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(4) Without prejudice to the other provisions of the Constitution, the Supreme Court shall have the same jurisdiction and powers as were, immediately before the Constitution Day, exercisable by the Federal Court, and references in any law to the Federal Court shall be deemed to be references to the Supreme Court.

(5) Without prejudice to the other provisions of the Constitution, each High Court shall have the same jurisdiction and powers as were exercisable by it immediately before the Constitution Day.

(6) Subject to the provisions of the Constitution—

(a) all civil, criminal and revenue courts exercising jurisdiction and functions, immediately before the Constitution Day, shall, as from that day, continue to exercise their respective jurisdictions and functions, and all persons holding office in such courts shall continue to hold their respective offices;

(b) all authorities and all officers, judicial, executive, and ministerial throughout Pakistan exercising functions, immediately before the Constitution Day, shall, as from that day, continue to exercise their respective functions.

228.—(1) Subject to clause (2), if any legal proceedings in which the Federation of Pakistan is a party were pending in any court, immediately before the Constitution Day, then, in those proceedings, for “the Federation of Pakistan”, “Pakistan” shall, as from that day, be deemed to be substituted.

Legal proceedings by or against the Federation of Pakistan.

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

229. A person holding office as Chairman or other member of the Federal Public Service Commission or of a Provincial Public Service Commission, immediately before the Constitution Day, shall, as from that day, continue to hold his respective office on the same terms and conditions as to remuneration and other privileges as were applicable to him immediately before the Constitution Day, until the

Public Service Commission.

expiration of his term of office as determined by the law under which he was appointed.

**Provisions as
to financial
matters.**

230.—(1) The provisions of the Constitution relating to the Federal Consolidated Fund, or a Provincial Consolidated Fund, and the appropriation of moneys from either of such Funds, shall not apply in relation to moneys received or raised, or expenditure incurred, by the Federal Government or the Government of a Province in the financial year which includes the Constitution Day or in the next succeeding financial year; and notwithstanding anything in the Constitution any expenditure incurred during those financial years by the Federal Government or the Government of a Province shall be deemed to have been validly incurred if it is incurred in accordance with the provisions of the Government of India Act, 1935.

(2) For the purposes of clause (1), the provisions of the Government of India Act, 1935, and of any statement, demand, schedule or other document made thereunder, shall have effect in relation to any time after the Constitution Day subject to the modification that references therein to the holder of any office, or to any body, service or other matter shall be construed as references to the holder of the corresponding office, or, as the case may be, to the corresponding body, service or matter, under the Constitution.

(3) For the purposes of clause (1), if, at any time when the National Assembly stands dissolved, the President is satisfied that circumstances exist which render such action necessary, he shall have power to authenticate a schedule of authorized expenditure under the Government of India Act, 1935, although no Annual Financial Statement has previously been laid before the Assembly, and although no grants have been made by the Assembly.

(4) Clause (3) shall apply to the Governor of a Province, subject to the modification that references therein to the President and the National Assembly shall be construed as references to the Governor and the Provincial Assembly respectively.

(5) In relation to accounts which have not been completed or audited before the Constitution Day, the Comptroller and Auditor-General shall exercise the functions of the Auditor-General of the Dominion of Pakistan; but reports relating to the accounts of the Federal Government shall be submitted to the President, who shall cause them to be laid before the National Assembly, and reports relating to the accounts of a Province shall be submitted to the Governor, who shall cause them to be laid before the Provincial Assembly.

**Succession
to property
and assets,
rights, liabi-
lities and
obligations.**

(6) Notwithstanding anything in the Constitution all taxes and fees levied under law in force, immediately before the Constitution Day, shall continue to be levied until they are varied or abolished by Act of the appropriate legislature.

231.—(1) All property and assets which immediately before the Constitution Day were vested in Her Majesty for the purposes of the Federal Government shall, as from that day, vest in the Federal Government, unless they were used for purposes which on the Constitution Day become purposes of the Government of a Province, in which case they shall, as from that day, vest in the Provincial Government.

(2) All property and assets which immediately before the Constitution Day were vested in Her Majesty for the purposes of the Government of a Province shall, as from that day, vest in the Government of that Province.

(3) All rights, liabilities and obligations of the Federal Government or the Government of a Province, whether arising out of any contract or otherwise, shall as from the Constitution Day, be respectively the rights, liabilities and obligations of the Federal Government, and of the Government of the corresponding Province:

Provided that all rights, liabilities and obligations relating to any matter—

(a) which immediately before the Constitution Day

was the responsibility of the Federal Government, but which under the Constitution has become the responsibility of the Government of a Province, whether arising out of a contract or otherwise, shall devolve upon the Government of that Province;

- (b) which immediately before the Constitution Day was the responsibility of the Government of a Province, but which under the Constitution has become the responsibility of the Federal Government, whether arising out of a contract or otherwise, shall devolve upon the Federal Government.

232. Subject to the provisions of the Constitution, every person who was, immediately before the Constitution Day, a servant of the Crown in Pakistan, whether serving in connection with the affairs of the Federation or of a Province, shall, as from that day, become a servant of Pakistan on the same terms and conditions as were applicable to him immediately before the Constitution Day.

Transitional provision as to servants of the Crown.

