



THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN

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ARTICLE 63-A.-
[Before Substitution]

THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN

[12TH APRIL, 1973]

Preamble

Whereas sovereignty over the entire Universe belongs to Almighty Allah alone, and the authority to be exercised by the people of Pakistan within the limits prescribed by Him is a sacred trust;

And whereas it is the will of the people of Pakistan to establish an order;

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 Sunnah;

Wherein adequate provision shall be made for the minorities freely to 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;

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;

Now, therefore, we, the people of Pakistan;

Conscious of our responsibility before Almighty Allah and men;

Cognisant of the sacrifices made by the people in the cause of Pakistan;

Faithful to the declaration made by the Founder of Pakistan, Quaid-i-Azam Mohammad Ali Jinnah, that Pakistan would be a democratic State based on Islamic principles of social justice;

Dedicated to the preservation of democracy achieved by the unremitting struggle of the people against oppression and tyranny;

Inspired by the resolve to protect our national and political unity and solidarity by creating an egalitarian society through a new order;

Do hereby, through our representatives in the National Assembly, adopt, enact and give to ourselves, this Constitution.

PART I

Introductory

¹[**1. The Republic and its territories.**-(1) Pakistan shall be Federal Republic to be known as the Islamic Republic of Pakistan, hereinafter referred to as Pakistan.

²[(2) The territories of Pakistan shall comprise—

- (a) the Provinces of ³[Balochistan], the ⁴[Khyber Pakhtunkhwa], the Punjab and ⁵[Sindh];
- (b) the Islamabad Capital Territory, hereinafter referred to as the Federal Capital;
- (c) the Federally Administered Tribal Areas; and
- (d) such States and territories as are or may be included in Pakistan, whether by accession or otherwise.

(3) ⁶[Majlis-e-Shoora (Parliament)] may by law admit into the Federation new States or areas on such terms and conditions as it thinks fit.]

2. Islam to be State religion. Islam shall be the State religion of Pakistan.

⁷[**2A. The Objectives Resolution to form part of substantive provisions.** The principles and provisions set out in the Objectives Resolution reproduced in the Annex are hereby made substantive part of the Constitution and shall have effect accordingly].

¹The provisions of the Constitution except those of Articles 6, 8 to 28, (both inclusive), clauses 2 and (2a) of Article 101, Articles 199, 213 to 216 (both inclusive) and 270-A, brought into force with effect from 10th March, 1985, vide S.R.O. No. 212(I)/85, dated 10th March, 1985, Gazette of Pakistan, Extraordinary, Part-II, page 279 and the aforesaid Articles brought into force with effect from 30th December, 1985, vide S.R.O. No. 1273(I)/85 dated 29th December, 1985, Gazette of Pakistan, Extraordinary, Part-II, page 3185.

²Subs. by the Constitution (First Amdt.) Act, 1974 (33 of 1974), s. 2, for "clauses (2), (3) and (4)" (w.e.f. the 4th May, 1974).

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

⁴Subs. *ibid.*, for "North-West-Frontier."

⁵Subs. *ibid.*, for "Sind".

⁶Subs. by the Revival of the Constitution of 1973 Order, 1985 (P.O. No. 14 of 1985), Art. 2 and Sch., for "Parliament".

⁷New Article 2A *ins. ibid.*

3. Elimination of exploitation. The State shall ensure the elimination of all forms of exploitation and the gradual fulfilment of the fundamental principle, from each according to his ability to each according to his work.

4. Right of individuals to be dealt with in accordance with law, etc.-(1) To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen. Wherever he may be, and of every other person for the time being within Pakistan.

(2) In particular—

- (a) no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law;
- (b) no person shall be prevented from or be hindered in doing that which is not prohibited by law; and
- (c) no person shall be compelled to do that which the law does not required him to do.

5. Loyalty to State and obedience to Constitution and law.-(1) Loyalty to the State is the basic duty of every citizen.

(2) Obedience to the Constitution and law is the ¹[inviolable] obligation of every citizen wherever he may be and of every other person for the time being within Pakistan.

