

CONTENTS

PREFACE	2
LFO IN A HISTORICAL PERSPECTIVE	4
REFERENDUM – Facts and Consequences	11
ELECTIONS UNDER THE LFO?	23
A HISTORY OF TRANSITION FROM MILITARY TO CIVIL RULE	26
CHECKS WITH NO BALANCE	29
NSC – THE TURKISH MODEL	32
LFO AND THE COMMON MAN	34
THE RESISTANCE FROM PARLIAMENT	37
A PARTING THOUGHT	41
APPENDICES	
TEXT OF THE LFO	43
COMPARATIVE STATEMENT OF AMENDMENTS PROPOSED BY THE LFO AND THE EXISTING CONSTITUTIONAL PROVISIONS	60
CENTRAL STATUTES	129

PREFACE

This book is not purely a legal exposé of the legal framework order 2002, but this is an attempt to show in the historic perspective that when systems constitutions and institutions are tailored to suit individual, they never out live the individual. Secondly, it attempts to show the manner in which the LFO changes the basic structure of the constitution of 1973 from federal, parliamentary and democratic one into a quasi-presidential form of government.

Pakistan in its political history has been subjected to four full-fledged Martial Laws namely:

1. 1958 imposed by General Ayub Khan.
2. 1969 imposed by General Agha Muhammad Yahya Khan.
3. 1977 imposed by General Zia ul Haq.
4. 1999 imposed by General Pervez Musharraf.

The story of interruption of the democratic system does not end here. There were also two mini Martial Laws namely:

1. 1953 imposed by Federal Government to suppress the anti-Ahmediya agitation.
2. 1977 imposed by Federal Government under Article 245 of the Constitution, 1973 in some of the large cities of the country.

And, then there was the indiscriminate use of Article 58 (2) (b) by the President of Pakistan where duly elected Governments enjoying majority on the floor of the National Assembly were dismissed.

1. 1988 Prime Minister Jonejo was dismissed by President Zia ul Haq.
2. 1990 Prime Minister Benazir Bhutto was dismissed by President Ghulam Ishaq Khan.
3. 1993 Prime Minister Nawaz Shariff was dismissed by President Ghulam Ishaq Khan.
4. 1996 Prime Minister Benazir Bhutto was dismissed by President Farooq Ahmad Laghari.

In addition is the removal of Nawaz Shariff when his Government and the Assembly were restored by the Supreme Court after his dismissal in 1993, but this time the president was also a casualty. With this record of continuity, the nation, after 55 years of its existence, is still in search of its moorings.

The Federation is at the edge of the precipices. To resurrect it, a realistic and dispassionate appraisal of facts, individuals and institutions is required. In the 55 years of Pakistan the whipping horse of our society has been the politician, with each derailment

LFO A FRAUD ON THE CONSTITUTION

the catch words are priorities were the same but the decay of society continues. The reason being that in our evaluation of the stakeholders we minimize role of the vested interest. Pressure groups and the institutional interests that exert authority in our polity. For the survival of each individual and institution has the moral courage to admit its part in the degeneration of society.

The hatred, animosity and venom of the past must give way to mutual understanding, confidence and respect for the rights of each other. It is only then that the Federation can prosper and the dreams of its people realized.

In conclusion, the effort of the Mr. Haroon Rashid, Mr. Shamim ur Rehman, Syed Ansar Hussain Gillani and Mr. Jaffar Raza are appreciated in the printing of this book. I also thank my family for being patient and standing by me, which really has made the writing of this book and my struggle that, much easier.

LFO IN A HISTORICAL PERSPECTIVE

The Pakistani people struggle for parliamentary democracy, federalism, independence of the judiciary, provisional autonomy, economic, political, cultural and fundamental human rights, the right of equality before law and, more so, the right to be the masters of their own destiny. The struggle has met with resistance from the civil-military bureaucracy in collusion with internal reactionaries supported by other institutional or individual interest, for example the judiciary. The struggle for these rights in the changed world circumstances has become more complex, as direct concerns of national security and economic interest of foreign power become more pronounced in my country. It is in the context that the LFO and the adamant refusal to denying Parliamentary scrutiny to it have to be viewed.

One of the many reasons for not bringing the LFO on the floor of Parliament is that under the umbrella of Article 270AA, financial institutions have been restructured, labor has been retrenched, financial laws have been altered, income tax laws amended, custom duties recast, petroleum pricing mechanism deregulated and utility charges subjected to periodical increases to meet the conditions of the military regime is not the people's agenda.

It is unfortunate that in Pakistan political questions have been sent to the judiciary for arbitration and in all instances it has inter-acted with the stakeholder other than those who represent the people. The Supreme Court under the constitution can only interpret the constitution and not amend it, therefore, when the Apex Court does not have the power itself how can it confer it on an individual. In the alternative even if the power was given, as in Begun Nusrat Bhutto's case, it was limited, as reproduced below. It is a matter of record that Zia brought the English Amendment before Parliament.

“ We are of the considered view that if the Parliament cannot alter the basic feature of the Constitution as held by this Court in Achakzai's Case (supra), power to amend the Constitution cannot be conferred on the Chief Executive of the measure larger than that which could be exercised by the Parliament. Clearly, unbridled powers to amend the constitutions cannot be given to the Chief Executive even during the transitional period even on the touchstone of State Necessity. We have stated in unambiguous term in the short order that the Constitution of Pakistan is the supreme law of the land and its basic features, i.e. independence of the judiciary, federalism and parliamentary form of government blended with Islamic Provision cannot be altered even by the Parliament. Resultantly, the power of the Chief Executive to amend the Constitution is strictly circumscribed by the limitations laid down in the short Order vide sub-paragraph (i) to (vii) of paragraph 6” (Zafar Ali Shab's Case)

It is on this basis that the military regime and its continuation, the PML (Q) justify the LFO, but this judgment also does not give the authority to the Chief Executive to amend the Constitution without restrain and deny Parliament its right.

Before we go further, let us examine as to what is the crux of Pakistan's problem? It may sound all too simple but in actual fact it is, “the denial and lack of sanctity attached to the

expression of the will of the people? To be governed in accordance with the Constitution through their elected representatives, in a society where the principles of democracy, freedom, equality, tolerance and social justice are observed. The state ensures the elimination of all forms of exploitation and ensures the implementation of the principle, “from each according to his ability, to each according to his work.” These principles are enunciated in the Preamble of the Constitution and the Objectives Resolution, which is Article 2A, and in Article 3, 4 and 5 of the Constitution.

The next question is how do the people seek translation of their will? It is evident from their long and arduous struggle against civil and military dictatorship. They have and continue to strive for the restoration of the democratic process, rule of law and the enforcement of the Constitution, i.e., a federal parliamentary democracy. It is the continuous negation in history of this intent of the people that has given birth to the crises of civil society and the state. In furtherance of this objective the power elite has resorted to compromise, corruption, and abuse of power, favoritism and nepotism. These are the ills that have permutated into the body polity and fiber of our society.