233. Except as otherwise expressly provided by the Constitution, every person who, having been appointed by the Secretary of State, or the Secretary of State-in-Council, to a civil service of the Crown in India, continues, after the Constitution Day, to serve under the Federal Government or

Transitional provision as to conditions of service of persons appointed by the Secretary of State.

the Government of a Province, shall be entitled to receive from the Federal Government or the Government of the Province, which he is from time to time serving, the same conditions of service as regards salary, allowances, leave and pensions and the same rights in disciplinary matters, or rights as similar thereto as the changed circumstances may permit, as he was entitled to receive immediately before the Constitution Day.

**Power of
President
to remove
difficulties.**

234.—(1) The President may, for the purpose of removing any difficulties, particularly in relation to the transition from the provisions of the Government of India Act, 1935, and the Indian Independence Act, 1947, together with Acts amending or supplementing those Acts, to the provisions of the Constitution, by Order, direct that the provisions of the Constitution shall, during such period as may be specified in the order, have effect, subject to such adaptations, whether by way of modification, addition or omission, as he may deem to be necessary or expedient:

Provided that no such Order shall be made after the first meeting of the National Assembly constituted after the first general election held for the purposes of that Assembly.

(2) Every Order under this Article shall be laid before the National Assembly, and may be amended or repealed by Act of Parliament.

FIRST SCHEDULE

(Article 32 and 33)

Election of President

1. The Chief Election Commissioner shall hold and conduct any election to the office of President, and shall be the Returning Officer for such election.

2. The Chief Election Commissioner shall appoint Presiding Officers to preside at the meeting of the members of the National Assembly, which shall be held at Karachi, and at the meetings of the members of the Provincial Assemblies of East Pakistan and West Pakistan, which shall be held at Dacca and Lahore, respectively.

3. The Chief Election Commissioner shall by public notification fix the time and place for depositing nomination papers, holding a scrutiny, making withdrawals, if any, and holding the poll, if necessary.

4. At any time before noon on the day fixed for nomination any member of the National Assembly or of a Provincial

Assembly may nominate for election as President a person qualified for election as President by delivering to the Presiding Officer of the Assembly of which he is a member, a nomination paper, signed by himself as proposer and by another member of that Assembly as seconder, together with a statement signed by the person nominated that he consents to the nomination:

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

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

6. A candidate may withdraw his candidature at any time before noon on the day fixed for this purpose by delivering a notice in writing under his hand to the Presiding Officer with whom his nomination paper has been deposited, and a candidate who has given a notice of withdrawal of his

candidature under this paragraph shall not be allowed to cancel that notice.

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

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

9. If a candidate whose nomination has been found to be in order dies after the time fixed for nomination, and a report of his death is received by the Presiding Officer before the commencement of the poll, the Presiding Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Chief Election Commissioner, and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election:

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

Provided further that no person who has under

paragraph 6 of this Schedule given notice of withdrawal of his candidature before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

10. The poll shall be taken at the meetings of the members of the National Assembly and of each Provincial Assembly, and the respective Presiding Officers shall conduct the poll with the assistance of such officers as they may, with the approval of the Chief Election Commissioner, respectively appoint.

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

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

13. Ballot papers shall be issued from a book of ballot papers with counterfoils, the ballot papers and each

counterfoil being numbered; and when a ballot paper is issued to a person voting his name shall be entered on the counterfoil and the ballot paper shall be authenticated by the initials of the Presiding Officer.

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

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

16. A ballot paper shall be invalid if—

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

17. After the close of the poll each Presiding Officer shall, in the presence of such of the candidates or their

authorized representatives as may desire to be present, open and empty the ballot boxes and examine the ballot papers therein, rejecting any which are invalid, count the number of votes recorded for each candidate on the valid ballot papers, and communicate the number of the votes so recorded to the Chief Election Commissioner.

18. If there are only two candidates, the candidate who has obtained the larger number of votes shall be declared by the Chief Election Commissioner to be elected.

19. If there are three or more candidates, and one of those candidates has obtained a larger number of votes than the aggregate number of votes obtained by the remaining candidates, he shall be declared by the Chief Election Commissioner to be elected.

20. If there are three or more candidates, and the last preceding paragraph does not apply, a further poll shall be held in accordance with the preceding provisions of this Schedule, at which the candidate who obtained the smallest number of votes at the previous poll shall be excluded.

21. The three last preceding paragraphs shall apply in relation to the further poll and any subsequent poll which may be necessary under the provisions of those paragraphs.

22. Where at any poll any two or more candidates obtain an equal number of votes, then—

(a) if there are only two candidates for election, or

(b) if one of the candidates who obtained equality of votes is required to be excluded from a further poll under paragraph 20 of this Schedule, the selection of the candidate to be elected, or, as the case may be, excluded, shall be by drawing of lots.

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

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

SECOND SCHEDULE

(Articles 215 and 222)

Oaths and Affirmations

1. *President of Pakistan.*—An oath (*or* affirmation) in the following form shall be administered by the Chief Justice of Pakistan or by some person deputed by him:—

“I,....., do solemnly swear (*or* affirm) that I will faithfully discharge the duties of the office of President of Pakistan according to law, that I will bear true faith and allegiance to Pakistan, that I will preserve, protect and defend the Constitution, and that I will do right to all manner of people according to law without fear or favour, affection or ill-will.”