6. High treason.²[(1) Any person who abrogates or subverts or suspends or holds in abeyance, or attempts or conspires to abrogate or subvert or suspend or hold in abeyance, the Constitution by use of force or show of force or by any other unconstitutional means shall be guilty of high treason.]

(2) Any person aiding or abetting ³[or collaborating] the acts mentioned in clause (1) shall likewise be guilty of high treason.

⁴[(2A) An act of high treason mentioned in clause (1) or clause (2) shall not be validated by any court including the Supreme Court and a High Court.]

(3) ⁵[Majlis-e-Shoora (Parliament)] shall by law provide for the punishment of persons found guilty of high treason.

PART II

Fundamental Rights and Principles of Policy

7. Definition of the State. In this Part, unless the context otherwise requires, "the State" means the Federal Government, ⁵[Majlis-e-Shoora (Parliament)], a Provincial Government, a Provincial Assembly, and such local or other authorities in Pakistan as are by law empowered to impose any tax or cess.

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

²Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s.4, for "clause (1)".

³Ins. ibid.

⁴New clause (2A) ins. ibid.

⁵Subs. by the Revival of the Constitution of 1973 Order, 1985 (P.O. No. 14 of 1985), Art. 2 and Sch., for "Parliament".

CHAPTER I.– FUNDAMENTAL RIGHTS

8. Laws inconsistent with or in derogation of Fundamental Rights to be void.-(1) Any law, or any custom or usage having the force of law, in so far as it is inconsistent with the rights conferred by this Chapter, shall, to the extent of such inconsistency, be void.

(2) The State shall not make any law which takes away or abridges the rights so conferred and any law made in contravention of this clause shall, to the extent of such contravention, be void.

(3) The Provisions of this Article shall not apply to—

(a) any law relating to members of the Armed Forces, or of the police or of such other forces as are charged with the maintenance of public order, for the purpose of ensuring the proper discharge of their duties or the maintenance of discipline among them; or

¹[(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 no such law nor any provision thereof shall be void on the ground that such law or provision is inconsistent with, or repugnant to, any provision of this Chapter.

(4) Notwithstanding anything contained in paragraph (b) of clause (3), within a period of two years from the commencing day, the appropriate Legislature shall bring the laws specified in ²[Part II of the First Schedule] into conformity with the rights conferred by this Chapter :

Provided that the appropriate Legislature may by resolution extend the said period of two years by a period not exceeding six months.

Explanation.– If in respect of any law ³[Majlis-e-Shoora (Parliament)] is the appropriate Legislature, such resolution shall be a resolution of the National Assembly.

(5) The rights conferred by this Chapter shall not be suspended except as expressly provided by the Constitution.

9. Security of person. No person shall be deprived of life or liberty save in accordance with law.

10. Safeguards as to arrest and detention.-(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice.

¹Subs. by the Constitution (Fourth Amdt.) Act, 1975 (71 of 1975), s. 2, for "paragraph (b)", (w.e.f the 21st November, 1985), which was previously amended by Act 33 of 1974, s. 3, (w.e.f 4th May, 1974).

²Subs. by the Constitution (Fourth Amdt.) Act, 1975 (71 of 1975), s. 2, for "the First Schedule, not being a law which relates to, or is connected with, economic reforms."

³Subs. by the Revival of the Constitution of 1973 Order, 1985 (P.O. No. 14 of 1985), Art. 2 and Sch., for "Parliament".

(2) Every person who is arrested and detained in custody shall be produced before a magistrate within a period of twenty-four hours of such arrest, excluding the time necessary for the journey from the place of arrest to the court of the nearest magistrate, and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

(3) Nothing in clauses (1) and (2) shall apply to any person who is arrested or detained under any law providing for preventive detention.

