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## THE CONSTITUTION (FOURTH AMENDMENT ) ACT, 1975

### Act No.LXXI OF 1975

*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:

It is hereby enacted as follows:-

1. **Short title and commencement.** (1) This Act may be called the Constitution (Fourth Amendment) Act, 1975.

(2) It shall come into force at once.

2. **Amendment of Article 8 of the Constitution.** In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 8.-

(a) in clause (3), for paragraph (b) the following shall be substituted, namely:-

"(b) any of the-

(i) laws specified in the First Schedule as in force immediately before the commencing day or as amended by any of the laws specified in that Schedule:

(ii) other laws specified in Part I of the First Schedule:" and

(b) in clause (4), for the words and commas "the First Schedule, not being a law which relates to, or is connected with, economic reforms."the words and figure "Part II of the First Schedule" shall be substituted.

3. **Amendment of Article 17 of the Constitution.** In the Constitution, in Article 17, in clause (1) for the words "morality or public order" the words and comma "sovereignty or integrity of Pakistan, public order or morality" shall be substituted.

4. **Amendment of Article 19 of the Constitution.** In the Constitution, in Article 19, for the word "defamation" the words"commission of" shall be substituted.

5. **Amendment of Article 51 of the Constitution.** In the Constitution, in Article 51.-

(a) after clause (2), the following new clause shall be inserted, namely:-

"(2A) In addition to the number of seats referred to in clause (1), there shall be in the National Assembly six additional seats reserved for the persons referred to in clause (3) of Article 106.": and

6. **Amendment of Article 54 of the Constitution.** In the Constitution, in Article 54, in clause (2), the following explanation shall be added at the end, namely:-

"Explanation.-In this clause, 'working days' includes any day on which there is a joint sitting and any period, not exceeding two days, for which the National Assembly is adjourned."

7. **Amendment of Article 106 of the Constitution.** In the Constitution, in Article 106, in clause (3).-

- (a) for the word "3", occurring for the second time, the words "and other non-Muslims and persons belonging to" shall be substituted: and
- (b) for the figure "3" against the Province of the Punjab the figure "5" shall be substituted.

8. **Amendment of Article 199 of the Constitution.** In the Constitution, in Article 199.-

- (a) after clause (3), the following new clause shall be inserted, namely:-

"(3A) A High Court shall not make an order under clause (1)-

- (a) prohibiting the making of an order for the detention of person, or
- (b) for the grant of bail to a person detained, under any law providing for preventive detention.": and

after clause (4), the following new clause shall be inserted, namely:-

"(4A) An interim order made by a High Court on an application made to it to question the validity or legal 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, assessment or collection of public revenues shall cease to have effect on the expiration of a period for sixty days following the day on which it is made, unless the case is finally decided, or the interim order is withdrawn, by the Court earlier."

9. **Amendment of Article 271 of the Constitution.** In the Constitution, in Article 271, in clause (1).-

- (a) after the words "subject to", the word, figure and comma "Article 63," shall be inserted:

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

"(a) the first National Assembly shall consist of-

(i) Persons who have taken oath in the National Assembly of Pakistan existing immediately before the commencing day, and

(ii) the persons to be elected in accordance with law by the members of the Assembly to fill the seats referred to in clause (2A) of Article 51.

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

(c) in paragraph (b), after the word "vacancies", the commas, words, brackets, figures and letter ",or to be elected to the additional seats referred to in clause (2A) of Article 51," shall be inserted.

10. **Amendment of Article 272 of the Constitution.** In the Constitution, in Article 272.-

(a) the brackets and figure "(1)", occurring after the "272", shall be omitted; and

(b) after the words "subject to", the words and figure "Article 63 and" shall be inserted.

11. **Amendment of Article 273 of the Constitution.** In the Constitution, in Article 273, in clause (1).-

(a) after the words "subject to", the word, figure and comma "Article 63," shall be inserted; and

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

"(a) the first Assembly of a Province under the Constitution shall consist of-

(i) the members of the Assembly of that Province in existence immediately before the commencing day, and

(ii) the additional members to be elected in accordance with law by the members of the Assembly to fill the seats referred to in clause (3) of Article 106.

and, unless sooner dissolved, shall continue until the fourteenth day of August, one thousand nine hundred and seventy seven; and referred to "total

membership" of the Assembly of a Province in the Constitution shall be construed accordingly": and

- (c) in paragraph (b), after the word "vacancies", the commas, words, brackets and figures", or to be elected to the additional seats referred to in clause (3) of Article 106," shall be inserted.

12. **Substitution of the First Schedule to the Constitution.** In the Constitution, for the First Schedule the Schedule set out in the Schedule to this Act shall be substituted.