In the pages of Pakistan’s turbulent political history, the politician cannot be singled out for the failure of the system or derailment of democracy. On the contrary, at times, he is the victim of the nexus between the civil – military bureaucracy assisted by Judgments rendered by certain individuals in the Judiciary. There is also the element of nexus between the civil – military bureaucracy and the right - wing religious parties. History does not hold the politician alone responsible.

Since independence, two members of the elite power lobby, namely the civil – military bureaucracy and the fundamentalists, have initiated and maintained a systematic and scientific campaign against the political worker. The purpose is to monopolies policy formation and the decision making process, to enter and consolidate power through the back door. The electoral history of Pakistan shows that the fundamentalists have never, except in 2002, polled more than 3 % of the votes cast in any general election. Thus, their assent to power through a free and fair election is a far cry, these giving rises to the discrediting and eliminating the genuine political forces in order to maintain and attain state power. The equation between this power broker has been spelled out in the last few days, but in order to understand it completely its continuity in history has to be understood.

On the 24th October 1954, the then Governor-General, Ghulam Muhammad, a bureaucrat, through a Proclamation dissolved the Constituent Assembly that was drafting a Constitution. The pretext for the dissolution was, the Assembly had become unrepresentative; the reason for the dissolution was, the Assembly was going to clip the power of the Governor-General, to prevent him from dismissing a Ministry through enjoyed the confidence of the majority on the floor and to wrest power from the bureaucracy. This was to be done through the 3rd, 4th and 5th Amendment Acts, 1954 to The Government of India Act.

On the 25th October 1954, Ghulam Mohammad moved to reconstitute his Council of Ministers. The President of the Constituent Assembly, Maulvi Tamizuddin Khan, moved the Chief Court of Sindh against the Federation of Pakistan through a Writ of Mandamus, seeking to restrain the enforcement of the Proclamation of dissolution. A Full Bench of the Chief Court of Sindh held that the dissolution of the Assembly was a nullity in law;

the Assembly and the Office of the President of the Assembly existed. The Order also dealt with the power of the Governor-General.

The Federation of Pakistan went into appeal against the said Order. A Full Bench of the Court of Pakistan held that section 223-A of The Government of India Act, under which the Chief Court of Sindh had assumed jurisdiction to issue Writs, had not been assented to by the Governor-General, therefore, the court had no jurisdiction to issue the Writ. The main judgment was written by Muhammad Munir, CJ while Cornelius J. dissented. The first derailment had taken place through a bureaucrat, supplemented by Chief Justice Munir, as he then was who gave it validity. Maulvi Tamizuddin's case was a turning point in our constitutional history.

In the wake of the Constitutional vacuum created by Maulvi Tamizuddin case, the Governor-General sought to validate various Acts of the Constituent Assembly by issuing The Emergency Powers Ordinance (IX of 1955). This act was adjudicated in Usif Patel's case. The Court held that the power to legislate for making provisions in the Constitution could be exercised only by the Constituent Assembly. The Governor-General was not competent to issue an Ordinance on a constitutional matter. The Court also expressed disappointment that the Ordinance made no reference to elections. As a counter move, the Governor-General made a Reference to the Federal Court, being Special Reference No. 1 of 1955. This was answered on 16th May 1955, wherein the Court reiterated its earlier position in the Tamizuddin case and held that the Governor-General had the power to validate laws under the Common Law of Civil and State Necessity. The Court held that it was the duty of the Governor-General to bring into existence a representative Assembly. He could not nominate persons but only determine the manner in which they are chosen. The new Assembly would be competent to excise powers conferred by the Indian Independence Act, 1947, on the Constitution Assembly.

A new Constituent Assembly came into being on the 7th July, 1955. The Assembly adopted the Constitution Bill on the 29th February 1956. Major General Iskandar Mirza was elected as President designate. Mirza was a ruthless bureaucrat. The nexus persisted; he appointed Ch. Mohammad Ali, a former head of the civil service, as Prime Minister. Ch. Mohammad Ali was not allowed a free hand; as a result, he resigned. Mr. Hussain Shahid Suharwardy was elected as Prime Minister in September 1956 at the head of a coalition Government. As he made efforts to forge an alliance with the members of the Punjab and advised the President to summon the Assembly he was compelled to resign in October 1957. The reason being that like Ghulam Mohammad, Mirza felt that decision making would shift to the Assembly to the exclusion of his Office. The common factor in both the cases is the challenge to the power of the individual, both bureaucrats, working in opposition to the Assembly.

In the next shift Malik Feroz Khan Noon was appointed Prime Minister, under the patronage of the President. In the meantime, he also hatched another intrigue in what was then East Pakistan to place his men in position. A vote of no confidence was tabled against the Speaker of the National Assembly on the 3rd September 1958; the move had the blessings of Skindar Mirza. An engineered assault was made on the Deputy Speaker, who died a few days later. On 7th October 1958, the President abrogated the Constitution he had given assent to. The proclamation dismissed the Central and Provisional Governments, dissolved the National and Provisional Assemblies and banned all political parties. Martial Law was imposed. General Ayub Khan, the Army Commander – in-

Chief, became the Chief Martial Administrator. The civil and military oligarchies had completed the take-over.

The Supreme Court of Pakistan, with Justice Mohammad Munir as the Chief Justice, on 27th October, 1958, while deciding four Criminal Appeals, accepted the coup d'état and gave it legal sanctity, which was never the issue in the said Appeals (as the power to amend the Constitution was given in Zafar Ali Shah's case when it was not prayed for.) in Dosso's case. On the next day of the judgment, President Mirza resigned in response to a message delivered by three Cabinet Ministers, all Lieutenant Generals, and Ayub assumed the office of the President. The Judgments delivered by CJ Mohammad Munir in the Maulvi Tamizuddin Khan Case, Governor-Generals Reference No. 1 of 1955 and in the Dosso case had a tremendous bearing on the constitutional development of Pakistan. The derailment of democracy and the denial of the will of the people, which commenced in 1954 continued and was sanctified at every step.

The nexus between the various power elites during that period is spelt out in the book, FRIENDS NOT MASTERS, and also in an article of Justice Munir, in The Pakistan Times of September, 1968 from which it comes to light that the drafting of the laws (Continuation in Force) Order promulgated by the Martial Law regime of Iskandar Mirza, to which his bench later gave validity, was in his knowledge. It is also a matter of record that Ayub Khan appointed Justice (rtd.) Munir as his first Law Minister under the 1962 Constitution a tradition that was kept up later when justice Anwar ul Haq was appointed Chief Justice replacing Yaqub Ali during Shaheed Bhutto's trial and now under the LFO the retirement age of the judges has been extended for three years.