(4) No law providing for preventive detention shall be made except to deal with persons acting in a manner prejudicial to the integrity, security or defence of Pakistan or any part thereof, or external affairs of Pakistan, or public order, or the maintenance of supplies or services, and no such law shall authorize the detention of a person for a period exceeding ¹[three months] unless the appropriate Review Board has, after affording him an opportunity of being heard in person, reviewed his case and reported, before the expiration of the said period, that there is, in its opinion, sufficient cause for such detention, and, if the detention is continued after the said period of ¹[three months], unless the appropriate Review Board has reviewed his case and reported, before the expiration of each period of three months, that there is, in its opinion, sufficient cause for such detention.

Explanation I.— In this Article, "the appropriate Review Board" means,—

- (i) in the case of a person detained under a Federal law, a Board appointed by the Chief Justice of Pakistan and consisting of a Chairman and two other persons, each of whom is or has been a Judge of the Supreme Court or a High Court; and
- (ii) in the case of a person detained under a Provincial law, a Board appointed by the Chief Justice of the High Court concerned and consisting of a Chairman and two other persons, each of whom is or has been a Judge of a High Court.

Explanation II.—The opinion of a Review Board shall be expressed in terms of the views of the majority of its members.

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, ²[within fifteen days] from such detention, communicate to such person the grounds on which the order has been made, and shall afford him the earliest opportunity of making a representation against the order :

Provided that the authority making any such order may refuse to disclose facts which such authority considers it to be against the public interest to disclose.

(6) The authority making the order shall furnish to the appropriate Review Board all documents relevant to the case unless a certificate, signed by a Secretary to the Government concerned, to the effect that it is not in the public interest to furnish any documents, is produced.

(7) Within a period of twenty-four months commencing on the day of his first detention in pursuance of an order made under a law providing for preventive detention, no person shall be detained in pursuance of any such order for more than a total period of eight months in the case of a person detained for acting in a manner prejudicial to public order and twelve months in any other case :

¹Subs. by the Constitution (Third Amdt.) Act, 1975 (22 of 1975), s. 2, for "one month" (w.e.f. the 13th February, 1975).

²Subs. *ibid.*, for "as soon as may be, but not later than one week" (w.e.f. the 13th February, 1975).

Provided that this clause shall not apply to any person who is employed by, or works for, or acts on instructions received from, the enemy ¹[, or who is acting or attempting to act in a manner prejudicial to the integrity, security or defence of Pakistan or any part thereof or who commits or attempts to commit any act which amounts to an anti-national activity as defined in a Federal law or is a member of any association which has for its objects, or which indulges in, any such anti national activity].

(8) The appropriate Review Board shall determine the place of detention of the person detained and fix a reasonable subsistence allowance for his family.

(9) Nothing in this Article shall apply to any person who for the time being is an enemy alien.

²[**10A. Right to fair trial.** For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due process.]

11. Slavery, forced labour, etc., prohibited.—(1) Slavery is non-existent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form.

(2) All forms of forced labour and traffic in human beings are prohibited.

(3) No child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment.

(4) Nothing in this Article shall be deemed to affect compulsory service—

(a) by any person undergoing punishment for an offence against any law; or

(b) required by any law for public purpose:

Provided that no compulsory service shall be of a cruel nature or incompatible with human dignity.

12. Protection against retrospective punishment.—(1) No law shall authorize the punishment of a person—

(a) for an act or omission that was not punishable by law at the time of the act or omission; or

(b) for an offence by a penalty greater than, or of a kind different from, the penalty prescribed by law for that offence at the time the offence was committed.

(2) Nothing in clause (1) or in Article 270 shall apply to any law making acts of abrogation or subversion of a Constitution in force in Pakistan at any time since the twenty-third day of March, one thousand nine hundred and fifty-six, an offence.

13. Protection against double punishment and self-incrimination. No person—

(a) shall be prosecuted or punished for the same offence more than once; or

(b) shall, when accused of an offence, be compelled to be a witness against himself.

¹ Added by the Constitution (Third Amdt.) Act, 1975 (22 of 1975), s. 2.

²New Article 10 A ins. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 5.

14. Inviolability of dignity of man, etc.—(1) The dignity of man and, subject to law, the privacy of home, shall be inviolable.

