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THE CONSTITUTION (SEVENTH AMENDMENT) ACT, 1977
ACT NO.XXIII OF 1977

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, commencement and duration.-(1) This Act may be called the Constitution (Seventh Amendment) Act, 1977.

(2) It shall come into force at once and section 4 shall be deemed to have taken effect on the twenty-first day of April, 1977.

(3) Section 2 shall cease to be in force on the thirtieth day of September, 1977.

2. Insertion of new Article 96A in the Constitution.-In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, after Article 96, the following new Article shall be inserted, namely:-

"96A. Referendum as to confidence in Prime Minister.-(1) If at any time the Prime Minister considers it necessary to obtain a vote of confidence of the people of Pakistan through a referendum, he may advise the President to cause the matter to be referred to a referendum in accordance with law made by Parliament.

(2) The law referred to in clause (1) shall provide for the constitution of a Referendum Commission and the manner and mode of holding a referendum.

(3) On receipt of the advice of the Prime Minister under clause (1), the President shall call upon the Referendum Commission to conduct a referendum amongst the persons whose names appear on the electoral rolls for the immediately preceding general elections to the National Assembly as revised up-to-date.

(4) Any dispute arising in connection with the counting of votes at a referendum shall be finally determined by the Referendum Commission or a member thereof authorised by it and, save as aforesaid, no dispute arising in connection with a referendum or the result thereof shall be raised or permitted to be raised before any court or other authority whatsoever.

(5) If, on the final count of the votes cast at the referendum, the Prime Minister fails to secure majority of the total votes cast in the matter of the confidence of the people

of Pakistan, he shall be deemed to have tendered his resignation within the meaning of Article 94."

3. Amendment of Article 101 of the Constitution.-In the Constitution, in Article 101, in clause (2A), for the words, brackets, letter and figures "an Order under paragraph (c) of clause (2) of Article 232 or a Proclamation under "the words and figure "a Proclamation under Article 232 or" shall be substituted.

4. Amendment of Article 245 of the Constitution.-In the Constitution, Article 245 shall be renumbered as clause (1) of that Article and, after clause (1) renumbered as aforesaid, the following new clauses shall be added, namely:-

- "(2) The validity of any direction issued by the Federal Government under clause (1) shall not be called in question in any court.
- (3) A High Court shall not exercise any jurisdiction under Article 199 in relation to any area in which the Armed Forces of Pakistan are, for the time being, acting in aid of civil power in pursuance of Article 245:

Provided that this clause shall not be deemed to affect the jurisdiction of the High Court in respect of any proceeding pending immediately before the day on which the Armed Forces start acting in aid of civil power.

- (4) Any proceeding in relation to an area referred to in clause (3) instituted on or after the day the Armed Forces start acting in aid of civil power and pending in any High Court shall remain suspended for the period during which the Armed Forces are so acting."