Ayub Khan gave the 1962 Constitution along with his "decade of reforms." The accumulative effect of the Ayub era was that Pakistani history saw the greatest uprising of the people against his economic and political policies. Shaheed Bhutto led the revolution of the people As a consequence, on 25th March 1969; in an address to the nation Ayub admitted his rejection by the people of Pakistan. He wrote to General Yahya Khan, calling upon him to discharge his "constitutional and legal duty." Yahya acted promptly and by a Proclamation issued on 26th March 1969, abrogated the Constitution, dissolved the National and Provincial Assemblies and imposed Martial Law. Yet again the author of the Constitution presided over its abrogation.

General Yahya on 31st March 1969 promulgated the Provisional Constitution Order on the lines of the Laws (Continuance in Force) Order, 1958. In June of the same year a Full Bench of West Pakistan High Court in the case of Mir Hassan & others Vs. The State declared that, the action of any authority including the Martial Law Authorities had to have the backing of a constitutional provision. As a consequence of this Judgment the CMLA promulgated an Order called The Jurisdiction of Courts (Removal of Doubts) Order of 1969. This Order took away the jurisdiction of the Superior Courts with retrospective effect. There was no judicial protest against the Order.

Elections were held in December 1970 by Yahya under the legal Framework Order, which was promulgated on 30th March 1970. The events that followed are a tragic part of our history, reflecting our resistance to devolution of power and failure to recognize the economic and political rights of the Units that makeup the Federation. As a consequence of these events, Yahya was forced to step down and detained. Shaheed Bhutto was asked to take over, being the leader of the majority Party, as the President and Chief Martial Law Administrator on 20th December 1971. The National Assembly met and gave him a

vote of confidence, an Interim Constitution was adopted by the National Assembly on 17th April, 1972, and Mr. Bhutto was inducted as President under the Constitution. The Supreme Court of Pakistan in the case of State Vs. Zia ur Rehman gave legitimacy to the Government and validity to the then Constitution. It also held that the National Assembly, as it then was, had the authority to frame a Constitution. This led to the unanimous passage of the 1973 Constitution.

Malik Ghulam Gilani, a member of the National Assembly, and Mr. Altaf Gauhar were arrested and detained under orders of the Martial Law Administrator in December 1971 and February 1972, respectively. Ms Asma Jilani and Ms Zarina Gauhar challenged the arrests in the High Courts; their Petition was dismissed. They filed an appeal at the Supreme Court where both the appeals were disposed of by a single Judgment in Ms Asma Jilani's case. The decision in the Dosso case was overruled; the Court sat a great wrong to the people of Pakistan right and held that Yahya was a usurper; the statement of law contained in the Dosso case was not correct law and had led the country to deviation. Justice Yaqoob Ali made the following observation in Asma Jilani's case:

“----- A country which came into being with a written Constitution providing for a parliamentary form of Government with distribution of State power between the Executive, Legislature, and the Judiciary was soon converted into a autocracy and eventually degenerated into military dictatorship. From now onwards people, who were the recipients of the delegated sovereignty from Almighty, ceased to have any share in the exercise of State powers. -----.”

As a sequel to a United States led international conspiracy the democratically elected Government of Shaheed Bhutto was ousted by a military coup on 5th July 1977. The coup came in the wake of an agreement being arrived at between the PPP and the PNA. General Zia-ul-Haq put the Constitution in “abeyance” and arrested the political leadership of the country. In his address to the nation the director said, “-----My sole aim is to organize free and fair elections, which would be held in October this year---.” Many an October came but it seems the icy wind blew the elections and the will of the people away.

On 27th July 1977, Mr. Bhutto was released only to be rearrested on 3rd September 1977, in Kasuri's murder case. Mr. Justice Samdani granted him bail on 13th September 1977; however, he was rearrested on 17th September 1977. The detention was challenged in the Lahore High Court by Begum Nusrat Bhutto, through W.P NO. 3732 of 1977. A Full Bench on 14th March 1978, directed the regime to produce the detainees in court on 19th March, but the Order of the Court was not complied with. In fact the petition kept pending subsequent to Mr. Bhutto's assassination.

Begum Bhutto also moved the Supreme Court in its original jurisdiction. The matter was taken up for hearing on 20th September 1977; Mr. Justice Yaqub Ali was the Chief Justice. The Court ordered the transfer of Mr. Bhutto and others to Rawalpindi and adjourned the case to 25th September. As a result Zia issued CMLA No. 6 of 1977 on 22nd September, which amended Article 2 of Laws Continuance in Force Order 1977, the effect was that the amendments made to Article 179, 195 and 199 by an Act were deemed not to have been amended and in Article 8 of CMLA No. 1 a new proviso was added the effect of which was that the incumbent of any office who would have retired from office in the absence of the amendments in the Constitution will cease to hold office forthwith.

The purpose behind this exercise was to remove Chief Justice Yaqub Ali and appoint a new Chief Justice, namely Mr. Justice Anwar-ul-Haq.

The new Chief Justice was directly affected by the constitutional amendments. As a result when the Court reassembled on 25th September 1977, there was a new Chief Justice and the orders for the transfer of the detainees were never compiled with.

The case was heard by a Full Bench of the Supreme Court from 20th September till 1st November 1977. Without going into details of the arguments of the case at this stage, the Chief Justice concluded; the Court was not persuaded that the Constitutions of 1962 and 1973 were not valid. There was also no justification for the suppression of the view adopted by the Court in Asma Jilani's case. The crux of the Judgment was,

“Having found the extra-Constitutional step taken by the Armed Forces of Pakistan was justified by requirements of state necessity and welfare of the people it is now necessary to examine its legal consequences.”

In its conclusions the Court was of the view, that the 1973 Constitution was the supreme law of the land subject to the condition that certain parts were held in abeyance; the President and the Superior Courts function under the Constitution, the fact that the Judges have taken a new oath under the PCO does not derogate from this position; the CMLA is entitled to perform all acts and promulgate all legislative measures including the power to amend the Constitution which the judicial authorities recognize as falling within the scope of the law of necessity. The Court did not deem it appropriate to issue any directions for a definite timetable for elections.

Zia defaced the Constitution and made it unique by including his name in the document. The insertion of Article 58(2)(b), by him, saw the dismissal of four elected Governments, the role played by Ghulam Muhammad or Iskandar Mirza and their likes in history. It is interesting to note that in all interruptions of the democratic process the *raison d'être* is the same namely, the political system has failed, the politicians are corrupt, the democratic process has to be on hold till accountability is not carried out, the economy has to be revived and the system responsive to the people has to be brought into existence. History is witness that each has carried out accountability and given his brand of democracy. The 1956 and 1962 Constitutions that gave the “desired” system were asked to be abrogated by their own “authors”. The 1973 Constitution adopted by the genuine political forces has withstood the onslaught of civil and military dictators, having a moral binding that they also shudder to temper with.