(2) No person shall be subjected to torture for the purpose of extracting evidence.

15. Freedom of movement, etc. Every citizen shall have the right to remain in, and, subject to any reasonable restriction imposed by law in the public interest, enter and move freely throughout Pakistan and to reside and settle in any part thereof.

16. Freedom of assembly. Every citizen shall have the right to assemble peacefully and without arms, subject to any reasonable restrictions imposed by law in the interest of public order.

¹[**17. Freedom of association.**—(1) Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality.

(2) Every citizen, not being in the service of Pakistan, shall have the right to form or be a member of a political party, subject to any reasonable restrictions imposed by law in the interest of the sovereignty or integrity of Pakistan and such law shall provide that where the Federal Government declares that any political party has been formed or is operating in a manner prejudicial to the sovereignty or integrity of Pakistan, the Federal Government shall, within fifteen days of such declaration, refer the matter to the Supreme Court whose decision on such reference shall be final.

(3) Every political party shall account for the source of its funds in accordance with law.]

18. Freedom of trade, business or profession. Subject to such qualifications, if any, as may be prescribed by law, every citizen shall have the right to enter upon any lawful profession or occupation, and to conduct any lawful trade or business:

Provided that nothing in this Article shall prevent—

- (a) the regulation of any trade or profession by a licensing system; or
- (b) the regulation of trade, commerce or industry in the interest of free competition therein; or
- (c) the carrying on, by the Federal Government or a Provincial Government, or by a corporation controlled by any such Government, of any trade, business, industry or service, to the exclusion, complete or partial, of other persons.

19. Freedom of speech, etc. Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, ²[commission of] or incitement to an offence.

¹Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 6, for "Article 17".

²Subs. by the Constitution (Fourth Amdt.) Act, 1975 (71 of 1975), s. 4, for "defamation" (w.e.f the 21st November, 1975).

¹[**19A. Right to information.** Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law].

20. Freedom to profess religion and to manage religious institutions. Subject to law, public order and morality,—

- (a) every citizen shall have the right to profess, practise and propagate his religion; and
- (b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.

21. Safeguard against taxation for purposes of any particular religion. No person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion other than his own.

22. Safeguards as to educational institutions in respect of religion, etc.—(1) No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own.

(2) In respect of any religious institution, there shall be no discrimination against any community in the granting of exemption or concession in relation to taxation.

(3) Subject to law,

- (a) no religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination; and
- (b) no citizen shall be denied admission to any educational institution receiving aid from public revenues on the ground only of race, religion, caste or place of birth.

(4) Nothing in this Article shall prevent any public authority from making provision for the advancement of any socially or educationally backward class of citizens.

23. Provision as to property. Every citizen shall have the right to acquire, hold and dispose of property in any part of Pakistan, subject to the Constitution and any reasonable restrictions imposed by law in the public interest.

24. Protection of property rights.—(1) No person shall be deprived of his property save in accordance with law.

(2) No property shall be compulsorily acquired or taken possession of save for a public purpose, and save by the authority of law which provides for compensation therefor and either fixes the amount of compensation or specifies the principles on and the manner in which compensation is to be determined and given.

¹New Article 19A ins. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 7.

(3) Nothing in this Article shall affect the validity of—

- (a) any law permitting the compulsory acquisition or taking possession of any property for preventing danger to life, property or public health; or
- (b) any law permitting the taking over of any property which has been acquired by, or come into the possession of, any person by any unfair means, or in any manner, contrary to law; or
- (c) any law relating to the acquisition, administration or disposal of any property which is or is deemed to be enemy property or evacuee property under any law (not being property which has ceased to be evacuee property under any law); or
- (d) any law providing for the taking over of the management of any property by the State for a limited period, either in the public interest or in order to secure the proper management of the property, or for the benefit of its owner; or
- (e) any law providing for the acquisition of any class of property for the purpose of—
 - (i) providing education and medical aid to all or any specified class of citizens; or
 - (ii) providing housing and public facilities and services such as roads, water supply, sewerage, gas and electric power to all or any specified class of citizens; or
 - (iii) providing maintenance to those who, on account of unemployment, sickness, infirmity or old age, are unable to maintain themselves; or
- (f) any existing law or any law made in pursuance of Article 253.

