</p> <p>21. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of port authorities therein.</p> <p>22. Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of aerodromes.</p> <p>23. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.</p> <p>24. Carriage of passengers and goods by sea or by air.</p> <p>25. Copyright, inventions, designs, trade-marks and merchandise marks.</p> <p>26. Opium so far as regards sale for export.</p> <p>27. Import and export across customs frontiers as defined by the Federal Government, inter-provincial trade and commerce, trade and commerce with foreign countries; standard of quality of goods to be exported out of Pakistan.</p> <p>28. State Bank of Pakistan; banking, that is to say, the conduct of banking business by corporations other than corporations owned or controlled by a Province and carrying on business only within that Province.</p> <p>29. The law of insurance, except as respects insurance</p>		
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		<p>undertaken by a Province, and the regulation of the conduct of insurance business, except as respects business undertaken by a Province, Government insurance, except so far as undertaken by a Province by virtue of any matter within the legislative competence of the Provincial Assembly.</p> <p>30. Stock exchanges and futures markets with objects and business not confined to one Province.</p> <p>31. Corporation, that is to say, the incorporation, regulation and winding-up of trading corporations, including banking, insurance and financial corporations, but not including corporations owned or controlled by a Province and carrying on business only within that Province, or co-operative societies, and of corporations, whether trading or not, with objects not confined to a Province, but not including universities.</p> <p>32. National planning and national economic co-ordination including planning and co-ordination of scientific and technological research.</p> <p>33. State lotteries.</p> <p>34. National Highways and strategic roads.</p> <p>35. Federal surveys including geological surveys and Federal meteorological organisations.</p> <p>36. Fishing and fisheries beyond territorial waters.</p> <p>37. Works, lands and buildings vested in, or in the possession of Government for the purposes of the Federation (not being military, naval or air force works), but, as regards property situate in a Province, subject</p>		
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		<p>always to Provincial Legislation, save in so far as Federal law otherwise provides.</p> <p>38. Census.</p> <p>39. Establishment of standards of weights and measures.</p> <p>40. Extension of the powers and jurisdiction of members of a police force belonging to any Province to any area in another Province, but not so as to enable the police of one Province to exercise powers and jurisdiction in another Province without the consent of the Government of that Province; extension of the powers and jurisdiction of members of a police force belonging to any Province to railway areas outside that Province.</p> <p>41. Elections to the office of President, to the National Assembly, that Senate and the Provincial Assemblies; Chief Election Commissioner and Election Commissions.</p> <p>42. The salaries, allowances and privileges of the President, Speaker and Deputy Speaker of the National Assembly, Chairman and Deputy Chairman of the Senate, Prime Minister, Federal Ministers, Ministers of State, the salaries, allowances and privileges of the members of the Senate and the National Assembly; and the punishment of persons who refuse to give evidence or produce documents before committees thereof.</p> <p>43. Duties of customs, including export duties.</p> <p>44. Duties of excise, including duties on salt, but not including duties on alcoholic liquors, opium and other narcotics.</p>		
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		<p>45. Duties in respect of succession to property.</p> <p>46. Estate duty in respect of property.</p> <p>47. Taxes on income other than agricultural income.</p> <p>48. Taxes on corporations.</p> <p>1[49. Taxes on the sales and purchases of goods imported exported, produced, manufactured or consumed.]</p> <p>50. Taxes on the capital value of the assets, not including taxes on capital gains on immovable property.</p> <p>51. Taxes on mineral oil, natural gas and minerals for use in generation of nuclear energy.</p> <p>52. Taxes and duties on the production capacity of any plant, machinery, undertaking, establishment or installation in lieu of the taxes and duties specified in entries 44, 47, 48 and 49 or in lieu of any one or more of them.</p> <p>53. Terminal taxes on goods or passengers carried by railway, sea or air; taxes on their fares and freights.</p> <p>54. Fees in respect of any of the matters in this Part, but not including fees taken in any Court.</p> <p>55. Jurisdiction and powers of all Courts, except the Supreme Court, with respect to any of the matters in this list and, to such extent as is expressly authorised by or under the Constitution, the enlargement of the jurisdiction of the Supreme Court, and the conferring</p>		
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		<p>thereon of supplemental powers.</p> <p>56. Offences against laws with respect to any of the matters in this Part.</p> <p>57. Inquiries and statistics for the purposes of any of the matters in this Part.</p> <p>58. Matters which under the Constitution are within the legislative competence of 2[Majlis-e-Shoora (Parliament)] or relate to the Federation.</p> <p>59. Matters incidental or ancillary to any matter enumerated in this Part.</p> <p>PART II</p> <p>1. Railways.</p> <p>2. Mineral oil and natural gas; liquids and substances declared by Federal Law to be dangerously inflammable.</p> <p>3. Development of industries, where development under Federal control is declared by Federal law to be expedient in the public interest; institutions, establishments, bodies and corporations administered or managed by the Federal Government immediately before the commencing day, including the 3[Pakistan Water and Power Development Authority and the Pakistan Industrial Development Corporation] ; all undertakings, projects and schemes of such institutions, establishments, bodies and corporations, industries, projects and undertakings owned wholly or partially by the Federation or by a corporation set up by the Federation.</p> <p>4. Council of Common Interests.</p> <p>5. Fees in respect of any of the matters in this Part but not</p>		