2. *Governor of a Province.*—An oath (*or* affirmation) in the following form shall be administered by the President or by some person deputed by him:—

“I,....., do solemnly swear (*or* affirm)

that I will faithfully discharge the duties of the office of Governor of the Province of. according to law, that I will bear true faith and allegiance to Pakistan, that I will preserve, protect and defend the Constitution, and that I will do right to all manner of people according to law without fear or favour, affection or ill-will.”

3. *Prime Minister and other Ministers of the Federal Government.*—Oaths (or affirmations) in the following forms shall be administered by the President or by some person deputed by him:—

(a) *Oath (or affirmation) of office:*

“I,, do solemnly swear (or affirm) that I will faithfully discharge the duties of the office of Prime Minister (or Minister) of the Federal Government, that I will bear true faith and allegiance to Pakistan, that I will preserve, protect and defend the Constitution, and that I will do right to all manner of people according to law without fear or favour, affection or ill-will.”

(b) *Oath (or affirmation) of secrecy:*

“I,, do solemnly swear (or affirm) that I will not directly or indirectly communicate or reveal to any person any matter which shall be

brought under my consideration or shall become known to me as Prime Minister (*or* Minister) of the Federal Government, except as may be required for the due discharge of my duties as Prime Minister (*or* Minister), or as may be specially permitted by the President acting in his discretion.”

4. *Chief Minister and other Ministers of a Province.*— Oaths (*or* affirmations) in the following forms shall be administered by the Governor of the Province or by some person deputed by him:—

(a) *Oath (or affirmation) of office:*

“I,....., do solemnly swear (*or* affirm) that I will faithfully discharge the duties of the office of Chief Minister (*or* Minister) of the Government of the Province of....., that I will bear true faith and allegiance to Pakistan, that I will preserve, protect and defend the Constitution, and that I will do right to all manner of people according to law without fear or favour, affection or ill-will.”

(b) *Oath (or affirmation) of secrecy:*

“I,....., do solemnly swear (*or* affirm) that I will not directly or indirectly communicate

or reveal to any person any matter which shall be brought under my consideration, or shall become known to me as Chief Minister (*or* Minister) of the Government of the Province of..... except as may be required for the due discharge of my duties as such Chief Minister (*or* Minister), or as may be specially permitted by the Governor of that Province acting in his discretion.”

5. *Member of National Assembly or Provincial Assembly.*—An oath (*or* affirmation) in the following form shall be administered at a meeting of the respective Assembly by the person presiding:—

“I,....., having been elected a Member of the National Assembly (*or* Provincial Assembly of) do solemnly swear (*or* affirm) that I will bear true faith and allegiance to Pakistan and that I will faithfully discharge the duties upon which I am about to enter.”

6. *Chief Justice or Judge of Supreme Court.*—An oath (*or* affirmation) in the following form shall be administered by the President or by some person deputed by him:—

“I,....., having been appointed Chief Justice of Pakistan (*or* Judge of the Supreme Court), do solemnly swear (*or* affirm) that I will

faithfully perform the duties of the office to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will, that I will bear true faith and allegiance to Pakistan, and that I will preserve, protect and defend the Constitution and laws of Pakistan.”

7. *Chief Justice or Judge of a High Court.*—An oath (or affirmation) in the following form shall be administered by the Governor of the Province or by some person deputed by him:—

“I,....., having been appointed Chief Justice (or Judge) of the High Court of....., do solemnly swear (or affirm) that I will faithfully perform the duties of the office to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will, that I will bear true faith and allegiance to Pakistan, and that I will preserve, protect and defend the Constitution and laws of Pakistan.”

8. *Comptroller and Auditor-General.*—An oath (or affirmation) in the following form shall be administered by the President or by some person deputed by him:—

“I,....., having been appointed Comptroller and Auditor-General, do solemnly

swear (*or affirm*) that I will bear true faith and allegiance to Pakistan and that I will faithfully perform the duties of the office to the best of my ability, knowledge and judgment.”

THIRD SCHEDULE

(Articles 159 and 177)

The Judiciary

PART I

The Supreme Court

1. *Salary and allowance of Judges.*—(1) There shall be paid to the Chief Justice of Pakistan, a salary of Rs. 5,500 per mensem and to every other Judge of the Supreme Court, a salary of Rs. 5,100 per mensem.

(2) Every Judge of the Supreme Court shall be entitled to such other privileges and allowances, including allowances for expenses in respect of equipment and travelling on first appointment, and to such rights in respect of leave of absence and pension, as may be determined by the President, and until so determined to the allowances, privileges and rights which immediately before the Constitution Day, were admissible to the Judges of the Federal Court, and for this purpose the provisions of the Government of India

(Federal Court) Order, 1937, shall, subject to the provisions of the Constitution, apply.

2. *Officers and servants of the Supreme Court.*—(1) Appointments of officers and servants of the Supreme Court shall be made by the Chief Justice of Pakistan, or such other Judge or officer of that court as he may direct, and shall be in accordance with rules framed by the Supreme Court, with the previous approval of the President.

(2) The conditions of service of officers and servants of the Supreme Court shall be such as may be prescribed by the rules made by the Supreme Court:

Provided that the rules, in so far as they relate to remuneration or leave, shall require the previous approval of the President.