(4) The adequacy or otherwise of any compensation provided for by any such law as is referred to in this Article, or determined in pursuance thereof, shall not be called in question in any court.

25. Equality of citizens.—(1) All citizens are equal before law and are entitled to equal protection of law.

(2) There shall be no discrimination on the basis of sex^{1*}.

(3) Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.

²[**25A. Right to education.** The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law.]

¹The word "alone" omitted by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 8.

²New Article 25A ins. *ibid.*, s. 9.

26. Non-discrimination in respect of access to public places.—(1) In respect of access to places of public entertainment or resort, not intended for religious purposes only, there shall be no discrimination against any citizen on the ground only of race, religion, caste, sex, residence or place of birth.

(2) Nothing in clause (1) shall prevent the State from making any special provision for women and children.

27. Safeguard against discrimination in services.—(1) No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth:

Provided that, for a period not exceeding ¹[forty] years from the commencing day, posts may be reserved for persons belonging to any class or area to secure their adequate representation in the service of Pakistan:

Provided further that, in the interest of the said service, specified posts or services may be reserved for members of either sex if such posts or services entail the performance of duties and functions which cannot be adequately performed by members of the other sex ²[:]

³[Provided also that under-representation of any class or area in the service of Pakistan may be redressed in such manner as may be determined by an Act of Majlis-e-Shoora (Parliament)].

(2) Nothing in clause (1) shall prevent any Provincial Government, or any local or other authority in a Province, from prescribing, in relation to any post or class of service under that Government or authority, conditions as to residence in the Province, for a period not exceeding three years, prior to appointment under that Government or authority.

28. Preservation of language, script and culture. Subject to Article 251 any section of citizens having a distinct language, script or culture shall have the right to preserve and promote the same and subject to law, establish institutions for that purpose.

CHAPTER 2.— PRINCIPLES OF POLICY

29. Principles of Policy.—(1) The Principles set out in this Chapter shall be known as the Principles of Policy, and it is the responsibility of each organ and authority of the State, and of each person performing functions on behalf of an organ or authority of the State, to act in accordance with those Principles in so far as they relate to the functions of the organ or authority.

(2) In so far as the observance of any particular Principle of Policy may be dependent upon resources being available for the purpose, the Principle shall be regarded as being subject to the availability of resources.

¹Subs. and shall be deemed always to have been so subs. by the Constitution (Sixteenth Amendment) Act, 1999 (7 of 1999), s. 2, for "twenty", which was previously subs. by P.O. No. 14 of 1985, Art. 2 and Sch., for "ten".

²Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 10, for the full-stop.

³New proviso ins. *ibid.*

(3) In respect of each year, the President in relation to the affairs of the Federation, and the Governor of each Province in relation to the affairs of his Province, shall cause to be prepared and laid before ¹[each House of Majlis-e-Shoora (Parliament)] or, as the case may be, the Provincial Assembly, a report on the observance and implementation of the Principles of Policy, and provision shall be made in the rules of procedure of the National Assembly ²[and the Senate] or, as the case may be, the Provincial Assembly, for discussion on such report.

30. Responsibility with respect to Principles of Policy.—(1) The responsibility of deciding whether any action of an organ or authority of the State, or of a person performing functions on behalf of an organ or authority of the State, is in accordance with the Principles of Policy is that of the organ or authority of the State, or of the person, concerned.

(2) The validity of an action or of a law shall not be called in question on the ground that it is not in accordance with the Principles of Policy, and no action shall lie against the State, any organ or authority of the State or any person on such ground.

31. Islamic way of life.—(1) Steps shall be taken to enable the Muslims of Pakistan, individually and collectively, to order their lives in accordance with the fundamental principles and basic concepts of Islam and to provide facilities whereby they may be enabled to understand the meaning of life according to the Holy Quran and Sunnah.