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		<p>including fees taken in any Court.</p> <p>6. Offences against laws with respect to any of the matters in this Part.</p> <p>7, Inquiries and statistics for the purposes of any of the matters in this Part.</p> <p>8. Matters incidental or ancillary to any matter enumerated in this Part.</p> <p>Concurrent Legislative List</p> <p>1. Criminal law, including all matters included in the Pakistan Penal Code on the commencing day, but excluding offences against laws with respect to any of the matters specified in the Federal Legislative List and excluding the use of naval, military and air forces in aid of civil power.</p> <p>2. Criminal procedure, including all matters included in the Code of Criminal Procedure, on the commencing day.</p> <p>3. Civil procedure, including the law of limitation and all matters included in the Code of Civil Procedure on the commencing day; the recovery in a Province or the Federal Capital of claims in respect of taxes and other public demands, including arrears of land revenue and sums recoverable as such, arising outside that Province.</p> <p>4. Evidence and oath; recognition of laws, public acts and records and judicial proceedings.</p> <p>5. Marriage and divorce; infants and minors; adoption.</p> <p>6. Wills, intestacy and succession, save as regards agricultural land.</p> <p>7. Bankruptcy and insolvency, administrators-general and official trustees.</p> <p>8. Arbitration.</p> <p>9. Contracts, including partnership, agency, contracts of carriage, and other special forms of contracts, but not</p>		
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		<p>including contracts relating to agricultural land.</p> <p>10. Trust and trustees.</p> <p>11. Transfer of property other than agricultural land, registration of deeds and documents.</p> <p>12. Actionable wrongs, save in so far as included in laws with respect to any of the matters specified in the Federal Legislative List.</p> <p>13. Removal of prisoners and accused persons from one Province to another Province.</p> <p>14. Preventive detention for reasons connected with the maintenance of public order, or the maintenance of supplies and services essential to the community; persons subjected to such detention.</p> <p>15. Persons subjected to preventive detention under Federal authority.</p> <p>16. Measures to combat certain offences committed in connection with matters concerning the Federal and Provincial Governments and the establishment of a Police force for that purpose.</p> <p>17. Arms, fire-arms and ammunition.</p> <p>18. Explosives.</p> <p>19. Opium, so far as regards cultivation and manufacture.</p> <p>20. Drugs and medicines.</p> <p>21. Poisons and dangerous drugs.</p> <p>22. Prevention of the extension from one Province to another of infectious or contagious diseases or pests affecting men, animals or plants.</p> <p>23. Mental illness and mental retardation, including places for the reception or treatment of the mentally ill and mentally retarded.</p> <p>24. Environmental pollution and ecology.</p> <p>25. Population planning and social welfare.</p>		
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		<p>26. Welfare of labour; conditions of labour, provident funds; employers' liability and workmen's compensation, health insurance including invalidity pensions, old age pensions.</p> <p>27. Trade unions; industrial and labour disputes.</p> <p>28. The setting up and carrying on of labour exchanges, employment information bureaus and training establishments.</p> <p>29. Boilers.</p> <p>30. Regulation of labour and safety in mines, factories and oil-fields.</p> <p>31. Unemployment insurance.</p> <p>32. Shipping and navigation on inland waterways as regards mechanically propelled vessels, and the rule of the road on such waterways; carriage of passengers and goods on inland waterways.</p> <p>33. Mechanically propelled vehicles.</p> <p>34. Electricity.</p> <p>35. Newspapers, books and printing presses.</p> <p>36. Evacuee property.</p> <p>37. Ancient and historical monuments, archaeological sites and remains.</p> <p>38. Curriculum, syllabus, planning, policy, centres of excellence and standards of education.</p> <p>39. Islamic education.</p> <p>40. Zakat.</p> <p>4[41. Production, censorship and exhibition of cinematograph films.]</p> <p>42. Tourism.</p> <p>43. Legal, medical and other professions.</p> <p>5[43-A. Auqaf.]</p>		
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		<p>44. Fees in respect of any of the matters in this List, but not including fees taken in any Court.</p> <p>45. Inquiries and statistics for the purpose of any of the matters in this List.</p> <p>46. Offences against laws with respect to any of the matters in this List; jurisdiction and powers of all Courts except the Supreme Court, with respect to any of the matters in this List.</p> <p>47. Matters incidental or ancillary to any matter enumerated in this List.</p>		
101	Sixth schedule	<p>SIXTH SCHEDULE</p> <p>[Article 268(2)]</p> <p>Laws not to be Altered, Repealed or Amended without the previous Sanction of the President.</p> <p>Number Description of Regulation</p> <p>1. The Improper Acquisition of Property Regulation, 1969.</p> <p>2. The Removal from Service (Special Provisions) Regulation, 1969.</p> <p>3. The Living Beyond Ostensible Means (Punishment) Regulation, 1969.</p> <p>4. The Government Agricultural Land (Recovery of Illegal Possession) Regulation, 1969.</p> <p>5. The Enemy Property (Payment of Money Due to Enemy) Regulation, 1970.</p> <p>6. The Withdrawal of Currency Notes (High Denomination) Regulation, 1971.</p> <p>1[7. ****]</p> <p>8. The Peshawar District and Tribal Areas (Settlement of</p>	In the Constitution, the sixth Schedule shall be omitted.	Omitted