The repeated failure of the power elite to arrive at the equilibrium with the main stockholders, i.e., the genuine representatives of the people, has result in the creation of very strong vested interest, such as bank loan defaulters, big business, feudal, drug mafia and fundamentalist. It is their lust of power and desire to maintain the status quo that result in change of patterns and political parties ever so often but seen no change in the system. This is substantiated when you divide our history into the period when country has been under Martial Law or regimes stemming thereof, politicians supported and brought into power through manipulated elections and the genuine political force who come to power through the people. The classic example of the third category is Ms. Bhutto. The resources of the state and its cohesive powers has been used to extend of holding Senator Zardari hostage for seven years in anticipation of a political deal. History repeats itself and the interest of the Pakistan ruling elite coincides with the agenda of international imperialism to keep the people out of politics and Benazir as a

LFO A FRAUD ON THE CONSTITUTION

consequence. To achieve this objective, justice was preserved resulting in the “tape scandal” which involved the trial judge, the then Law Minister and Chairman of Ehtasab Bureau.

The recent past has seen unfolding of an event that has shaken the edifice of Pakistani politics. In the first instance of political creation of the establishment sought more power than the creator themselves; the tussle that ensued exposes and shook the foundation of many institutions. The ruffling yet not settled the international scenario force the establishment to out-wardly disconnects its connections with their old political and ideological allies, the religion right. Subsequent events that have emerged as a consequence of the in-house fight are all too clear and vivid. The purpose of the above discussion was to give a historic connection to the events of the present. In the pages that follow a view of the various implications and effects that will flow from the LFO have been discussed.

In conclusion the purpose is not to shift the blame or responsibility on any one or the other stockholders but after 55years to arrive at a correct synthesis, which is possible when each individual and institution in the power equation of Pakistan admits in public its part in the “betrayal” of the will of the people. For then the nation can look forward to the redressal of the historical wrong done to the Federation and its peoples.

REFERENDUM- Facts and Consequences

The Referendum of General Musharraf to assume the office of President of Pakistan through a Democratic facade is a page out of the manual of military rules in Pakistan. General in Ayub Khan in 1960 and General Zia ul Haq in 1984 sought legitimacy and perpetuated their presidency through a referendum.

It is coincidence of history that General Musharraf's predecessors, Ayub and Zia, obtained a mandate of 97.7% from the Pakistani people. History repeats itself and General Musharraf now claims mandate by 98% of the voters.

The Chief Election Commissioner on 29th April 2002, stated that the number of voters in Pakistan is slightly above 60 millions. While declaring the result of the Referendum on 1st May 2002, he announced that 43.39 million voted and the turnout was over 70%. This pattern is a departure from the past. In the general elections held in 1988 the turnout was 43.07%, in 1990 it was 45.46%, in 1993 it was 40.28% and in 1997 it was 35.42%. Thus the average votes cast in four contested general elections was 40.75%, in the instant case there is an upswing of 29.25%.

The Referendum is devoid of political, moral and legal authority; therefore, the people of Pakistan have rejected it and the consequences that flow therefrom.

1. IN LAW:

- Under the Constitution the President cannot be elected through a Referendum because:
 - a. Article 41 read with the Second Schedule to the Constitution provides for an elaborate system for the election of the President. Together these provide for the time, the electorate, the weightage attached to different votes, and the detailed manner of the election.
 - b. Article 41 (3) specifies the members of the Electoral College to consist of the members of both Houses of Parliament and the members of the Provincial Assemblies.
 - c. A Referendum under Article 48 (6) can only be held on a question of nation importance. The shape of the question should be such that, the answer to it has to be "yes" or "no". It is a question, and not an election. This manner of election would obviate the possibility of a contest between any numbers of candidates. It would thus impinge on the fundamental rights of all the prospective candidates to that office.

LFO A FRAUD ON THE CONSTITUTION

- d. As a Referendum is not an election, therefore, General Musharraf was not subject to the qualifications and disqualifications contemplated under Articles 62 and 63 of the Constitution.
- e. The Constitution contemplates only election to fill the office of the President; Article 41 (4) provides that in case the National Assembly is dissolved when such elections are due, it shall be held within thirty days of the general elections to the National Assembly.
- f. Since the mode, manner and electorate for the election of the President has been elaborately spelt out in the Constitution, no other mode, manner or electorate can be adopted to elect the President of Pakistan.
- g. It can thus be assumed that the Referendum was adopted to avoid an electoral contest for the office of President. This would, thus, be contrary to the Judgment of the Supreme Court of Pakistan in Hussain Ahmed versus Pervez Musharraf and others i.e. Constitution Petition No. 15 of 2002.

Article 4 of the Referendum Order 2002 states the consequences of the Referendum result to be:

“4. CONSEQUENCE OF THE RESULT OF REFERENDUM: (1) Notwithstanding anything contained in the Constitution or any other law for the time being in force, if the majority of the votes cast in the referendum are in the affirmative, the people of Pakistan shall be deemed to have given the democratic mandate to General Pervez Musharraf to serve the nation as President of Pakistan for a period of five years to enable him, inter alia, to consolidate the reforms and the reconstruction of institutions of state for the establishment of genuine and sustainable democracy, including the entrenchment of the local government system, to ensure continued good governance for the welfare of the people, and to combat extremism and sectarianism for the security of the State and the tranquility of society. (2) The period of five years referred in clause (1) shall be computed from the first meeting of the Majlis-e- Shoora (Parliament) to be elected as a result of the forthcoming general elections to be held in October, 2002, in accordance with the Judgement of the Supreme Court.”

SUPREME COURT OF PAKISTAN IN THE REFERENDUM:

The Supreme Court in CP.NO. 15 of 2002, in its short Order dated 27th April 2002 in paras No. 12 and 13 stated:

“12. As far as the legal status of the Referendum Order is concerned, suffices it to say that it has been issued by the Chief Executive and the President of the Islamic Republic Of Pakistan in exercise of the powers conferred upon him by this Court in Syed Zafar Ali Shah’s case while validating the Proclamation of Emergency of the 14th day of October 1999 and the Provisional Constitution Order No. 1 of 1999 and it has been rightly conceded by the learned counsel for the Respondents that the said Order does not have the effect of amending the Constitution of Pakistan.

13. As regards the grounds of challenge to the consequences flowing from the holding of referendum under the Referendum Order, apparently these questions are purely academic, hypothetical and presumptive in nature and we are not capable of being determined at this juncture. Accordingly, we would not like to go into these questions at this stage and leave the same to be determined at a proper forum at the appropriate time. Since no relief can be granted in these proceedings at this stage, the Constitution Petitions are disposed of being premature.”

