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(2) If a person referred to in paragraph (a) of clause (1) is, immediately before the commencing day, also a member of a Provincial Assembly, he shall not take a seat in the National Assembly or the Provincial Assembly until he resigns one of his seats.

(3) A casual vacancy in a seat in the first National Assembly, including a vacancy in a seat in the National Assembly of Pakistan existing before the commencing day which was not filled before that day, caused by reason of death or resignation of a member or consequent upon his incurring a disqualification or ceasing to be a member as a result of the final decision of an election petition may be filled in the same manner in which it would have been filled before the commencing day.

(4) A person referred to in paragraph (a) of clause (1) shall not sit or vote in the National Assembly until he has made the oath prescribed by Article 65 and, if, without the leave of the Speaker of the National Assembly granted on reasonable cause shown, he fails to make the oath within twenty one days from the day of the first meeting of the Assembly, his seat shall become vacant at the expiration of that period.

First ¹[constitution of] Senate

²272. ³*Notwithstanding anything contained in the Constitution, but subject to ⁴[Article 63 and] Article 223,—

- (a) the Senate shall, until the first National Assembly under Constitution continues in existences, consist of forty-five members and the provisions of Article 59 shall have effect as if, in paragraph (a) of clause (1) thereof, for the word "fourteen" the word "ten" and in paragraph (b) of that clause for the word "five" the word "three", were substituted, and reference to "total membership" of the Senate in the Constitution shall be construed accordingly;

¹ Ins. by the Constitution (First Amdt.) Act, 1974 (33 of 1974), s. 16, (*w.e.f.* the 4th May, 1974).

² Article 272 had, between the 9th June, 1973, and the 14th August, 1974, effect subject to the following modifications made by the Election to the Senate Order, 1973 (P.O. No. 8 of 1973), namely:-
In the said Article, after clause (1), the following new clause shall be added, namely:-

"(2) Until Parliament by law makes provision in that behalf, the President may, for the purpose of the due constitution of, and election to, the Senate, by Order, make provision for any of the matters referred to in—

(a) Paragraphs (d) and (e) of clause (1) of Article 63;
(b) Paragraphs (d), (e) and (f) of Article 222; and
(c) Article 225."

³ The brackets and figure "(1)" omitted by the Constitution (Fourth Amdt.) Act, 1975 (71 of 1975), s. 10, (*w.e.f.* 21st November, 1975).

⁴ Ins. *ibid.*

- (b) the members elected or chosen as members of the Senate shall be divided into two groups by drawing of lots, the first group consisting of five members from each Province, two members from the Federally Administered Tribal Areas and one member from the Federal Capital and the second group consisting of five members from each Province one member from the said Areas and one member from the Federal Capital;
- (c) the term of office of members of the first group and of the second group shall respectively be two years and four years;
- (d) the term of office of persons elected or chosen to succeed the members of the Senate at the expiration of their respective terms shall be four years;
- (e) the term of office of a person elected or chosen to fill a casual vacancy shall be the unexpired term of the member whose vacancy he is elected or chosen to fill;
- (f) as soon as the first general election to the National Assembly is held, there shall be elected to the Senate four additional members from each Province and two additional members from the Federally Administered Tribal Areas; and
- (g) the term of office of such half of the members elected under paragraph (f) as may be determined by drawing of lots shall be the unexpired term of office of the members of the first group and the term of office of the other half shall be the unexpired term of the members of the second group.

First Provincial Assembly

¹273. (1) Notwithstanding anything contained in the Constitution, but subject to ²[Article 63,] Article 64 and Article 223,—

³[(a) the first Assembly of a Province under the Constitution shall consist of—

(i) the members of the Assembly of that Province in

¹ Article 273 shall, during the period of five years from the 27th October, 1973, have effect as if, in clause (2) thereof, after the words "elections petitions", the words "or otherwise" were ins., *see* the Removal of Difficulties (Bar against Double Membership) Order, 1973 (P.O. No. 22 of 1973).

² Ins. by the Constitution (Fourth Amdt.) Act, 1975 (71 of 1975), s. 11, (*w.e.f.* the 21st November, 1975).

³ Subs. *ibid.*, (*w.e.f.* the 21st November, 1975).

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 reference "total membership" of the Assembly of a Province in the Constitution shall be construed accordingly;]

- (b) the qualifications and disqualifications for membership of the first Assembly of a Province shall, except in case of members filling casual vacancies ¹[, or to be elected to the additional seats referred to in clause (3) of Article 106,] after the commencing day, be the same as were provided in the Interim Constitution of the Islamic Republic of Pakistan:

Provided that no person holding an office of profit in the service of Pakistan shall continue to be a member of the Assembly after the expiration of three months from the commencing day.