13. **Amendment of the Fourth Schedule to the Constitution.** In the Constitution, for the Fourth Schedule, in the Concurrent Legislative List, after entry 13, the following new entry shall be inserted, namely:-

"43A. Auqaf."

14. **Certain Orders shall cease to have effect after specified period.** An interim order such as is referred to in clause (4A) of Article 199 of the Constitution made by a High Court before the commencement of this Act shall cease to have effect at the expiration of sixty days from such commencement, unless the case is finally decided, or the interim order is withdrawn, by the Court earlier.

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## **THE SCHEDULE**

[See Section 12]

### **"FIRST SCHEDULE**

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

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

#### **PART I**

##### **1. PRESIDENT'S ORDERS**

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

##### **II. REGULATIONS**

1. The Land Reforms Regulation, 1972.
2. The Land Reforms (Baluchistan Pat Feeder Canal) Regulation, 1972.
3. The Economic Reforms(Protection of Industries) Regulation, 1972.
4. The Distribution of Property (Chitral)Regulation, 1974 (II of 1974).
5. The Settlement of Disputes of Immovable Property (Chitral) Regulation, 1974 (III of 1974).
6. The Dir and Swat (Devolution and Distribution of Property and Settlement of Disputes of Immovable Property) (Amendment) Regulation 1975 (II of 1975).

##### **III. FEDERAL ACTS**

1. The Land Reforms (Amendment) Act, 1974 (XXX of 1974).
2. The Land Reforms (Amendment) Act, 1975 (XXXXIX of 1975).

##### **IV.ORDINANCES PROMULGATED BY THE PRESIDENT**

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

##### **V. PROVINCIAL ACTS**

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

## **PART II**

### **I. PRESIDENT ORDERS**

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

### **II. REGULATIONS**

1. Rawalpindi (Requisition of Property)Regulation, 1959.
2. The Pakistan Capital Regulation, 1960.
3. The Security of Claims (Evacuee Property) Regulation, 1961.
4. The Income Tax (Correction of Returns and False Declaration(Regulation, 1969.
5. The Improper Acquisition of Property Regulation, 1969.
6. The Removal from Service (Special Provisions) Regulation, 1969.
7. The Living Beyond Ostensible Means (Punishment) Regulation, 1969.
8. The Government Agricultural Land (Recovery of Illegal Possession Regulation, 1969.
9. The Enemy Property(Payment of Money Due to Enemy) Regulation, 1970.
10. The Withdrawal of Currency Notes(High Denomination) Regulation, 1971.
11. The Price of Evacuee Property and Public Does (Recovery) Regulation, 1971.
12. The Peshawar District and Tribal Areas (Settlement of Dispute) Regulation, 1971.
13. The Convention Muslim League and Awami League (Security of Funds) Regulation, 1971.
14. The Foreign Exchange Repatriation Regulation, 1972.
15. The Foreign Assets (Declaration)Regulation, 1972.
16. The Removal from Service (Review Petition) Regulation, 1972.
17. The Privately Managed Schools and Colleges (Taking Over) Regulation, 1972.
18. The Enemy Property Revocation of Sales) Regulation, 1972.
19. The Dir and Swat (Devolution and Distribution of Property) Regulation, 1972.
20. The Dir and Swat (Settlement of Disputes of Immovable Property)Regulation, 1972.
21. The West Pakistan Industrial Development Corporation (Revocation of Sate or Transfer) Regulation, 1972.
22. The National Press Trust (Suspension of Board of Trustees and Directors) Regulation, 1972.
23. The Co-operative Banks (Repayment of Loans) (Punjab) Regulation, 1972.
24. The Co-operative Societies (Repayment of Loans) (Sind) Regulation, 1972.

### **III. ORDINANCES PROMULGATED BY THE PRESIDENT**

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

### **IV. FEDERAL ACTS**

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

### **V. ORDINANCE PROMULGATED BY THE GOVERNOR OF FORMER PROVINCE OF WEST PAKISTAN**

1. The West Pakistan Government Educational and Training Institution Ordinance, 1960 (W.P. Ordinance PROMULGATED BY THE GOVERNOR OF FORMER PROVINCE OF WEST PAKISTAN
1. The West Pakistan Government Educational and Training Institutions Ordinance, 1960 (W.P. Ordinance No.XI of 1960).
2. The West Pakistan Wakf Properties Ordinance. 1961 W.P. Ordinance No.XXVIII of 1961)
3. The Societies Registration (West Pakistan Amendment) Ordinance. 1962 (W.P. Ordinance No.IX of 1962.)
4. The West Pakistan Industries (Control on Establishment and Enlargement) Ordinance, 1963.)

### **VI. ORDINANCES PROMULGATED BY THE GOVERNOR OF THE NORTH- WEST FRONTIER PROVINCE**

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