(2) The State shall endeavour, as respects the Muslims of Pakistan,—

(a) to make the teaching of the Holy Quran and Islamiat compulsory, to encourage and facilitate the learning of Arabic language and to secure correct and exact printing and publishing of the Holy Quran;

(b) to promote unity and the observance of the Islamic moral standards; and

(c) to secure the proper organisation of *zakat* ³[*ushr*,] *auqaf* and mosques.

32. Promotion of local Government institutions. The State shall encourage local Government institutions composed of elected representatives of the areas concerned and in such institutions special representation will be given to peasants, workers and women.

33. Parochial and other similar prejudices to be discouraged. The State shall discourage parochial, racial, tribal, sectarian and provincial prejudices among the citizens.

34. Full participation of women in national life. Steps shall be taken to ensure full participation of women in all spheres of national life.

35. Protection of family, etc. The State shall protect the marriage, the family, the mother and the child.

36. Protection of minorities. The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services.

¹Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 11, for "the National Assembly".

²Ins. *ibid*.

³Ins. by P.O. No. 14 of 1985, Art. 2 and Sch.

37. Promotion of social justice and eradication of social evils. The State shall—

- (a) promote, with special care, the educational and economic interests of backward classes or areas;
- (b) remove illiteracy and provide free and compulsory secondary education within minimum possible period;
- (c) make technical and professional education generally available and higher education equally accessible to all on the basis of merit;
- (d) ensure inexpensive and expeditious justice;
- (e) make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment;
- (f) enable the people of different areas, through education, training, agricultural and industrial development and other methods, to participate fully in all forms of national activities, including employment in the service of Pakistan;
- (g) prevent prostitution, gambling and taking of injurious drugs, printing, publication, circulation and display of obscene literature and advertisements;
- (h) prevent the consumption of alcoholic liquor otherwise than for medicinal and, in the case of non-Muslims, religious purposes; and
- (i) decentralise the Government administration so as to facilitate expeditious disposal of its business to meet the convenience and requirements of the public.

38. Promotion of social and economic well being of the people. The State shall—

- (a) secure the well-being of the people, irrespective of sex, caste, creed or race, by raising their standard of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriment of general interest and by ensuring equitable adjustment of rights between employers and employees, and landlords and tenants;
- (b) provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure;
- (c) provide for all persons employed in the service of Pakistan or otherwise, social security by compulsory social insurance or other means;
- (d) provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment;

(e) reduce disparity in the income and earnings of individuals, including persons in the various classes of the service of Pakistan;^{1*}

(f) eliminate *riba* as early as possible²[; and]

³[(g) ensure that the shares of the Provinces in all Federal services, including autonomous bodies and corporations established by, or under the control of, the Federal Government, shall be secured and any omission in the allocation of the shares of the Provinces in the past shall be rectified.]

39. Participation of people in Armed Forces. The State shall enable people from all parts of Pakistan to participate in the Armed Forces of Pakistan.

40. Strengthening bonds with Muslim world and promoting international peace. The State shall endeavour to preserve and strengthen fraternal relations among Muslim countries based on Islamic unity, support the common interests of the peoples of Asia, Africa and Latin America, promote international peace and security, foster goodwill and friendly relations among all nations and encourage the settlement of international disputes by peaceful means.

PART III

The Federation of Pakistan

CHAPTER I

THE PRESIDENT

41. The President.—(1) There shall be a President of Pakistan who shall be the Head of State and shall represent the unity of the Republic.

(2) A person shall not be qualified for election as President unless he is a Muslim of not less than forty-five years of age and is qualified to be elected as member of the National Assembly.

⁴[(3) The President⁵* * * shall be elected in accordance with the provisions of the Second Schedule by the members of an electoral college consisting of—

(a) the members of both Houses; and

(b) the members of the Provincial Assemblies.]

(4) Election to the office of President shall be held not earlier than sixty days and not later than thirty days before the expiration of the term of the President in office:

Provided that, if the election cannot be held within the period aforesaid because the National Assembly is dissolved, it shall be held within thirty days of the general election to the Assembly.