(2) A casual vacancy in a seat in the first Assembly of a Province, including a vacancy in a seat in the Assembly of that Province in existence immediately before the commencing day which was not filled before that day, caused by reason of death or resignation of a member or consequent upon his incurring a disqualification or ceasing to be a member as a result of the final decision of an election petition may be filled in the same manner in which it would have been filled before the commencing day.

(3) A member referred to in paragraph (a) of clause (1) shall not sit or vote in the Provincial Assembly until he has made the oath prescribed by Article 65 read with Article 127 and, if, without leave of the Speaker of the Provincial Assembly granted on reasonable cause shown, he fails to make the oath within twenty-one days from the day of the first meeting of the Provincial Assembly, his seat shall become vacant at the expiration of that period.

Vesting of property, assets, rights, liabilities and obligations

274. (1) All property and assets which, immediately before the

¹ Ins. by the Constitution (Fourth Amdt.) Act, 1975 (71 of 1975), s. 11, (w.e.f. the 21st November, 1975).

commencing day, were vested in the President or the Federal Government shall, as from that day, vest in the Federal Government unless they were used for purposes which, on that day, became purposes of the Government of a Province, in which case they shall, as from that day, vest in the Government of the Province.

(2) All property and assets which, immediately before the commencing day, were vested in the Government of a Province, shall, as from that day, continue to be vested in the Government of that Province, unless they were used for purposes, which on that day, became purposes of the Federal Government in which case they shall, as from that day, vest in the Federal Government.

(3) All rights, liabilities and obligations of the Federal Government or of the Government of a Province, whether arising out of contract or otherwise, shall as from the commencing day, continue to be respectively the rights, liabilities and obligations of the Federal Government or of the Government of the Province, except that –

- (a) all rights, liabilities and obligations relating to any matter which, immediately before that day, was the responsibility of the Federal Government, but which under the Constitution, has become the responsibility of the Government of a Province, shall devolve upon the Government of that Province; and
- (b) all rights, liabilities and obligations relating to any matter which, immediately before that day, was the responsibility of the Government of a Province, but which under the Constitution, has become the responsibility of the Federal Government, shall devolve upon the Federal Government.

Continuance in office of persons in service of Pakistan, etc.

275. (1) Subject to the Constitution and until law is made under Article 240 any person who, immediately before the commencing day, was in the service of Pakistan shall, as from that day, continue in the service of Pakistan on the same terms and conditions as were applicable to him under the Interim Constitution of the Islamic Republic of Pakistan immediately before that day.

(2) Clause (1) shall also apply in relation to a person holding office immediately before the commencing day as —

- (a) Chief Justice of Pakistan or other Judge of the Supreme Court, or Chief Justice or other Judge of a High Court;

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- (b) Governor of a Province;
- (c) Chief Minister of a Province;
- (d) Speaker or Deputy Speaker of the National Assembly or a Provincial Assembly;
- (e) Chief Election Commissioner;
- (f) Attorney-General for Pakistan or Advocate-General for a Province; and
- (g) Auditor-General of Pakistan.

(3) Notwithstanding anything contained in the Constitution, for a period of six months from the commencing day, a Federal Minister or a Minister of State or the Chief Minister of a Province or a Provincial Minister may be a person who is not a member of ¹[Majlis-e-Shoora (Parliament)] or, as the case may be, the Provincial Assembly of that Province; and such Chief Minister and Provincial Minister shall have the right to speak and otherwise take part in the proceedings of the Provincial Assembly or any committee thereof of which he may be named a member, but shall not by virtue of this clause be entitled to vote.

(4) Any person who, under this Article, is continued in an office in respect of which a form of oath is set out in the Third Schedule shall, as soon as is practicable after the commencing day make before the appropriate person oath in that form.

- (5) Subject to the Constitution and law—
 - (a) all civil, criminal and revenue courts exercising jurisdiction and functions immediately before the commencing day shall, as from that day, continue to exercise their respective jurisdictions and functions; and
 - (b) all authorities and all offices (whether judicial, executive, revenue or ministerial) throughout Pakistan exercising functions immediately before the commencing day shall, as from that day, continue to exercise their respective functions.

¹ See footnote 6 on page 3, *supra*.

Oath of first President

276. Notwithstanding anything contained in the Constitution, the first President may, in the absence of the Chief Justice of Pakistan, make the oath referred to in Article 42 before the Speaker of the National Assembly.

Transitional financial, provisions

277. (1) The schedule or authorized expenditure authenticated by the President for the financial year ending on the thirtieth day of June, one thousand nine hundred and seventy-four, shall continue to remain a valid authority for expenditure from the Federal Consolidated Fund for that year.

(2) The President may, in respect of expenditure of the Federal Government for any financial year preceding the financial year commencing on the first day of July, one thousand nine hundred and seventy-three (being expenditure in excess of the authorized expenditure for that year), authorize the withdrawal of moneys from the Federal Consolidated Fund.