3. *Rule-making power of the Supreme Court.*—(1) The Supreme Court may, with the previous approval of the President, make rules for regulating the practice and procedure of the court, including rules as to—

- (a) the persons practising before the court;
- (b) the conditions subject to which any judgment pronounced, or order made, by the court may be reviewed, and the procedure for such review, including the time within which applications for such review are to be entered;

- (c) the procedure for hearing appeals and applications to the court, including the time within which such appeals and applications are to be entered;
- (d) the entertainment of appeals under paragraph (c) of Article 159;
- (e) the costs of, and incidental to, any proceedings in the court;
- (f) the fees to be charged in respect of the proceedings in the court;
- (g) the procedure for summary determination of any appeal which appears to the court to be frivolous or vexatious, or brought for the purpose of causing delay;
- (h) the number of Judges who are to sit for any purpose, and the powers of Judges sitting alone and in any division of the court;
- (i) the stay of proceedings, and the granting of bail;
- (j) the procedure for enquiries and investigations referred to the court for opinion or report.

(2) No judgment shall be delivered and no report shall be made by the Supreme Court save in open court and with the concurrence of the majority of the Judges present at the hearing of the case, but nothing shall prevent a Judge who

does not concur from delivering a dissenting judgment or opinion.

(3) Subject to the provisions of any rules made under this paragraph, the Chief Justice of Pakistan shall determine which Judges are to constitute any division of the court and which Judges are to sit for any purpose.

PART II

The High Courts

4. *Salaries of Judges.*—(1) There shall be paid to the Chief Justice of a High Court a salary of Rs. 5,000 per mensem, and to every other Judge of that Court a salary of Rs. 4,000 per mensem.

(2) Every Judge of a High Court shall be entitled to such other privileges and allowances, including allowances for expenses in respect of equipment and travelling upon first appointment, and to such rights in respect of leave of absence and pension as may be determined by the President, and until so determined to the allowances, privileges and rights which immediately before the Constitution Day, were admissible to the Judges of the High Court, and the provisions of the Government of India (High Court Judges) Order, 1937, shall, subject to the provisions of the Constitution, apply.

5. *Administrative function of High Courts.*—(1) Each High Court shall have superintendence and control over all courts subject to its appellate or revisional jurisdiction.

(2) Without prejudice to the generality of the foregoing provision, the High Court may—

- (a) call for returns;
- (b) make and issue general rules, and prescribe forms for regulating the practice and procedure of such courts;
- (c) prescribe forms in which books, entries and accounts shall be kept by the officers of any such courts; and
- (d) settle tables of fees to be allowed to the sheriffs, attorneys, and all clerks and officers of such courts:

Provided that such rules, forms and tables shall not be inconsistent with the provisions of any law for the time being in force, and shall require the previous approval of the Governor.

6. *Officers and servants and expenses of the High Courts.*—

(1) Appointments of officers and servants of High Courts shall be made by the Chief Justice of the High Court or such other Judge or officer of the Court as he may direct, and shall be in accordance with the rules framed by the High Court with the previous approval of the Governor.

(2) Subject to the provisions of any Act of the Provincial Legislature, the conditions of service of officers and servants

of a High Court shall be such as may be prescribed by rules made by the High Court:

Provided that rules in so far as they relate to remuneration or leave shall require the previous approval of the Governor.

7. *Right to practise in High Court.*—An advocate on the rolls of a High Court shall be entitled to act and plead in both the High Courts, and in all other courts subordinate thereto:

Provided that an advocate who has been struck off the rolls of a High Court shall not be entitled to act or plead in that court or in any other court subordinate thereto.

FOURTH SCHEDULE

(Article 217)

Temporary Provisions

PART I

Remuneration and Privileges

1. Until Parliament by law otherwise provides, the remuneration and other privileges of persons holding offices mentioned in column 1 of the Table below shall be the same as were admissible, immediately before the Constitution Day, to persons holding offices mentioned in the corresponding entries in column 2 of that Table.

Table

Column 1	Column 2
President	Governor-General.
Speaker of the National Assembly.	Speaker of the Constituent Assembly.
Prime Minister	Prime Minister.
Minister of the Federal Government.	Minister of the Governor-General.
Minister of State of the Federal Government.	Minister of State of the Governor-General.

Table—Continued

Column 1	Column 2
Deputy Minister of the Federal Government.	Deputy Minister of the Governor-General.
Deputy Speaker of the National Assembly.	Deputy Speaker of the Constituent Assembly.
Member of the National Assembly.	Member of the Constituent Assembly.
Governor of a Province ..	Governor of the corresponding Province.

PART II

Provisions relating to Elections

2. *Residence.*—(1) A person shall be deemed to be a resident in a constituency if he ordinarily resides in that constituency, or owns or is in possession of a dwelling house therein:

Provided that—

- (a) any person who holds the office of Minister of the Federal or a Provincial Government, or Speaker or Deputy Speaker of the National or a Provincial Assembly shall be deemed, during any period in which he holds such office, to be a resident in the constituency in which he would have been resident if he had not held such office;
- (b) any person who holds a public office, or is in the service of Pakistan, shall during any period for

which he holds such office or is employed in such service be deemed to be a resident in the constituency in which he would have been a resident if he had not held such office or had not been so employed.