CONCLUSION:

The Supreme Court:

- a. In para No. 12 above validated the Referendum Order as having been issued by the Chief Executive in exercise of the powers conferred by the Supreme Court in Syed Zafar Ali Shah’s case while validating the Proclamation of Emergency of the 14th October 1999 and the Provisional Constitution Order No.1 of 1999.
- b. In para No. 13 above observed the consequences flowing from the Referendum to be academic and hypothetical and could not be determined at this time juncture. Further, the Court left it for an appropriate time and proper forum. Thus the question of continuing in Office of the President of Pakistan through the Referendum for a period of five years has been left open.

2. INSTITUTIONAL RIGGING:

The regime used various State functionaries, organizations, departments, bodies and authorities for the furtherance of its political agenda. The institutions and resources of the State were employed to politically launch the Chief Executive.

The regime in its endeavour to consolidate for perpetuating power and manipulating the proposed October 2002 elections politicized and extended its hegemony over the various State institutions in the following amongst other manner;

a. LOCAL GOVERNMENT:

As a principle of policy and subsequently translated into law the regime declared that Local Governments are apolitical and will not be used to perpetuate the regime. In total disregard of the law the regime called upon the Nazims and Councilors to further its political agenda of continuing in power through the Referendum, thus politicizing the institution.

The regime called upon the Local Governments to;

- Be the major stakeholders in the campaign for election of the President through the Referendum. (In violation of the law and their oath of office.)
- Be the political engine in arranging the public meeting / rallies of the Chief Executive and his Ministers.
- Be the motivating force by giving incentives of jobs and development funds to Tehsils Nazims / Councilors to bring people to the public meetings.

LFO A FRAUD ON THE CONSTITUTION

- To provide the participants of the public meetings with transport, diesel and food from the budget of the District Government.
- The Governor of the Provinces called meetings of the District Nazims and told them to work for the Referendum.
- The Governors visited the Districts prior to the public meetings and supervised the functioning of the Nazims / District Governments.
- The District Governments were directed to provide funds for the public meetings and other related activities of the Referendum. This is not a valid head of expenditure under the Law or the Rules.
- The DCO opened separate accounts operated by him to the exclusion of the Nazim. The Federal or Provincial Government provided the funds for the Referendum campaign. This procedure was adopted where the District Nazim refused to certify expenditure under the law and the Rules.
- The SHO / Revenue Officer called the Union Council Nazims and Councilors to the Police Station and assigned tasks for the public meetings and polling day.
- The Union Councils were given Rs. 18000 each to meet the expenditure of polling day, i.e. camps, food etc.
- The Nazims of the PML (Q) were allowed to work with their Party and the resources of the District Government were at their disposal. The other Nazims have been issued Show Cause Notices for their political affiliation.
- The pro regime Nazims in collusion with their District and Provincial Governments provided funds and development projects to Councilors as an incitement to bring people to the rallies.
- The regime coerced through the Governor, Home Secretary and local Commanders District Nazims who did not support the Referendum.

b. JUDICIARY:

- The manner in which Justice (retd.) Tariq Mehmood of the Balouchistan High Court and Member of the Election Commission of Pakistan was treated and eventually forced to resign, was a message to intimidate, and curtail the independence of, the Judiciary.
- Justice (retd.) Tariq Mehmood resigned as Member of the Election Commission on the ground that the Referendum cannot be used under the Constitution to elect the President of Pakistan. He was asked to clarify his statement; instead he resigned. To avoid embarrassment on his issue the regime got him relieved of his duties from the Election Commission through a summary from the Chief Justice of the Balouchistan High Court, backdated that he was required at the principal seat.
- The regime rooted out potentially irksome lower judiciary staff from Referendum duty.

c. THE PRESS:

The national press was exposing the sham of the Referendum. It was giving an eyewitness account of how government employees were brought under the threat of disciplinary action in hijacked public transport then confined to the precincts of the public meeting under duress and subsequently allowed to go home after a roll call by their office incharges. Simultaneously, it was exposing the misuse of

authority and public funds along with questioning the legality of the election as President through a Referendum.

This reporting of the press infuriated the regime. The Government of Punjab in the presence of the Chief Executive at a public meeting in Faisalabad openly instigated the crowd against the press and its reporting of the Referendum campaign. He led a chant of “shame, shame” which instigated his police force to savagely batoncharge the journalists, resulting in head and other injuries to over 25 journalists.

This was a blatant and crude attempt by the regime to strangle the freedom of the press and prevent it from reporting the truth.

d. CIVIL ADMINISTRATION & POLICE:

One of the major planks of the regime was to de-police the civil administration. During the Referendum the civil administration and police were used to carry forward the political agenda of the regime in a manner that has never been experienced in Pakistan before.

- Civil and police officials were transferred to bring pro regime officials in key positions to influence the results of the Referendum.
- DCO and other civil officials were called upon to open and operate special accounts for the Referendum independent of the Nazims.
- Civil officials of the Federal, Provincial and District Governments were called upon to authorize expenditure for the political campaign of the referendum in contravention of the rules.
- Civil official exceeding their authority issued written instruction directing government employees to attend public meeting of the Chief Executive or face action under the removal from service Ordinance 2001.
- Civil and police official threatened elected member of the District Government of dire consequences if they didn't support the regime.
- Civil and police official including in-horse trading of the elected members of the District Government, by buying their support and trying to pressurize them in moving a Resolution of no-confidence against Nazims who didn't support referendum.
- Police and Revenue officials called meetings of the Union Council Nazims at various police stations and assigned tasks for the Referendum and polling day.
- Police officials at the District level were assigned specific targets in terms of the number of votes to be cast from their respective areas.
- The civil administration and the police were used for gathering crowds and providing free transport for the public meeting of the Chief Executive.
- The government employees including teachers, were mandated through inter office memos to attend public meetings and vote in the affirmative or be proceeded against under the removal from Service Ordinance 2001.
- The DCO and the traffic police impounded public transport for the rallies and polling day. This included buses, wagons, school buses and trucks.
- The government autonomous and semi-autonomous employees were called upon to cast their votes in presence of their section incharges.