		<p>Disputes) Regulation, 1971.</p> <p>9. The Convention Muslim League and Awami League (Scrutiny of Funds) Regulations, 1971.</p> <p>10. The Foreign Exchange Repatriation Regulation, 1972.</p> <p>11. The Foreign Assets (Declaration) Regulation, 1972.</p> <p>12. The Removal from Service (Special Provisions) Regulation, 1972.</p> <p>13. The Land Reforms Regulation, 1972.</p> <p>14. The Removal from Service (Review Petition) Regulation, 1972.</p> <p>15. The Land Reforms (Baluchistan Pat Feeder Canal) Regulation, 1972.</p> <p>16. The Privately Managed Schools and Colleges (Taking Over) Regulation, 1972.</p> <p>17. The Enemy Property (Revocation of Sales) Regulation, 1972.</p> <p>18. The Dir and Swat (Devolution and Distribution of Property) Regulation, 1972.</p> <p>19. The Dir and Swat (Settlement of Disputes of Immovable Property) Regulation, 1972.</p> <p>20. The West Pakistan Industrial Development Corporation (Revocation of Sales or Transfer) Regulation, 1972.</p> <p>21. The Economic Reforms (Protection of Industries) Regulation, 1972.</p> <p>22. The National Press Trust (Suspension of Board of Trustees and Directors) Regulation, 1972.</p> <p>23. The Cooperative Banks (Repayment of Loans) (Punjab) Regulation, 1972.</p> <p>24. The Cooperative Societies (Repayment of Loans)(Sind) Regulation, 1972.</p> <p>2[25. The State Bank of Pakistan Act, 1956 (XXXIII of</p>		
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		<p>1956).</p> <p>26. The National Accountability Bureau Ordinance, 1999 (XVIII of 1999).</p> <p>27. The Balochistan Local Government Ordinance, 2001 (XVIII of 2001).</p> <p>28. The North-West Frontier Province, Local Government Ordinance, 2001 (XIV of 2001).</p> <p>29. The Punjab Local Government Ordinance, 2001 (XIII of 2001).</p> <p>30. The Sindh Local Government Ordinance, 2001 (XXVII of 2001).</p> <p>31. The Election Commission Order, 2002 (Chief Executive's Order No. 1 of 2002).</p> <p>32. The Conduct of General Elections Order, 2002 (Chief Executive's Order No. 7 of 2002).</p> <p>33. The Political Parties Order, 2002 (Chief Executive's Order No. 18 of 2002).</p> <p>34. The Qualification to Hold Public Offices Order, 2002 (Chief Executive's Order No. 19 of 2002).</p> <p>35. The Police Order, 2002 (Chief Executive's Order No. 22 of 2002).]</p>		
102	Seventh Schedule	<p>1[SEVENTH SCHEDULE]</p> <p>[Article 270A(6)]</p> <p>Laws to be amended in the manner provided for amendment of the Constitution</p> <p>PRESIDENTS ORDERS</p> <p>1. The Zulfiqar Ali Bhutto Trust and Peoples Foundation Trust (Renaming and Administration) Order, 1978 (P.O. No. 4 of 1978).</p> <p>2. The Cantonments (Urban Immovable Property Tax and Entertainment Duty) Order, 1979 (P.O. No. 13 of 1979).</p>	In the Constitution, the Seventh Schedule shall be omitted.	omitted