¹The word "and" omitted by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 12.

²Subs. *ibid*; for the full-stop.

³New paragraph (g) added *ibid*.

⁴Subs. by P. O. No. 14 of 1985, Art. 2 and Sch., for "clause (3)".

⁵Certain words omitted by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 13.

(5) An election to fill a vacancy in the office of President shall be held not later than thirty days from the occurrence of the vacancy:

Provided that, if the election cannot be held within the period aforesaid because the National Assembly is dissolved, it shall be held within thirty days of the general election to the Assembly.

(6) The validity of the election of the President shall not be called in question by or before any court or other authority.

1* * * * *

42. Oath of President. Before entering upon office, the President shall make before the Chief Justice of Pakistan oath in the form set out in the Third Schedule.

43. Conditions of President's office. (1) The President shall not hold any office of profit in the service of Pakistan or occupy any other position carrying the right to remuneration for the rendering of services.

(2) The President shall not be a candidate for election as a member of ²[Majlis-e-Shoora (Parliament)] or a Provincial assembly; and, if a member of ²[Majlis-e-Shoora (Parliament)] or a Provincial Assembly is elected as President, his seat in ²[Majlis-e-Shoora (Parliament)] or, as the case may be, the Provincial Assembly shall become vacant on the day he enters upon his office.

44. Term of office of President. (1) Subject to the Constitution, the President shall hold office for a term of five years from the day he enters upon his office :

Provided that the President shall, notwithstanding the expiration of his terms, continue to hold office until his successor enters upon his office.

(2) Subject to the Constitution, a person holding office as President shall be eligible for re-election to that office, but no person shall hold that office for more than two consecutive terms.

(3) The President may, by writing under his hand addressed to the Speaker of the National Assembly, resign his office.

45. President's power to grant pardon, etc. The President shall have power to grant pardon, reprieve and respite, and to remit, suspend or commute any sentence passed by any court, tribunal or other authority.

¹Clauses (7) to (9) omitted by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 13.

²Subs. by the Revival of the Constitution of 1973 Order, 1985 (P.O. No. 14 of 1985), Art. 2 and Sch., for "Parliament".

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

47. Removal ²[or impeachment] of President. ³[(1) Notwithstanding anything contained in the Constitution, the President may, in accordance with the provisions of this Article, be removed from office on the ground of physical or mental incapacity or impeached on a charge of violating the Constitution or gross misconduct.

(2) Not less than one-half of the total membership of either House may give to the Speaker of the National Assembly or, as the case may be, the Chairman written notice of its intention to move a resolution for the removal of, or, as the case may be, to impeach, the President; and such notice shall set out the particulars of his incapacity or of the charge against him.]

(3) If a notice under clause (2) is received by the Chairman, he shall transmit it forthwith to the Speaker.

(4) The Speaker shall, within three days of the receipt of a notice under clause (2) or clause (3), cause a copy of the notice to be transmitted to the President.

(5) The Speaker shall summon the two Houses to meet in a joint sitting not earlier than seven days and not later than fourteen days after the receipt of the notice by him.

(6) The joint sitting may investigate or cause to be investigated the ground or the charge upon which the notice is founded.

(7) The President shall have the right to appear and be represented during the investigation, if any, and before the joint sitting.

(8) If, after consideration of the result of the investigation, if any, a resolution is passed at the joint sitting by the votes of not less than two-thirds of the total membership of ⁴[Majlis-e-Shoora (Parliament)] declaring that the President is unfit to hold the office due to incapacity or is guilty of violating the Constitution or of gross misconduct, the President shall cease to hold office immediately on the passing of the resolution.

¹Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 14, for "Article 46".

²Ins. by the P.O. 14 of 1985, Art 2, and Sch.

³Subs. *ibid.*, for "clauses (1) and (2)".

⁴Subs. by the Revival of the Constitution of 1973 Order, 1985 (P.O. No. 14 of 1985), Art. 2 and Sch., for "Parliament".