(3) The provisions of clauses (1) and (2) shall apply to and in relation to a Province, and for that purpose—

- (a) any reference in those provisions to the President shall be read as a reference to the Governor of the Province;
- (b) any reference in those provisions to the Federal Government shall be read as a reference to the Government of the Province; and
- (c) any reference in those provisions to the Federal Consolidated Fund shall be read as a reference to the Provincial Consolidated Fund of the Province.

Accounts not audited before commencing day

278. The Auditor-General shall perform the same functions and exercise the same powers in relation to accounts which have not been completed or audited before the commencing day as, by virtue of the Constitution, he is empowered to perform or exercise in relation to other accounts, and Article 171 shall, with the necessary modifications, apply accordingly.

Continuance of taxes

279. Notwithstanding anything contained in the Constitution, all taxes

and fees levied under any law in force immediately before the commencing day shall continue to be levied until they are varied or abolished by Act of the appropriate Legislature.

Continuance of Proclamation of Emergency

280. The Proclamation of Emergency issued on the twenty-third day of November, one thousand nine hundred and seventy-one, shall be deemed to be a Proclamation of Emergency issued under Article 232, and for the purposes of clause (7) and clause (8) thereof to have been issued on the commencing day, and any law, rule or order made or purporting to have been made in pursuance of that Proclamation shall be deemed to have been validly made ¹[and shall not be called in question in any Court on the ground of inconsistency with any of the rights conferred by Chapter I of Part II.]

¹ Added and shall be deemed always to have been so added by the Constitution (Fifth Amdt) Act, 1976 (62 of 1976), s. 17.

¹[ANNEX

(Article 2A)

The Objectives Resolution

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

(In the name of Allah, the most beneficent, the most merciful.)

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;

This Constituent Assembly representing the people of Pakistan resolves to frame a constitution for the sovereign independent State of Pakistan;

Wherein the State shall exercise its powers and authority through the chosen representatives of the people;

Wherein the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam shall be fully observed;

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;

Wherein adequate provision shall be made for the minorities to ²[freely] profess and practise their religions 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;

¹ New Annex ins. by P.O. No. 14 of 1985, Art. 2 and Sch.

² Ins. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 99.

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Wherein adequate provision 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;

So that the people of Pakistan may prosper and attain their rightful and honoured place amongst the nations of the World and make their full contribution towards international peace and progress and happiness of humanity.]

¹[**FIRST SCHEDULE**

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

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

PART I

I. 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 (Balochistan 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).

²[7. The Settlement of Disputes of Immovable Property (Chitral) (Amendment) Regulation, 1976 (II of 1976)].

III. Federal Acts

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

¹ The First Schedule as amended by the Constitution (First Amdt.) Act, 1974 (33 of 1974), s. 17, (*w.e.f.* the 4th May, 1974), has been subs. by the Constitution (Fourth Amdt.) Act, 1975 (71 of 1975), s. 12, (*w.e.f.* the 21st November, 1975).

² Entry 7 added by the Constitution (Fifth Amdt.) Act, 1976 (62 of 1976), s. 18, (*w.e.f.* the 13th September, 1976).

2. The Land Reforms (Amendment) Act, 1975 (XXXIX of 1975).
- ¹[3. The Flour Milling Control and Development Act, 1976 (LVII of 1976).
4. The Rice Milling Control and Development Act, 1976 (LVIII of 1976).
5. The Cotton Ginning Control and Development Act, 1976 (LIX of 1976).]
- ²[* * * * *]
- ³[6. The Pakistan Army Act, 1952 (XXXIX of 1952).
7. The Anti-Terrorism Act, 1997 (XXVII of 1997), only to the extent of sub-clause (iv) of clause (d) of sub-section (1) of section 2 of the Pakistan Army Act, 1952 (XXXIX of 1952), added through the Pakistan Army (Amendment) Act, 2017 (XI of 2017).]

IV. Ordinance 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 (Balochistan Amendment) Act, 1974 (Balochistan Act XI of 1974).
2. The Land Reforms (Pat Feeder Canal Regulation) (Amendment) Act, 1975 (Balochistan Act VII of 1975).

⁴[VI. Provincial Ordinance

The Land Reforms (Pat Feeder Canal) (Amendment) Ordinance, 1976].

¹ Entries 3 to 5 added by the Constitution (Fifth Amdt.) Act, 1976 (62 of 1976), s. 18, (*iv.e.f.* the 13th September, 1976).

² Added by the Constitution (Twenty-first Amendment) Act, 2015 (I of 2015) and shall cease to form part of the Constitution and shall stand repealed on the expiration of two years.

³ Added by the Constitution (Twenty-third Amendment) Act, 2017 (XII of 2017) and shall cease to form part of the Constitution and shall stand repealed on the expiration of two years.