		<p>3. The Pakistan Defence Officers Housing Authority Order, 1980 (P.O. No. 7 of 1980).</p> <p>4. The Foreign Currency Loans (Rate of Exchange) Order, 1982 (P.O. No. 3 of 1982).</p> <p>5. The Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983 (P.O. No. 1 of 1983).</p> <p>6. The Aga Khan University Order, 1983 (P.O. No. 3 of 1983).</p> <p>7. The National College of Textile Engineering (Governing Body and Cess) Order, 1983 (P.O. No. 11 of 1983).</p> <p>8. The Lahore University of Management Sciences Order, 1985 (P.O. No. 25 of 1985).</p> <p>ORDINANCES</p> <p>1. The International Islamic University Ordinance, 1985 (XXX of 1985).]</p>		
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***PRAGMATIC FEDERALISM AND
LEGALISM AS ULTIMATE OBJECTIVE OF
THE 18TH AMENDMENT OF THE
CONSTITUTION OF PAKISTAN***

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State as a legal entity, not only responsible to protect natural persons but also legal person (the federating units contracting with center and other units), come into its territorial Jurisdiction. The hypothetical Social contract Model which forms the Civil Society of egalitarians goes ahead to form the Social and Political contract between Federating Units under rightful Conditions with a core concept of equality. **James Madison** as the staunch voice of Federalist Paper in the late eighteenth century advocated the supra argument. It was intended for a proposed formation of a Federation of the southern and northern states of America, which were a confederation prior to such kind of inception. In the Context of Pakistan the **famous Jurist A.K.Brohi** has said that Federalism is in fact is a Legalism because under such Scenario the rights of all Federating Units are constitutionally protected under the rule of Law.

Such paradigm indicates that Federation is a custodian of its Federating Units which would be called as legal Person in such Context. **Article 184(1) & (2)** of the Constitution of Pakistan, 1973 deals with the original Jurisdiction of Supreme Court also depicts this Phenomenon. The Rationale of this article rests upon the Following Doctrines:

- **Doctrine of Pith and Substance:** Which elaborates the Jurisdictional limitation of Federation and Federating Units with regard to legislation
- **Doctrine of Prohibition:** which legally prohibits the centers and particular Federating units to intrude into the Jurisdiction of each Other and in the Jurisdiction of other Federating Units
- **Doctrine of Incidental Tress pass:** which gives the plausibility of the Federal Court to adjudicate on the Occurrence of a Controversial and non-consensual legislation in the Federal List and Concurrent List.
- **Doctrine of Original Package:** which elaborate the basic contract of succession between center and constituent Unit

Such constitutional Doctrines depict the intention of Legislatures and Jurists to form a hypothetical categorical imperative in this contract of legal entities where provinces as Legal persons surrender their some of their legal rights to form the Federation. Therefore, under this Contract rights and Obligations emerge for a proper due course of Good Governance.

Under the Contemporary approach of Good Governance which consist of the following elements namely:

- **Rule of Law**
- **Transparency**

- **Accountability**
- **Public Participation and Representation**
- **Public Voice**

And also emphasis on legalism and Rule of Law not only for Natural Person but also for the above discussed Legal Persons which for our case are the provinces. **Montesquieu** as a proactive Jurist has emphasized on the Doctrine of Separation of Power to Manage and Catalyzed the Possible repercussion of concentration of powers in any sphere of the Government.

Federalism in this Domain seems to be aligned with this doctrine when it talks about the sharing of the Power between Federating Units and Then Local Bodies for transparent and accountable Governance. Modern Human Rights Jurists also emphasis on the Decentralization of Power for Tangible Socio Economic and Political Justice and described it the Right of Development as third generation Human Rights.

Streaming this Debate with the 18th amendment we realize that it was a deliberate attempt to form above mentioned Legalism in the Constitutional Relationship between Center and Provinces. Decentralization of Ministries to Provinces and Then from provinces to Local Government the objective was to established a transparent and accountable a parameters of Government.