- The civil administration made provisions of food at the polling stations on 30th April 2002, i.e. polling day.
- The Governors ordered to educational institutions to issue a letter to all students in their institutes certifying that they are Pakistani nationals and are 18 years old. These letters were equivalent to National Identity Cards and any one could cast their vote in the Referendum with the said letter as a form of identification. This allowed VCs' to issue multiple letters and force students to cast a YES vote.
- The institutes, organizations, or factories that could guarantee 300 votes, on request a polling station in their premises was provided.
- The Minister for Communications announced that trains will not leave the railway station till such time as all the passenger have cast their vote.

e. MILITARY:

For the first time the military was associated in the construction of the stage and other administrative arrangements of the public meetings of the Chief Executive. Local Commander exercised influence on Nazims that were not supportive of the regime and attended the public meetings.

f. ELECTION COMMISSION:

- The Referendum was held without any voter's lists. Thus the total number of votes cannot be ascertained. There is no scale to judge the percentage of the votes cast.
- The requirements of law to make public the polling scheme 15 days prior to polling day was not met. In most cases the notifications of the polling stations was done one or two more days before 30th April, 2002. In contravention of the law in many places the polling stations were at private places.
- The Chief Executive stated that the date of the Referendum will be announced by the Commission instead he announced the same.
- The manner in which a dissenting Member of the Commission was treated.
- The contradiction in the figures of the result announced by the regime and the figures given by the Commission.

**3. MANIPULATION OF STATE POLICY TO
ATTAIN A POLITICAL OBJECTIVE:**

- The NEPRA, in April 2002 increased the electricity tariff by 4.5 paise under fuel-based automatic adjustment. The notification was withheld. The same was notified after the Referendum.
- The Chief Executive in his public meeting at Karachi announced that all consumers of the KESC having a bill of Rs. 10,000 and below will be waived 50% off the same.

- The OCAC held three meetings on the 31st March, 15th April and 30th April 2002 to review the petroleum prices but no upward revision was brought due to the Referendum. This was done despite the fact that reports suggested that the global prices of petroleum had gone up.
- A large number of projects were announced by the regime in public meetings with no feasibility reports or following the procedure in the Rules of Business of the Federal Government.
- The National Identity Card was to be the single identification of the voter at the polling station. One day prior to the Referendum this was withdrawn and any form of identification was allowed to facilitate rigging.
- The Election Commission for the first time in history allowed non-formal polling stations. These polling stations were established in the jail, petrol pumps, hotel and hospitals.
- The sanctity of the polling station was violated. In most polling stations polling booths were not provided thus the concept of secrecy of the ballot was violated.

4. THE COUNT:

The chief Election Commissioner on 29th April 2002, stated that approximately the total voters in Pakistan were 60% millions (The Dawn 30th April 2002). On the 1st May 2002, the Election Commission announced that “large numbers” had turned out to cast their votes in favour of General Musharraf. The count was yet not complete but still over 90% had voted Yes (The Dawn 1st May 2002). The information Minister said that in the last general elections 16% of the votes were cast, but the turnout in the Referendum was at least double of the votes cast in the last general elections (The Dawn 1st May 2002). In other words the Minister claims a turnout of 32%.

The Chief Election Commissioner while announcing the official result on the 1st May 2002 in the evening said that out of the 43.39 million people who used their right of franchise, 40.02 million endorsed the policies of the regime. The voter's turnout according to the CEC was 70%, out of the total votes polled, 98% voted “yes” (The Dawn 2nd May 2002).

In comparative and absolute terms, General Musharraf has officially got 42.80 million votes, almost double the votes polled by General Zia (21.2 million) in 1984. General Musharraf is far ahead of his both rivals the PPP and allies and the PML (N) and allies by 1.4 million votes if compared with their combined total votes in three general elections of 1988, 1990 and 1997 (41.4 million, put together). What is no less amazing is that the turnout of votes in this lifeless Referendum was more than the combined turnouts of the closely contested two general elections since 1988. As compared to the combined total turnout of 1988 and 1990 general elections (40.98million), the magical figure of this Referendum exceeds them by almost three million and, similarly, the combined turnout of 1990 and 1993 general elections (41.68 million) is 2.29 million votes lower than the total votes claimed to have been

polled now. Even the votes allegedly cast in General Musharraf's favour are more than the total votes cast in general elections. His percentage of yes votes has beaten everybody, the PPP and the Awami League in the only free and fair election in 1970. It has also improved by 47% on the 51% votes polled for Pakistan in the Referendum held in the NWFP. Apparently a revolution has taken place that nobody could see in the country, except for the Election Commission, in which every Province crossed the magical figure of 50% turnout.

Most of the local and foreign print media along with the 150 observers deployed by the Human Rights Commission of Pakistan reported not more than 5% of the actual votes were cast, besides noting flagrant violation of all known democratic norms and every parameter of transparency and fairness. It seems, if we go by HRC's projection, that, perhaps, 50 average votes per polling station have been inflated by ten-times adding one more zero, thus making it an average 504.98 vote polled per polling station.

In actual fact the turnout was around 5%.

5. ACTUAL INSTANCES OF RIGGING:

Some of the instances quoted by the international and national media are reproduced below:

- To provide a point, one of our reporters cast four votes in the "presidential" referendum yesterday, all in favour of General Pervez Musharraf, in four different polling stations within a kilometer radius. Another outwitted her by stamping six votes in the General's favour. The story is much the same across the country. One could vote as many times as one desired and many did. This is adult franchise taken to preposterous limits for dubious ends. Think of it, 71 percent turnout of which 97.5 percent voted 'yes'. So much for the credibility of the exercise. (The Friday Times, - 3rd to 9th May 2002)
- Thinking herself unobserved, a polling officer quietly stamped ballot papers with a "yes" vote in Pakistan on Tuesday, falsifying votes in a controversial referendum to extend military rule of President Pervez Musharraf. Challenged by a Reuters team, the presiding officer at a government college for women in the city of Rawalpindi said she had been given no choice by her superiors. "I have been told by the principal to complete 500 votes at my booth, "she told Reuters, explaining that only 150 people had cast their votes. "What can we do?" she asked, clearly distressed and explaining she had been put under huge pressure. "We are government servants and we have to do our job." (Reuters-30th April 2002)
- Throughout the country, many of Pakistan's roughly five million public sector employees complained they had been forced to vote on Tuesday. Journalist saw a police Inspector open several ballot papers at one polling station in Rawalpindi to see which way people had voted, and he also brushed aside polling agents' objections when one man turned up to vote

without any Identity Card. There had also been fears Musharraf supporters would vote more than once; especially as there is no electoral list and many polling booths were not demanding identification. (Reuters 30th April 2002).