⁴ Sub-heading VI and the entry added *ibid.*,

PART II

I. President's Orders

1. The Minerals (Acquisition and Transfer) Order, 1961 (P. O. No. 8 of 1961).
2. The Companies (Managing 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 Rulers 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. 16 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 Scrutiny 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 Dues (Recovery) Regulation, 1971.
12. The Peshawar District and Tribal Areas (Settlement of Disputes) Regulation, 1971.
13. The Convention Muslim League and Awami League (Scrutiny 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 Sale 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) (Sindh) 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 (VIII 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 Organisations Ordinance, 1961 (XLV of 1961).

IV. Federal Acts

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

V. Ordinances 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 (W.P. Ordinance No. IV of 1963).

VI. Ordinances Promulgated by the Governor of the North-West Frontier Province

1. The 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).]

¹[**SECOND SCHEDULE**]

[*Article 41 (3)*]

Election of President

1. The ²[Election Commission of Pakistan] shall hold and conduct election to the office of President, and ²[Chief Election Commissioner] shall be the Returning Officer for such election.

2. The ²[Election Commission of Pakistan] shall appoint Presiding Officers to preside at the meeting of the members of Majlis-e-Shoora (Parliament) and at the meetings of the members of the Provincial Assemblies.

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 Majlis-e-Shoora (Parliament) or of a Provincial Assembly may nominate for election as President a person qualified for election as President by delivering to the Presiding Officer a nomination paper, signed by himself as proposer and by another member of the Majlis-e-Shoora (Parliament) or, as the case may be 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.

¹ Subs. by P. O. No. 14 of 1985, Art. 2 and Sch., for "Second Schedule."

² Subs. & inserted by the Constitution (Twentieth Amendment) Act, 2012 (V of 2012) s.10.

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 a new 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 Majlis-e-Shoora (Parliament) 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 Majlis-e-Shoora (Parliament), and of each Provincial Assembly, who presents himself for voting at the meeting of the members of the Majlis-e-Shoora (Parliament) or, as the case may be of the Provincial 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 mark 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, 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, canceling 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, 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 mark; or
- (iv) a mark 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 mark 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. (1) The Chief Election Commissioner shall determine the result of the election in the following manner, namely :—

- (a) the number of votes cast in the Majlis-e-Shoora (Parliament) in favour of each candidate shall be counted;

- (b) the number of votes cast in a Provincial Assembly in favour of each candidate shall be multiplied by the total number of seats in the Provincial Assembly for the time being having the smallest number of seats and divided by the total number of seats in the Provincial Assembly in which the votes have been cast; and
- (c) the number of votes calculated in the manner referred to in clause (b) shall be added to the number of votes counted under clause (a).

Explanation.—In this paragraph, "total number of seats" includes seats reserved for non-Muslims and women.

- (2) A fraction shall be rounded off to the nearest whole.

19. The candidate who has obtained the largest number of votes compiled in the manner specified in paragraph 18 shall be declared by the Chief Election Commissioner to be elected.

20. Where at any poll any two or more candidates obtain an equal number of votes, the selection of the candidate to be elected shall be by drawing of lots.

21. 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.

22. The ¹[Election Commission of Pakistan] may, by public notification, with the approval of the President, make rules for carrying out the purposes of this Schedule.]

¹ Subs. by the Constitution (Twentieth Amendment) Act, 2012 (V of 2012) s.10.

THIRD SCHEDULE

Oaths of Office

PRESIDENT

[Article 42]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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

I, _____, do solemnly swear that I am a Muslim and believe in the Unity and Oneness of Almighty Allah, the Books of Allah, the Holy Quran being the last of them, the Prophethood of Muhammad (peace be upon him) as the last of the Prophets and that there can be no Prophet after him, the Day of Judgement, and all the requirements and teachings of the Holy Quran and Sunnah.

That I will bear true faith and allegiance to Pakistan:

That, as President of Pakistan, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan;

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan:

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

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

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

And 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 President of Pakistan, except as may be required for the due discharge of my duties as President.

¹[May Allah Almighty help and guide me (A'meen).]

¹ Added by P. O. No. 14 of 1985, Art. 2 and Sch.,

PRIME MINISTER

[Article 91 ¹[(5)]]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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

I, _____, do solemnly swear that I am a Muslim and believe in the Unity and Oneness of Almighty Allah, the Books of Allah, the Holy Quran being the last of them, the Prophethood of Muhammad (peace be upon him) as the last of the Prophets and that there can be no Prophet after him, the Day of Judgement, and all the requirements and teachings of the Holy Quran and Sunnah.

That I will bear true faith and allegiance to Pakistan:

That, as Prime Minister of Pakistan, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

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

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

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

And 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, except as may be required for the due discharge of my duties as Prime Minister.

²[May Allah Almighty help and guide me (A'meen).]