Resultantly the 18th amendment has restored the Federal and Parliamentary spirit of the 1973 Constitution, through taking steps of devolution of authority and enhancing provincial autonomy. It has scrapped the concurrent Legislative List of Subjects and those subjects with few exceptions have been transferred to the provinces.

PRINCIPLES AND ESSENTIALS OF PUBLIC POLICY

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PUBLIC POLICY

Definition¹

“A principle that no person or government official can legally perform an act that tends to injure the public”.

Public policy manifests the common sense and common conscience of the citizens as a whole that extends throughout the state and is applied to matters of public health, safety, and welfare. It is general, well-settled public opinion relating to the duties of citizens to their fellow citizens. It imports something that fluctuates with the changing economic needs, social customs, and moral aspirations of the people. Public policy enters into, and influences, the enactment, execution, and interpretation of legislation.

Other Definition

A goal directed or purposeful course of action followed by an actor or set of actors in an attempt to deal with a public problem. This definition focuses on what is done, as distinct from what is intended, and it distinguishes policy from decisions. Public policies are developed by governmental institutions and officials through the political process (or politics). They are distinct from other kinds of policies because they result from the actions of legitimate authorities in a political system.²

Although, Public Policy has been recognized as a subfield of Political Science for only a few decades, the study of ways to “promote the general welfare” goes back centuries. Policy is made in the present, based on the past, with the purpose of improving the well-being of society’s future. It utilizes both normative and scientific methodologies to achieve this. Public Policy is action-oriented. The purpose of studying public programs is to provide insight into a range of policy options in order to take some control over the future.³

THE ROLE OF PUBLIC POLICY

Public Policy plays the role of mediator in our society, resolving contradictions that appear from time to time between the way the system is supposed to function the way it is actually performing. If these contradictions can be resolved to the satisfaction of enough members in the society, radical change will be prevented and society will remain essentially stable as far as its basic institutions and mode of operation in

¹ The Free Dictionary by Farlex: <http://legal-dictionary.thefreedictionary.com/Public+Policy>

² Buchholz, Rogene A., Essentials of Public Policy for Management, (Prentice Hall, Englewoods Cliffs, NJ 07632, 1990), p 29.

³ Public Policy, Chapter 2- Methods and Models for Policy Analysis, pg 29

concerned. The self-understanding of that society will be preserved and most people will still believe in the same myths and ideologies.

THE PRINCIPLES OF PUBLIC POLICY⁴

The Parliament should at least propose, review, and evaluate all public policy proposals based upon the following principles:

1. Public policy should promote a healthy, free-market and globally competitive business climate that allows the private sector to prosper and expand without inference from non-private sector entities that directly compete with private enterprise.
2. Public policy should be developed and adopted in a responsive public process with the opportunity for the full participation of all citizens.
3. Public policy should be founded upon an analysis of the societal benefits weighed against the cumulative societal costs -- both public and private, direct and indirect.
4. Public policy should provide consistent and appropriate mitigation for those segments of the business community that incur a demonstrated adverse impact as a result of the policy's adoption.
5. Public policy should achieve stated and measurable objectives, which can be verified through a legitimate evaluation and accountability system that also provides ongoing feedback to the implementing agency regarding the effectiveness of the policy.
6. Public policy should address a demonstrated need supported by documented evidence and, where appropriate, proven scientific methodologies.
7. Public policy should provide for market-based incentives to achieve beneficial results.
8. Public policy should be implemented by a functional government that serves the people of the state in a timely, cost-effective, and efficient manner.
9. Public policy should establish clear and achievable requirements and legal tests that minimize the necessity for regulatory interpretation.
10. Public policy should ensure that state and local laws and regulations are integrated and simplified in order to avoid duplicative or inconsistent requirements or mechanisms.
11. Public policy should be consistent with federal law and regulations and deviate from federal standards only where there is a demonstrated, compelling need.

⁴ The Association of Washington Business:
<http://www.washingtonbusinessvotes.com/publicpolicyprinciples/>

12. Public policy should support government innovation, competition, and flexibility to implement the most cost-effective and efficient means to deliver public services.
13. Public policy should maximize and prioritize the efficient use of public and private resources to achieve measurable public benefits.
14. Public policy should ensure that stakeholder committees and councils are representative of the types of business impacted by the public policy and selected by legitimate stakeholder organizations.
15. Public policy should, where appropriate, provide for predictable and fair sanctions with reasonable statutes of limitations and establish practical enforcement techniques with swift administrative resolution that avoids litigation.
16. Public policy should limit civil penalties to economic restitution or specific fines with appropriate ceilings and restrict criminal sanctions to individual acts involving criminal intent.
17. Public policy should contain implementation dates that allow adequate time to educate impacted entities and are consistent with other applicable regulatory or contractual time periods.