(2) Where a person becomes qualified to have his name entered in the electoral roll of a constituency under the proviso to paragraph 2, his wife, if otherwise qualified, shall become so qualified.

3. (1) A person shall be qualified to be elected to the National Assembly if his name appears on the electoral roll of any constituency for that Assembly.

(2) A person shall be qualified to be elected to a Provincial Assembly if his name appears on the electoral roll of any constituency for that Assembly.

4. *Disqualifications for election to the National Assembly or a Provincial Assembly.*—(1) A person shall be disqualified for being elected or for being a member of the National Assembly or a Provincial Assembly—

(a) if he is of unsound mind, and stands so declared by a competent court;

(b) if he is an undischarged insolvent:

Provided that this disqualification shall cease after the expiration of ten years from the date on which he has been adjudged insolvent;

- (c) if he holds any office of profit in the service of Pakistan;
- (d) if he has been convicted or has, in proceedings for questioning the validity or regularity of an election, been found guilty of any offence or corrupt or illegal practice relating to elections which has been declared by law to be an offence or practice entailing disqualification for membership of the National Assembly or a Provincial Assembly, unless such period has elapsed as may be specified in that behalf by the provisions of that law;
- (e) if having been nominated as a candidate for election to the National Assembly or a Provincial Assembly, or having acted as election agent to any person so nominated, he has failed to lodge a return of election expenses within the time and in the manner required by law:

Provided that this disqualification shall not take effect until one month after the date on which the return ought to have been lodged, or until such time as the President in the case of a return relating to an election to the National Assembly, and the Governor, in the case of a return relating to an

election to a Provincial Assembly, may allow:
Provided further that this disqualification shall cease
when—

- (i) five years have elapsed since the date on which the return ought to have been lodged; or
- (ii) the disqualification is removed by the President, in the case of a return relating to an election to the National Assembly, and by the Governor, in the case of a return relating to an election to a Provincial Assembly;
- (f) if he has been convicted of any offence before the date of the establishment of the Federation by a court in British India, or on or after that date by a court in Pakistan, and sentenced to transportation or to imprisonment for not less than two years, unless a period of five years, or such less period as the President in the case of election to the National Assembly and the Governor in the case of election to a Provincial Assembly may allow in any particular case, has elapsed since his release;
- (g) if he has been dismissed for misconduct from the service of Pakistan on the recommendation of the Supreme Court, or a Public Service Commission:

Provided that this disqualification shall cease after the expiry of five years from the date of the dismissal,

or may, at any time within that period be removed by the Governor in the case of dismissal from a service of a Province, and by the President in any other case;

(h) if he has ceased to be a citizen, or has voluntarily acquired the citizenship of a foreign State, or has made a declaration of allegiance or adherence to a foreign State.

(2) For the purpose of clause (c) of sub-paragraph (1) of this paragraph, the Judges of the Supreme and High Courts, and the Comptroller and Auditor-General shall be deemed to be holding offices of profit in the service of Pakistan.

PART III

Procedure and Privileges of the National Assembly

5. *Rules of Procedure.*—Until rules have been framed by the Assembly under Article 55, the procedure of the National Assembly shall be regulated by the Rules of the Constituent Assembly functioning as Federal Legislature, in force immediately before the Constitution Day, subject to such amendments as may be made therein by the President.

6. *Privileges.*—Until an Act of Parliament is made in that behalf under Article 56, the privileges of the National Assembly, the committees and members thereof, and the persons authorized to speak therein shall be the same as

those of the Constituent Assembly in force immediately before the Constitution Day.

7. *Finance Committee*.—(1) The expenditure of the National Assembly, within the limits sanctioned under the Government of India Act, 1935, or within the limits of the Appropriation Act for the time being in force, shall be controlled by that Assembly, acting on the advice of its Finance Committee.

(2) The Finance Committee shall consist of the Speaker as Chairman, the Minister of Finance, and such other members as may be elected thereto by the National Assembly.

(3) The Finance Committee may make rules regulating its own procedure.

8. *Secretariat of the National Assembly*.—(1) The National Assembly shall have its own secretarial staff.

(2) Parliament may by law regulate the recruitment and conditions of service of persons appointed to the secretarial staff of the National Assembly.

(3) Until provision is made by Parliament, the President may, after consultation with the Speaker of the National Assembly, make rules regulating the recruitment and conditions of service of persons appointed to the secretarial staff of the National Assembly, and any rules so made shall have effect subject to the provisions of any law.

PART IV

A—Remuneration and Privileges in the Provinces

9. Until a Provincial Legislature by law otherwise provides, the remuneration and other privileges of persons holding offices mentioned in column 1 of the table below shall be the same as were admissible, immediately before the Constitution Day, to persons holding offices mentioned in the corresponding entries in column 2 of that table.

Table

Column 1	Column 2
Chief Minister of a Provincial Government.	Chief Minister of the Governor of the corresponding Province.
Minister of a Provincial Government.	Minister of the Governor of the corresponding Province.
Deputy Minister of a Provincial Government.	Deputy Minister of the Governor of the corresponding Province.
Parliamentary Secretary of a Provincial Government.	Parliamentary Secretary of the Governor of the corresponding Province.
Speaker of a Provincial Assembly.	Speaker of the Legislative Assembly of the corresponding Province.
Deputy Speaker of a Provincial Assembly.	Deputy Speaker of the Legislative Assembly of the corresponding Province.
Member of a Provincial Assembly.	Member of the Legislative Assembly of the corresponding Province.