¹ Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 100, for (3).

² Added by P. O. No. 14 of 1985, Art. 2 and Sch.,

CONSTITUTION OF PAKISTAN

FEDERAL MINISTER OR MINISTER OF STATE

[Article 92 (2)]

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 Federal Minister (or Minister of State); I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

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

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

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

And 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 Federal Minister (or Minister of State), except as may be required for the due discharge of my duties as Federal Minister (or Minister of State), or as may be specially permitted by the Prime Minister.

¹[May Allah Almighty help and guide me (A'meen).]

¹ Added by P. O. No. 14 of 1985, Art. 2 and Sch.,

CONSTITUTION OF PAKISTAN

SPEAKER OF NATIONAL ASSEMBLY OR
CHAIRMAN OF SENATE

[Articles 53(2) and 61]

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 Speaker of the National Assembly (or Chairman of the Senate) and whenever I am called upon to act as President of Pakistan, I will discharge my duties, and perform my functions honestly, to the best of my ability, faithfully, in accordance with the Constitution of the Islamic Republic of Pakistan the law and as Speaker of the National Assembly in accordance with the rules of the Assembly (or as Chairman of the Senate in accordance with the rules of the Senate), and always in the interest of the sovereignty, integrity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

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

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.

¹[May Allah Almighty help and guide me (A'meen).]

¹ Added by P. O. No. 14 of 1985, Art. 2 and Sch.,

CONSTITUTION OF PAKISTAN

DEPUTY SPEAKER OF NATIONAL ASSEMBLY OR
DEPUTY CHAIRMAN OF SENATE

[Articles 53 (2) and 61]

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, whenever I am called upon to act as Speaker of the National Assembly (or Chairman of the Senate), I will discharge my duties, and perform my functions honestly, to the best of my ability, faithfully, in accordance with the Constitution of the Islamic Republic of Pakistan, the law and the rules of the Assembly (or Senate), and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan:

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

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

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.

¹[May Allah Almighty help and guide me (A'meen).]

¹ Added by P. O. No. 14 of 1985, Art. 2 and Sch.,

CONSTITUTION OF PAKISTAN

MEMBER OF NATIONAL ASSEMBLY OR
MEMBER OF SENATE

[Article 65]

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 a member of the National Assembly (or Senate), I will perform my functions honestly, to the best of my ability, faithfully, in accordance with the Constitution of the Islamic Republic of Pakistan, and the law, and the rules of the Assembly (or Senate), and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan:

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan.

And that I will preserve, protect and defend the Constitution of the Islamic Republic of Pakistan.

¹[May Allah Almighty help and guide me (A'meen).]

¹ Added by P. O. No. 14 of 1985, Art. 2 and Sch.,

CONSTITUTION OF PAKISTAN

GOVERNOR OF PROVINCE

[Article 102]

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 the Governor of the Province of _____, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully, in accordance with the Constitution of the Islamic Republic of Pakistan, and the law and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

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

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

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

And 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 Governor of the Province ofexcept as may be required for the due discharge of my duties as Governor.

¹[May Allah Almighty help and guide me (A'meen).]

¹ Added by P. O. No. 14 of 1985, Art. 2 and Sch.,

CONSTITUTION OF PAKISTAN

CHIEF MINISTER OR PROVINCIAL MINISTER

[Articles ¹[130 (5)] and 132 (2)]

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 a Chief Minister (or Minister) of the Government of the Province of _____, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully, in accordance with the Constitution of the Islamic Republic of Pakistan, and the law and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

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

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

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

And 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) except as may be required for the due discharge of my duties as Chief Minister (or Minister or as may be specially permitted by the Chief Minister).

²[May Allah Almighty help and guide me (A'meen).]

¹ Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 100 for "131(4)".

² Added by P. O. No. 14 of 1985, Art. 2 and Sch.,

CONSTITUTION OF PAKISTAN

SPEAKER OF A PROVINCIAL ASSEMBLY

[Articles 53(2) and 127]

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 Speaker of the Provincial Assembly of the Province of..... ¹[and whenever I am called upon to act as Governor, I will discharge] my duties, and perform my functions, honestly, to the best of my ability, faithfully, in accordance with the Constitution of the Islamic Republic of Pakistan, the law and the rules of the Assembly, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan:

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

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

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.

²[May Allah Almighty help and guide me (A'meen).]

¹ Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 100 for "I will discharge".

² Added by P. O. No. 14 of 1985, Art. 2 and Sch.,

CONSTITUTION OF PAKISTAN

DEPUTY SPEAKER OF A PROVINCIAL ASSEMBLY

[Articles 53 (2) and 127]

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, whenever I am called upon to act as Speaker of the Provincial Assembly of the Province of....., I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully, in accordance with the Constitution of the Islamic Republic of Pakistan, the law and the rules of the Assembly, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan:

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

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

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.