- In Lahore, a group of around a dozen people, each with both thumbs marked with indelible ink indicating they had already voted twice, turned up at one polling station to try to vote a third time, but were refused permission.
- At one polling station in Peshawar indelible ink was not being used, and a local councilor was openly instructing people to vote “yes”. As bogus political exercises go, this one was a corker. The poll was conducted without the benefit of an electoral register, identity cards were not obligatory and the usual polling stations were supplemented by tens of thousands of makeshift extra ones: in railway stations, offices, on street corners, in hotels, Businesses and government outfits were leant on heavily to ensure that all their employees voted. Oodles of Government money was lavished on plastering the country with posters of the General in a startling variety of outfits and on festooning the main streets with banners bearing such sentiments as “ We love Pakistan. We love Pervez Musharraf.” Naturally, this is being fiercely contested. The oppositions maintain that as few as 5% may have voted. The Government was claiming a figure of more than 50%, which no one outside it finds remotely credible. Reporters found polling station after polling station all but deserted. At one, in a junior school in Lahore, only one woman and seven men had voted by late in the afternoon. (The Economist, Asia Edition, 2nd May 2002.)
- At one station a woman claimed to have voted no less than 60 times, while schoolgirls aged well under the qualifying 18 years were seen voting at another. Student Javed Ahmed (17) said he cast his ballot twice at two different stations in the southwestern province of Balouchistan. “ I took the risk just for fun and they did not even ask for my National Identity Card or any other document,” he said. Nawaz Bhutto said he paid several visits to different polling centers in the Lyari district of Balouchistan, despite “indelible” ink marks made on his fingers to stop multiple voting. “ I voted eight times as it was not very difficult to remove the ink. I voted in different polling stations without any problem. It was really fun, “he said. (AFP-30th April 2002)
- To no one’s surprise, Gen. Pervez Musharraf almost certainly won a rigged referendum in Pakistan yesterday awarding him another five years as President. Even less surprising, the General’s aides proclaimed the results a vote of confidence. But either out of indifference or protest, most Pakistanis declined to participate in an election that was preceded by curbs on dissent. (New York Times- Editorial- 1st May 2002)
- It appeared that people who turned out in heaviest number were those who felt they had little choice: soldiers, government employees and civil servants who cast their ballots in boxes that had been setup conspicuously

at their work places. In Hyderabad, according to a local report, the only crowded polling station was at the Nara Prison, where 3,500 votes were cast. (The New York Times)

- The evidence of fraud comes as no surprise. The government prepared no voter rolls for the referendum, and ink stamps meant to identify those who had voted and, therefore, prevent them from voting a second time were easily removed. The vote count was also surprisingly swift, having been completed in less than 24 hours. Most evidence points to a massively rigged election. (The Economist)
- Chakwal, the heart of the army recruiting belt and therefore, one might suppose, natural Musharraf territory. To catch a first glimpse of the polling, I had decided on early start, in my case 10:30 in the morning, an hour at which I am usually grappling with my newspaper.

The traffic was thin, even the Qingqi rickshaws which make driving such a nuisance largely off the roads. Clearly something was afoot.

Either a rush of people at the polling stations or, dread thought, a repeat of what Habib Jalib said about General Zia's 1984 referendum: "in the city was deathly silence, Was it a jinn or a referendum?"

At the MCB Middle School for Girls a few paces from my house, a forlorn local councilor sitting underneath a shamiana got up to meet me. "This is very embarrassing," he said. "We are having a hard time bringing out the voters." The presiding staff inside looked nervous as if it was their fault people were not turning out to vote.

It was the same story at the Government High School for Boys further up on Talagang Road, where polling booths for both male and female voters had been set up..

I could count four or five voters inside although Azadar Shah, the local councilor supervising the voting and looking not a little uncomfortable, said the voting would soon pick up. Wishing him luck I returned home to get some breakfast.

Venturing out again at 1.00 p.m., I went to the Govt High School for Girls on Bhowan Road. A handful of women were exercising their right of franchise. When I asked the school attendants about the voter turnout in the morning they couldn't suppress their giggles.

I knew ASI Khalil, the policeman on duty. "Where's all the rush?" I asked. "Taking a lunch-break," was the deadpan answer. At the Islamia High School for Boys, a bit further down the road, the staff was having lunch while not a voter was to be seen.

Ali Nasir Bhatti, the son of the Tehsil Nazim and himself a Union Council Nazim, hastened to assure me that voting had been heavy in the morning and would pick up again after lunch. Aslam Badshah, well known in the mohalla and presiding over the fortune of this polling station, assured me the turnout here would be the highest in the city.

A hundred yard to the left on Circular Road stands the Govt Islamia Primary School for Girls. The Councilor there couldn't hide his frustration: it

was proving singularly difficult to get out the female vote because the women were saying they had better things to do.

I took in three more polling stations: Sanatzar, or the industrial home for women, the Tehsil office and the Civil Hospital, the same picture everywhere: General Musharraf's sturdy loyalists, the local councilors, trying to put on a brave face but their desperation beginning to show.

They were providing transport and food and even music at some polling stations. What more could they do? It was hardly their fault if the great silent majority, resisting temptation, was choosing to stay at home.

By evening, however, the scene changed. As polling boxes began miraculously to fill it was clear that some form of spiritual intervention was taking place. How had this feat been managed?

I asked one of the enthusiasts at the Govt High School for Girls I had visited earlier. "Well," he told me in confidence, "we asked all the women to vote twice, once at this polling booth and then at the other. We also chipped in by stamping votes ourselves."

A bit later a young friend of mine proudly told me that at the MCB School in front of the Municipal Library he had stamped 135 ballots as a mark of his love for General Musharraf.

His mother, an active lady, had stamped another hundred, his sister, all of 14 years old, 150. Only fatigue had cut short their exertions. (The News-online edition, - 3rd May 2002)

- Lahore, the city where I live, has 2.3 million registered voters. General Musharraf has polled 2 million. This according to a claim in the Daily Jang but the Nazim of Lahore. What is the percentage? Again, you have me but it appears to be close to 87 percent. (The News – 3rd May 2002)

6. EXPENDITURE ON REFERENDUM:

As the regime was a dictatorship, therefore, there was no accountability of the utilization of public funds. No official account of the public money used in the Referendum has been made public. For nation already burdened by a US \$ 38 billion in foreign debt according to a report of the Washington Post (24th April 2002) the Election Commission said that organizing 87,074 polling stations will cost US \$ 28.3 million. This does not include:

- The massive deployment of security forces including the army for which no figures are available.
- The amount spent by the regime on advertising, banners and posters.
- The amount spent on the public meetings.
- The amount spent on the arrangements of the polling day, camps, food etc.
- The amount spent by the state owned TV in projecting the Chief Executive and the Referendum.
- The amount spent on private TV channels where prime time was bought.
- The amount spent on huge billboards band vans mounted with loud speakers throughout the country.

7. CONCLUSION:

In view of the above amongst other facts and grounds the regime has committed the following amongst other irregularities:

1. Use of coercive state machinery in running the campaign, bringing crowds by force to public meetings and securing “yes” votes by using coercion and State authority.
2. Gross misuse of official electronic media to promote the candidature of General Pervez Musharraf.
3. Issuing of thousands of expensive advertisements in the print media on Government expenses.
4. Forcing businessmen, trade and industries associations and market committees to place newspaper advertisements and arrange banners and hoardings.
5. Open deployment of Government employees, law and order personnel, armed forces personnel for bringing crowds to public meetings.
6. Gross misuse of public funds.
7. Making voting procedure conducive to cheating and multiple voting and fake counting.
8. Massive stuffing of ballot boxes by bogus votes by the polling staff on the polling day under coercion of the administrative machinery.
9. Massive rigging of the result.