B—*Procedure and Privileges of a Provincial Assembly*

10. *Rules of Procedure.*—Until rules have been framed by the Assembly under Article 88, the procedure of a Provincial Assembly shall be regulated by the Rules of the corresponding Provincial Legislative Assembly in force immediately before the Constitution Day, subject to such amendments as may be made therein by the Governor.

11. *Privileges.*—Until an Act of the Provincial Legislature is made in that behalf under Article 89, the privileges of a Provincial Assembly, its members and committees, and the persons taking part in its proceedings shall be the same as those of the Legislative Assembly of that Province in force immediately before the Constitution Day.

12. *Finance Committee.*—(1) The expenditure of a Provincial Assembly, within the limits sanctioned under the Government of India Act, 1935, or within the limits of the Appropriation Act for the time being in force, shall be controlled by that Assembly acting on the advice of its Finance Committee.

(2) The Finance Committee shall consist of the Speaker, the Minister of Finance, and such other members as may be elected thereto by the Provincial Assembly.

(3) The Finance Committee may make rules regulating its own procedure,

13. *Secretariat of the Provincial Assembly.*—(1) The Provincial Assembly shall have its own secretarial staff.

(2) The Provincial Legislature may by law regulate the recruitment and conditions of service of persons appointed to the staff of the Provincial Assembly.

(3) Until provision is made by the Provincial Legislature, the Governor may after consultation with the Speaker of the Legislative Assembly, make rules regulating the recruitment and the conditions of service of persons appointed to the secretarial staff of the Assembly, and any rules so made shall have effect subject to the provisions of any law.

FIFTH SCHEDULE

(Article 106)

Federal List

1. Defence of Pakistan and of every part thereof, and all acts and measures connected therewith.

The Naval, Military and Air Forces of the Federation and any other armed forces raised or maintained by the Government of the Federation; armed forces which are not forces of the Federation but are attached to or operating with any of the armed forces of the Federation; any other armed forces of the Federation, including civil armed forces.

Naval, Military and Air Force works.

Industries connected with defence; nuclear energy and mineral resources necessary for its production.

Delimitation of cantonment areas; local self-government in cantonment areas; constitution, powers and functions, within such areas, of cantonment authorities; control of

house accommodation (including control of rents) in such areas.

Manufacture of arms, firearms, ammunition and explosives.

2. Foreign affairs, including all matters which bring Pakistan into relation with any foreign country.

Diplomatic, consular and trade representation.

International organizations; participation in international bodies and implementing of decisions made thereat.

War and peace; making and implementation of treaties, conventions, declarations and other agreements with foreign countries.

Foreign and extra-territorial jurisdiction; offences against the laws of nations; Admiralty jurisdiction; piracy and offences committed on the high seas and in the air.

Admission into and emigration and expulsion from Pakistan; extradition; passports; visas, permits and other such certificates; pilgrimages to places outside Pakistan, and by persons from outside Pakistan to places inside Pakistan; quarantine, including hospitals connected therewith; seamen's and marine hospitals.

3. Citizenship, naturalization and aliens.

4. Trade and commerce between the Provinces, and with foreign countries; import and export across customs frontiers.

5. Currency, coinage and legal tender; foreign exchange and negotiable instruments; State Bank of Pakistan; banking (excluding co-operative banking) with objects and business not confined to one Province.

6. Public debt of the Federation, and the borrowing of money on the security of the Federal Consolidated Fund; foreign loans.

7. Stock exchanges and futures markets with objects and business not confined to one Province.

8. Insurance and corporations, that is to say, incorporation, regulation and winding-up of corporations, whether trading or not (but not including co-operative societies or universities, or municipal and local bodies), with objects and business not confined to one Province.

9. Copyright, patents, designs and inventions; trade and merchandise marks; standards of quality for goods to be exported out of Pakistan.

10. Establishment of standards of weight and measure.

11. Navigation and shipping, including coastal shipping (but excluding coastal shipping confined to one Province); airways; aerodromes; aircraft and air navigation, and all matters connected therewith; light-houses and other provisions for the safety of shipping and aircraft.

12. Major ports, that is to say, the declaration and delimitation of such ports and the constitution and powers of port authorities therein; fishing and fisheries outside territorial waters.

13. Posts and all forms of telecommunications, including broadcasting and television; Post Office Savings Bank.

14. Industries, owned wholly or partially by the Federation, or by a corporation set up by the Federation.

15. Mineral oil and natural gas.

16. The constitution, organization, jurisdiction and powers of the Supreme Court (including contempt of such Court) and the fees taken therein; persons entitled to practise before the Supreme Court.

17. Elections to the National Assembly, to the Provincial Assemblies and to the office of President; the Election Commission.

18. Central intelligence and investigating organization; preventive detention for reasons connected with defence, foreign affairs, or the security of Pakistan; persons subjected to such detention.

19. Census; the survey of Pakistan; the Geological Surveys of Pakistan; Meteorological organizations.

20. Property of the Federation situated in any Province and the revenue therefrom.

21. Federal agencies and Federal institutions for the promotion of special studies and special research; libraries and museums financed by the Federation.