¹[May Allah Almighty help and guide me (A'meen).]

¹ Added by P. O. No. 14 of 1985, Art. 2 and Sch.,

CONSTITUTION OF PAKISTAN

MEMBER OF A PROVINCIAL ASSEMBLY

[Articles 65 and 127]

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 a member of the Provincial Assembly of..... I will perform my functions, honestly, to the best of my ability, faithfully, in accordance with the Constitution of the Islamic Republic of Pakistan, the law and the rules of the Assembly, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan:

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

And that I will preserve, protect and defend the Constitution of the Islamic Republic of Pakistan :

¹[May Allah Almighty help and guide me (A'meen).]

¹ Added by P. O. No. 14 of 1985, Art. 2 and Sch.,

CONSTITUTION OF PAKISTAN

AUDITOR-GENERAL OF PAKISTAN

[Article 168 (2)]

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 Auditor-General of Pakistan, I will discharge my duties, and perform my functions, honestly, faithfully, in accordance with the Constitution of the Islamic Republic of Pakistan, and the law and to the best of my knowledge, ability and judgement, without fear or favour, affection or ill-will, and that I will not allow my personal interest to influence my official conduct or my official decisions.

¹[May Allah Almighty help and guide me (A'meen).]

¹ Added by P. O. No. 14 of 1985, Art. 2 and Sch.,

CONSTITUTION OF PAKISTAN

CHIEF JUSTICE OF PAKISTAN OR OF A HIGH COURT
OR JUDGE OF THE SUPREME COURT
OR A HIGH COURT

[Articles 178 and 194]

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 Pakistan (or a Judge of the Supreme Court of Pakistan or Chief Justice or a Judge of the High Court for the Province or Provinces of.....), 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 abide by the code of conduct issued by the Supreme Judicial Council:

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

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.

¹[May Allah Almighty help and guide me (A'meen).]

¹ Added by P. O. No. 14 of 1985, Art. 2 and Sch.,

CONSTITUTION OF PAKISTAN

¹[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 the 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 (A'meen).]

¹ Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 100 for "Oath of Chief Justice or a Judge of the Federal Shariat Court".

CONSTITUTION OF PAKISTAN

CHIEF ELECTION COMMISSIONER ¹[OR A MEMBER OF THE
ELECTION COMMISSION OF PAKISTAN]

[Article 214]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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

I, _____, do solemnly swear that as Chief Election Commissioner ¹[or, as the case may be, member of the Election Commission of Pakistan] I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully, in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and without fear or favour, affection or ill-will, and that I will not allow my personal interest to influence my official conduct or my official decisions.

²[May Allah Almighty help and guide me (A'meen).]

¹ Added & inserted by the Constitution (Twentieth Amendment) Act, 2012 (V of 2012) s.11.

² Added by P. O. No. 14 of 1985, Art. 2 and Sch.,

CONSTITUTION OF PAKISTAN

MEMBERS OF THE ARMED FORCES

[Article 244]

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 and uphold the Constitution of the Islamic Republic of Pakistan which embodies the will of the people, that I will not engage myself in any political activities whatsoever and that I will honestly and faithfully serve Pakistan in the Pakistan Army (or Navy or Air Force) as required by and under the law.

¹[May Allah Almighty help and guide me (A'meen).]

¹ Added by P. O. No. 14 of 1985, Art. 2 and Sch.,

FOURTH SCHEDULE

[Article 70 (4)]

LEGISLATIVE LISTS

Federal Legislative List

PART I

1. The defence of the Federation or any part thereof in peace or war; the military, naval and air forces 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; industries declared by Federal law to be necessary for the purpose of defence or for the prosecution of war.
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.
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.
4. Nationality, citizenship and naturalisation.
5. Migration from or into, or settlement in, a Province or the Federal Capital.
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.
7. Posts and telegraphs, including telephones, wireless, broadcasting and other like forms of communications; Post Office Saving Bank.
8. Currency, coinage and legal tender.

9. Foreign exchange; cheques, bills of exchange, promissory notes and other like instruments.
10. Public debt of the Federation, including the borrowing of money on the security of the Federal Consolidated Fund ; foreign loans and foreign aid.
11. Federal Public Services and Federal Public Service Commission.
12. Federal pensions, that is to say, pensions payable by the Federation or out of the Federal Consolidated Fund.
13. Federal Ombudsman.
14. Administrative Courts and Tribunals for Federal subjects.
15. Libraries, museums, and similar institutions controlled or financed by the Federation.
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.
17. Education as respects Pakistani students in foreign countries and foreign students in Pakistan.
18. Nuclear energy, including—
 - (a) mineral resources necessary for the generation of nuclear energy;
 - (b) the production of nuclear fuels and the generation and use of nuclear energy;
 - (c) ionizing radiations. ¹[; and]
 - ²[(d) boilers.]
19. Port quarantine, seamen's and marine hospitals and hospitals connected with port quarantine.
20. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.