THE PUBLIC POLICY PROCESS⁵

There are various ways to describe the larger public policy process in order to understand its operations. Anderson, Brady and Bullock describe six stages of the public policy process (see Table). The first stage, problem formation, involves a situation where human needs, deprivation, or dissatisfaction appear that must be addressed. If enough people believe the nature of the problem is such that government should respond, it then becomes a public rather than a private problem. Public problems involve large numbers of people and have broad-ranging effects, including consequences for people not directly involved, such as a strike by railroad workers that affects the entire society.

Not all problems get the attention of government, however, and reach the policy agenda stage. Those that do reach this stage get there by a variety of routes. Whether the problem gets on the public policy agenda or not depends on the power, stature and number of people in the interest group. Political leadership is another factor in agenda setting. Crisis events, such as wars and depressions, as well as protests and demonstrations, also put problems on the policy agenda.

⁵ Buchholz, Rogene A., *Essentials of Public Policy for Management*, (Prentice Hall, Englewoods Cliffs, NJ 07632, 1990), p 120-122.

The stages of policy formulation and adoption involve the development of proposed courses of action for dealing with public problems. Policy formulation does not automatically mean adoption, of course, as many policy proposals are never formally adopted by the government. Public policies to address particular problems are formulated by the Prime Minister and his immediate advisors, other members of the executive branch, career and appointed administrative officials, specially appointed committees and commissions and legislators who introduce bills for consideration by the Parliament. Whether these policies are adopted, of course, depends on winning enough support from everyone whose approval is necessary. Although the most formal adoption strategy is one of proposal, parliamentary approval and presidential signature, there are other adoption strategies that exist in government.

Policy implementation, the fifth stage of the policy process, involves the actual application of an adopted policy. The administrative agencies are the primary implementers of public policy, but the courts and Parliament are also involved. Parliament may override the decisions of an agency such as Competition Commission of Pakistan and the courts interpret statutes and administrative rules and regulations when there is a question about a specific application. The agencies, often delegated substantial authority by Parliament, have a wide range of discretion in implementing policy because their mandates are often broad and ill-defined in their enabling legislation. The Competition Commission, for example, specifies that to protect consumer from anti-competitive behaviour. It is left up to the Competition Commission and courts to decide what specific behavior are anti-competitive on case-by-case basis. Thus the agencies make “administrative law” through implementing the statutes passed by Parliament. The application of a public policy passed by Parliament can actually change the nature of the policy itself, as implementation often affects policy context.

Policy evaluation, the last stage, involves an attempt to determine whether the policy has actually worked. Such an evaluation can lead to additional policy formulation to correct deficiencies. According to Anderson, Brady and Bullock, there are two types of policy evaluation. The first is a “seat of the pants” or political evaluation that is usually based on fragmentary evidence and may be ideologically biased. The other is a systematic evaluation that seeks to objectively measure the impact of policies and how well objectives are actually accomplished. Such an evaluation focuses on the effects a policy has on the problem to which it is directed.

The Policy Process

<i>Policy Terminology</i>	<i>1st Stage Problem Formation</i>	<i>2nd Stage Policy Agenda</i>	<i>3rd Stage Policy Formulation</i>	<i>4th Stage Policy Adoption</i>	<i>5th Stage Policy Implementation</i>	<i>6th Stage Policy Evaluation</i>
<i>Definition</i>	Relief is sought from a situation that produces a human need, deprivation, or dissatisfaction.	Those problems among many, which receive the government's serious attention.	Development of pertinent and acceptable proposed courses of action of dealing with public problems	Development of support for a specific proposal such that the policy is legitimized or authorized.	Application of the policy by the government's bureaucratic machinery to the problem.	Attempt by the government to determine whether or not the policy has been effective.
<i>Common Sense</i>	Getting the government to see the problem.	Getting the government to begin to act on the problem.	The government's proposed solution to the problem.	Getting the government to accept a particular solution to the problem.	Applying the government's policy to the problem.	Did the policy work?
<i>Source: James E. Anderson, David W. Brady and Charles Bullock, III, Public Policy and Politics in America, p. 8. Copyright © 1978 by Wadsworth Publishing Company, Inc.</i>						

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