22. Federal Services, and the Federal Public Service Commission; Federal Pensions.

23. Remuneration of the President, Ministers, Ministers of State and Deputy Ministers of the Federal Government, Members, Speaker and Deputy Speaker of the National Assembly; remuneration of Comptroller and Auditor-General, Attorney-General and the Governors of Provinces.

24. Privileges and immunities of the President and Governors.

25. Powers, privileges and immunities of the National Assembly and of the members and the committees thereof, enforcement of attendance of persons for giving evidence or producing documents before committees of the National Assembly.

26. Duties of customs (including export duties); duties of excise (including duties on salt, but excluding alcoholic liquor, opium and other narcotics), corporation taxes and taxes on income other than agricultural income; estate and succession duties in respect of property other than agricultural land; taxes on the capital value of assets exclusive of agricultural land; taxes on sales and purchases; terminal taxes

on goods or passengers carried by sea or air; taxes on their fares and freights; taxes on mineral oil and natural gas.

27. Fees in respect of any of the matters in this List, excluding fees taken in courts.

28. Inquiries and statistics for the purpose of any of the matters in this List.

29. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List; offences against laws with respect to any of the matters in this List.

30. All matters which under the Constitution are within the legislative competence of Parliament, and matters incidental thereto.

Concurrent List

PART I

1. Civil and criminal law, including the law of evidence and procedure, limitation, marriage and divorce, minors and infants; adoption, joint family and partition; all matters in respect of which parties in judicial proceedings were immediately before the Constitution Day subject to their personal law; wills, intestacy, succession, and transfer of property (excluding succession to and transfer of agricultural land); registration of deeds and documents; arbitration; contract; partnership; agency; bankruptcy and insolvency;

actionable wrongs; legal and medical professions; contempt of court; trusts and official trustees.

2. Scientific and industrial research.

3. Poisons and dangerous drugs.

4. Newspapers, books and printed publications; printing presses.

PART II

5. Relations between employers and employees; trade unions; industrial and labour disputes; welfare of labour including conditions of work; provident fund; employers' liability; workmen's compensation; invalidity and old age pensions and maternity benefits; vocational and technical training of labour; social security and social insurance.

6. Measures to combat corruption.

7. Price control.

8. Relief and rehabilitation of refugees; custody, management and disposal of evacuee property.

9. Economic and social planning.

10. Commercial and industrial monopolies, combines and trusts.

11. Inter-provincial migration and quarantine.

12. Iron, steel, coal and mineral products, except mineral oil and natural gas.

13. Banking, insurance and corporations, subject to Federal List.

14. Stock exchanges and futures markets, subject to Federal List.

15. Ancient and historical monuments declared to be of national importance.

16. Arms, firearms, ammunition and explosives, subject to Federal List.

17. Inquiries and statistics for the purpose of any of the matters in this List.

18. Fees in respect of any of the matters in this List.

19. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List; offences against laws with respect to any of the matters in this List.

Provincial List

1. Public order (but not including the use of naval, military or air forces, or any other armed forces of the Federation in aid of the civil power).

2. Administration of justice; constitution and organization of all courts, except the Supreme Court; procedure in Rent and Revenue courts; fees taken in all courts, except the Supreme Court.

3. Police, including Armed Police, Railway and Village Police.

4. Extension of the powers and jurisdiction of members of a Police Force belonging to any Province to any area outside that Province.

5. Preventive detention for reasons connected with the maintenance of public order; persons subjected to such detention.

6. Prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein; arrangements with other Provinces for the use of prisons and other institutions.

7. Removal from one Province to another Province of prisoners; vagrancy; criminal and nomadic tribes.

8. Land, that is to say, rights in or over land; land tenures, including the relation of landlord and tenant, and the collection of rents; transfer, alienation and devolution of agricultural land; land improvement and agricultural loans; colonization.

9. The incorporation, regulation, and winding-up of corporations, subject to Federal List; unincorporated trading; literary, scientific, religious and other societies and associations; co-operative societies.

10. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights and alienation of revenues.

11. Courts of Wards.

12. Works, lands and buildings vested in or in the possession of the Province.

13. Compulsory acquisition or requisitioning of property.

14. Agriculture, including agricultural education and research; protection against pests and prevention of plant diseases.

15. Local government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration.

16. Preservation, protection and improvement of stock, and prevention of animal diseases; veterinary training and practice.

17. Pounds and the prevention of cattle trespass.

18. Prevention of the extension from one Province to another of infectious or contagious diseases.

19. Water, including water supplies, irrigation and canals, drainage and embankments, water storage and water power; flood control.

20. Education, including Universities, technical education and professional training.
21. Libraries, museums and ancient and historical monuments.
22. Botanical, zoological and anthropological surveys.
23. Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions.
24. Theatres; cinemas; sports; entertainments and amusements.
25. Sanctioning of cinematograph films for exhibition.
26. Public health and sanitation; hospitals and dispensaries.
27. Registration of births and deaths.
28. Railways.
29. Communications not specified in the Federal List; roads, bridges, ferries and other means of communication, minor railways, tramways; ropeways; inland waterways and traffic thereon.
30. Shipping and navigation on tidal waters.
31. Coastal shipping confined to ports within one Province.
32. Vehicles, including mechanically-propelled vehicles.
33. Ports, subject to entry No. 12 in Federal List.