¹ Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 101 for the full stop.

² New sub-entry (d) added *ibid.*

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1* * * * *

22. Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of aerodromes.

23. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.

24. Carriage of passengers and goods by sea or by air.

25. Copyright, inventions, designs, trade-marks and merchandise marks.

26. Opium so far as regards sale for export.

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.

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.

29. The law of insurance, except as respects insurance 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.

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

31. Corporations, 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 cooperative societies, and of corporations, whether trading or not, with objects not confined to a Province, but not including universities.

²[32. International treaties, conventions and agreements and International arbitration.]

¹ Entry "21" omitted by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 101.

² Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 101 for "entry 32".

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1* * * * *

34. National highways and strategic roads.

35. Federal surveys including geological surveys and Federal meteorological organisations.

36. Fishing and fisheries beyond territorial waters.

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 always to Provincial legislation, save in so far as Federal law otherwise provides.

1* * * * *

39. Establishment of standards of weights and measures.

1* * * * *

41. Elections to the office of President, to the National Assembly, the Senate and the Provincial Assemblies; Chief Election Commissioner and Election Commissions.

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.

43. Duties of customs, including export duties.

44. Duties of excise, including duties on salt, but not including duties on alcoholic liquors, opium and other narcotics.

2* * * * *

2* * * * *

47. Taxes on income other than agricultural income.

48. Taxes on corporations.

¹ Entries 33, 38 and 40 omitted *ibid.*

² Entries 45 and 46 omitted by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 101.

¹[49. Taxes on the sales and purchases of goods imported, exported, produced, manufactured or consumed ²[, except sales tax on services.]]

50. Taxes on the capital value of the assets, not including taxes on ³* * * on immovable property.

51. Taxes on mineral oil, natural gas and minerals for use in generation of nuclear energy.

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.

53. Terminal taxes on goods, or passengers carried by railway, sea or air; taxes on their fares and freights.

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

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 thereon of supplemental powers.

56. Offences against laws with respect to any of the matters in this Part.

57. Inquiries and statistics for the purposes of any of the matters in this Part.

58. Matters which under the Constitution are within the legislative competence of ⁴[Majlis-e-Shoora (Parliament)] or relate to the Federation.

59. Matters incidental or ancillary to any matter enumerated in this Part.

¹ Subs. by the Constitution (Fifth Amdt.) Act, 1976 (62 of 1976), s. 19, for the "original entry 49" (w.e.f. the 13th September, 1976).

² Added by Act 10 of 2010, s. 101.

³ The words "on capital gains" omitted *ibid*.

⁴ See footnote 6 on page 3, *supra*.

PART II

1. Railways.
2. Mineral oil and natural gas; liquids and substances declared by Federal law to be dangerously inflammable.
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 ¹[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.
- ²4. 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.

¹ Subs. by the Constitution (Fifth Amdt.) Act, 1976 (62 of 1976), s. 19, for "West Pakistan Water and Power Development Authority and the West Pakistan Industrial Development Corporation" (w.e.f. the 13th September, 1976).

² New entries 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 ins. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 101.

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

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

¹[14.] Council of Common Interests.

¹[15.] Fees in respect of any of the matters in this Part but not including fees taken in any court.

¹[16.] Offences against laws with respect to any of the matters in this Part.

¹[17.] Inquiries and statistics for the purposes of any of the matters in this Part.

¹[18.] Matters incidental or ancillary to any matter enumerated in this Part.

2* * * * *

¹ Re-numbered entries 4,5, 6, 7, and 8 the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 101.

² Concurrent Legislative List and the Entries 1 to 47 omitted *ibid*.

***FIFTH SCHEDULE**

[Article 205]

**Remuneration and Terms and Conditions of
Service of Judges**

THE SUPREME COURT

1. There shall be paid to the Chief Justice of Pakistan a salary of Rs. ¹[9,900] per mensem, and to every other Judge of the Supreme Court a salary of Rs. ¹[9,500] per mensem ²[,or such higher salary as the President may, from time to time, determine.]

2. Every Judge of the Supreme Court shall be entitled to such privileges and allowances, 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 privileges, allowances and rights to which, immediately before the commencing day, the Judges of the Supreme Court of Pakistan were entitled.

³[3. The pension payable to a retired Judge of the Supreme Court per mensem shall not be less or more than the amount specified in the table below, depending on the length of his service as Judge in that Court or a High Court :

Provided that the President may, from time to time, raise the minimum or maximum amount of pension so specified :

Judge	Minimum Amount	Maximum Amount
Chief Justice	Rs. 7,000	Rs. 8,000
Other Judge	Rs. 6,250	Rs. 7,125.]

* w.e.f. 1-12-2001, the salary of the Chief Justice of Pakistan and other Judges of the Supreme Court has been determined by the President to be Rs. 55,000 and Rs. 52,000 respectively vide P.O. No. 2 of 2002, paragraph 2 (1), which was previously amended by P.O. No. 9 of 1991, P.O. No. 3 of 1995 and P.O. No. 4 of 1995.

(w.e.f. 27-7-1991, vide P. O. No. 2 of 1997) the Chief Justice and a Judge of the Supreme Court on his retirement or resignation shall be entitled to the minimum amount of pension equal to 70% to the Chief Justice of his salary or as the case may be, a Judge plus 5% of salary for each completed year of service either as the Chief Justice or as the Judge not exceeding the maximum amount of pension equal to 85% of the said salary.

¹ Subs. by the Constitution (Twelfth Amdt.) Act., 1991 (14 of 1991), s. 3, for "7,900" and "7,400", which was previously amended by P.O. No. 6 of 1985, Art. 2 (w.e.f. 1-7-1983).

² Added *ibid.*,

³ Subs. *ibid.*, for "paragraph 3rd."

¹[4. The widow of a Judge of the Supreme Court shall be entitled to a pension at the following rates, namely :—

- (a) if the Judge dies after retirement—50 per cent of the net pension payable to him; or
- (b) if the Judge dies after having rendered not less than three years' service as Judge and while still serving as such—50 per cent of the pension admissible to him at the minimum rate.

5. The pension shall be payable to the widow for life or, if she remarries, until her marriage.

6. If the widow dies, the pension shall be payable—

- (a) to the sons of the judge who are less than twenty-one years of age, until they attain that age; and
- (b) to the unmarried daughters of the Judge who are less than twenty-one years of age, until they attain that age or are married, whichever first occurs.]

¹ Added by P. O. No. 6 of 1985, Art. 2, (w.e.f. the 1st July, 1981).

THE HIGH COURT

1. *There shall be paid to the Chief Justice of a High Court a salary of Rs. ¹[9,400] per mensem, and to every other Judge of a High Court a salary of Rs. ¹[8,400] per mensem ²[,or such higher salary as the President may, from time to time, determine.]

2. Every Judge of a High Court shall be entitled to such privileges and allowances, 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 privileges, allowances and rights to which, immediately before the commencing day, the Judges of the High Court were entitled.

³[3. The pension payable per mensem to a Judge of a High Court who retires after having put in not less than five years service as such Judge shall not be less or more than the amount specified in the table below, depending on the length of his service as Judge and total service, if any, in the service of Pakistan:

Provided that the President may, from time to time, raise the minimum or maximum amount of pension so specified :

Judge	Minimum amount.	Maximum amount.
Chief Justice	Rs. 5,640	Rs. 7,050
Other Judge	Rs. 5,040	Rs. 6,300.]

⁴[4. The widow of a Judge of the High Court shall be entitled to a pension at the following rates, namely :—

(a) if the Judge dies after retirement—50 per cent of the net pension payable to him; or

* w.e.f. 1-12-2001, the salary of the Chief Justice of High Court and other Judges of a High Court has been determined by the President to be Rs. 51,000 and Rs. 49,000 respectively vide P. O. No. 2 of 2002, paragraph 2 (2), which was previously amended by P.O. No. 9 of 1991, P. O. No. 3 of 1995 and P. O. No. 4 of 1995.

(w.e.f. 27-7-1991, vide P. O. No. 3 of 1997) the Chief Justice and a Judge of the High Court on his retirement or resignation or removal shall be entitled to the minimum pension equal to 70% of the salary on the completion of 5 years service for pension as Judge and an extra pension @ 2% of such salary for each subsequent completed year of service as Chief Justice or the Judge including his service if any the maximum pension not exceeding 80% of the salary.

¹ Subs. by the Constitution (Twelfth Amdt.) Act., 1991 (14 of 1991). s. 3, for "7,200" and "6,500". which was previously amended by P.O. No. 6 of 1985. Art. 2 (w.e.f. 1-7-1983).

² Added *ibid.*,

³ Subs. *ibid.*, for "paragraph 3rd".

⁴ Added by P. O. No. 6 of 1985, Art. 2, (w.e.f. the 1st July, 1981).

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(b) if the Judge dies after having rendered not less than five years' service as Judge and while still serving as such—50 per cent of the pension admissible to him at the minimum rate.

5. The pension shall be payable to the widow for life or, if she remarries, until her marriage.

6. If the widow dies, the pension shall be payable

(a) to the sons of the Judge who are less than twenty-one years of age, until they attain that age; and

(b) to the unmarried daughters of the Judge who are less than twenty-one years of age, until they attain that age or are married, whichever first occurs.]

1* * * * *

¹ Sixth Schedule and Seventh Schedule omitted by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 102.