34. Burials and burial grounds; cremations and cremation grounds.
35. Relief of the disabled and unemployed.
36. Pilgrimages, subject to Federal List.
37. Intoxicating liquors, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors.
38. Cultivation, manufacture and sale of opium.
39. Industries.
40. Factories and boilers.
41. Regulation of mines and mineral development, subject to Federal List and Concurrent List.
42. Trade and commerce within the Province.
43. Production, manufacture, supply and distribution of goods.
44. Markets and fairs.
45. Weights and measures, except establishment of standards.
46. Manufacture, supply and distribution of salt.
47. Money-lending and money-lenders; relief of indebtedness.
48. Forests.
49. Protection of wild animals and birds.
50. Prevention of cruelty to animals.

51. Adulteration of food-stuffs and other goods.
52. Lotteries.
53. Betting and gambling.
54. Fisheries.
55. Treasure trove.
56. Electricity.
57. Gas and gas works.
58. Professions.
59. Inns and inn-keepers.
60. Provincial Public Services; Provincial Public Service Commission.
61. Provincial pensions.
62. Public debt of the Province.
63. Administrator-General.
64. Zakat.
65. Charities and charitable institutions; charitable and religious endowments.
66. Lunacy and mental deficiency including places for reception or treatment of lunatics and mental deficient.
67. Salaries and allowances of members, the Speaker and the Deputy Speaker of the Provincial Assembly; salaries and allowances of Ministers of the Provincial Government, and the Advocate-General.

68. Powers, privileges and immunities of the Provincial Assembly and of the members and the committees thereof; enforcement of attendance of persons for giving evidence or producing documents before committees of the Provincial Assembly.

69. Waqfs and mosques.

70. Orphanages and poorhouses.

71. Taxes on agricultural income and on the capital value of agricultural land.

72. Duties in respect of succession to agricultural land.

73. Stamp duty, including stamp duty on negotiable instruments and insurance policies.

74. Estate duty in respect of agricultural land.

75. Taxes on lands and buildings.

76. Taxes on mineral rights, subject to Federal List and to any limitations imposed by Parliament by law relating to mineral development.

77. Duties of excise on the following goods manufactured or produced in the Province and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in Pakistan:—

- (a) alcoholic liquors for human consumption;
- (b) opium, Indian hemp and other narcotic drugs and narcotics; non-narcotic drugs;

(c) medicinal and toilet preparations containing alcohol or any substance included in sub-paragraph (b) of this entry.

78. Taxes on the entry of goods into a local area for consumption, use or sale therein.

79. Taxes on the consumption or sale of electricity.

80. Taxes on advertisements.

81. Taxes on the sale or purchase of newspapers.

82. Taxes on goods and passengers carried by road or on inland waterways.

83. Taxes on vehicles, whether mechanically-propelled or not, suitable for use on a road; on boats, launches and steamers on inland waters; on tram-cars.

84. Taxes on animals and boats.

85. Tolls.

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

87. Capitation taxes.

88. Taxes on luxuries, including taxes on entertainments, amusements, betting and gambling.

89. Terminal taxes on goods or passengers carried by railway.

90. Rates of stamp duty in respect of documents other than those specified in the provisions of Federal List with regard to rates of stamp duty.

91. Offences against laws with respect to any of the matters in this List.

92. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List.

93. Fees in respect of any of the matters in this List, but not including fees taken in any court.

94. Inquiries and statistics for the purpose of any of the matters in this List.

SIXTH SCHEDULE

(Article 222)

Election of President under Article 222

1. At any time before noon on the day preceding the day fixed for the election of the President, any member of the Assembly may propose a person for election by delivering to the Secretary of the Assembly a nomination paper signed by that member and stating that that person consents to the nomination.

2. Any person who has been nominated may withdraw his candidature at any time prior to the holding of the election.

3. On the day fixed for the election the person presiding over the Assembly shall read out to the Assembly the names of the persons who have been duly nominated and have not withdrawn their candidature, together with the names of their proposers, and, if there is only one such person, shall declare that person to be duly elected. If there is more than

one such person, the Assembly shall proceed to elect the President by secret ballot. The ballot shall be held in such manner as the person presiding over the Assembly may direct.

4. Where there are only two candidates for election, the candidate who obtains at the ballot the larger number of votes shall be declared elected. If two candidates obtain an equal number of votes, the determination of the election shall be by drawing of lots.

5. Where the number of persons who have been duly nominated and have not withdrawn their candidature exceeds two, and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election. Balloting shall then proceed, with the candidate obtaining the smallest number of votes at each ballot being excluded from the election until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates, as the case may be, and such candidate shall be declared elected.

6. Where at any ballot any two or more candidates obtain an equal number of votes and one of them has to be excluded from the election under paragraph 5, the determination of the

question as to which of the candidates whose votes are equal is to be excluded shall be by drawing of lots.

7. The meeting of the Assembly at which the election takes place shall be presided over by the Speaker, or, if the Speaker is unable to preside, by the Deputy Speaker, or, if the Deputy Speaker is also unable to preside, by such person as may be determined by the Rules of the Assembly.

8. In this Schedule, "the Assembly" means, as respects the period before the Constitution Day, the Constituent Assembly, and as respects the period commencing on the Constitution Day, the National Assembly.