ELECTIONS UNDER THE LFO?

The Government is taking a very simplistic and factually incorrect position when it says that the Opposition has accepted the LFO because they contested the elections under it. In the first instance, from the time the first constitutional package was floated for public debate the Opposition parties took positions which are no different from what they are today. Let us not dismiss the Government Position just like that, let the record be examined and see if this claim stands the test of recorded facts.

The announcement of restoration of democracy by General Musharraf was made on 14th August 2001. As consequences, “ The Election Commission Order 2002” was issued on the 14th January 2002; this Order pertained to structural changes in the Election Commission. On 27th February 2002 “ The Conduct of General Election Order, 2002” was issued. The intent of this Order was to provide for the holding of general elections in the country and the matter connected therewith and ancillary thereto. The power of the Chief Executive to promulgate this Order was drawn from the Proclamation of Emergency of the Fourteenth day of October 1999, and the Provisional Constitution Order No. 1 of 1999 and in exercise of all other powers enabling him in that behalf. The LFO till this date had not seen the light of day.

The Conduct of General Elections Order, 2002 provides for the increase in the Senate, National and Provincial Assemblies as also FATA. It covered the question of joint electorate, voting age and the educational qualification of the Members. The Order in Article 8G states that the, “ election held under this Order shall be deemed to have been held under the Constitution and shall have effect accordingly.” The Constitution has been defined in Article 2(b) of the said Order as the Constitution of 1973. The argument of the Government has no legs to stand on but let us move further.

On 16th August 2002, the Election Commission of Pakistan announced the election schedule which was subsequently amended on 24th August 2002, wherein the filing of nomination paper was from the 19th to 26th August 2002. The entire process of appeals, withdrawals and publication of the list of candidates was to be completed by 15th September 2002.

The LFO was promulgated on 21st August 2002, on a date when the election process was well underway. The preamble to the LFO recognizes the fact that the elections to the National and Provincial Assemblies are scheduled to be held on 19th October 2002, and to the Senate on 12th November 2002. The Order seeks to revive the Constitution with the amendments made therein, no date to be specified. (This position of reviving the Constitution with amendments without following the procedure in Article 238 and 239 of the Constitution is not applicable.) In fact Article 2 of the LFO deals with the summoning of the first meeting of the Senate, National and Provincial Assemblies; there are no explicit or implied references to the holding of the general elections.

The matter was discussed by the Supreme Court of Pakistan in Constitutional Petition No. 36 of 2002, Watan Party versus Chief Executive and others, decided on 7th October 2002; it observed that the elections were being held under The Conduct of General Elections Order 2002. In the instant Petition raised a number of questions such as; (i) the LFO violates the Judgment of the Supreme Court in Syed Zafar Ali Shah's case. (ii) The Constitution of Pakistan can only be amended by a two-third majority of the members of both Houses. (iii) The LFO defies the concept of trichotomy of power as envisaged in the Constitution. (iv) The LFO has vested vast discretionary powers on the President, thus affecting the parliamentary nature of the Constitution. (v) That there is no check and balance on the President under the LFO. (vi) That the incumbent President is not a member of any political party; hence, not answerable to any person. (vii) The LFO is being made a part of the Constitution by an institution unlike the past. (viii) The exercise of power under Article 58(2)(b) is whimsical. (ix) The appointment of the Governor under Article 101 "not on the advice of" but "in consultation with" the Prime Minister militates against the concept of federalism and provincial autonomy and (x) The National Security Council is a blow to the parliamentary system of Government.

In the said Petition the Supreme Court dealt with the most of the contentions raised, in the light of the Judgment given in Zafar Ali Shah's case. It also held that the Watan Party had no locus standi to file the petition.

In para 7 of the Judgment the Supreme Court observed that the elections were held under The Conduct of General Elections Order, 2002. It also made some observations with reference to the power of the Parliament to amend the Constitution. The relevant para is reproduced below:

"7. It is worthwhile to mention that all the major political parties have fielded their candidates to contest the General Election 2002 under The Conduct of General Elections Order, 2002 (Chief Executive's Order No. 7 of 2002) and none of them has come forward with a petition to question any provision of the Legal Framework Order. It is well known now that after the election the National and the Provincial Assemblies will meet. The members will elect Speakers, Deputy Speakers, Prime Minister, Chief Ministers and the Senators. The elected Parliament is in immediate sight and obviously the Parliament and not this Court is the appropriate forum to consider all these amendments. We may further observe that the procedure to amend the Constitution as enshrined in Article 239, Part XI remains unaltered. The Parliament retains same power to amend the Constitution as it did before the promulgation of the Legal Framework Order."

The upshot from the discussion in the para above one can draw the following conclusion, (a) the election were held under The Conduct of General Elections Order, 2002. (b) the Court states that the appropriate forum to discuss the amendments to the Constitution is the Parliament and not the Court, and finally (c) the power to amend the Constitution under Article 239 remains unaffected.

LFO A FRAUD ON THE CONSTITUTION

The argument of the Government is not sustainable in law or by facts. They stand on weak legs and therefore, try to mislead and misguide the people little realizing that the people can never be misled.

A HISTORY OF TRANSITION FROM MILITARY TO CIVIL RULE

The word “transition” is in vogue these days in Pakistan. Under its cloak there is justification sought to vest the Office of the President, the Supreme Commander of the Armed Forces with the additional office of the Chief of Army Staff. There is also a need to vest the Office of the President with discretionary powers that are under no check or balance and there is no talk of sustainable democracy. But perhaps, the gravest victim to this doctrine is the sovereignty of Parliament, which has been compromised through the LFO. Not only that, but the basic right of both Houses to amend the Constitution and review laws that have been passed by an unrepresentative regime is being denied.

The Government advances the argument that the power to amend the Constitution by the Chief Executive was conferred by the Supreme Court. This in itself is contentious. Can the Supreme Court operate outside the ambit defined by the Constitution? That is, to interpret the Constitution and the Law, for law making is the exclusive domain of Parliament. For the moment what has to be seen is, in previous transitions from military to civil rule has the present practice been followed?

The circumstances of the removal of General Yahya by General Gul Hasan and Rahim Khan are a part of our tragic history. It is also a part of the record that from 18th to 20th December 1971, the country was virtually without a Government while Yahya was under house arrest, unofficially. It was under these circumstances that Shaheed Bhutto was asked to return and from the airport was taken to the Presidency where he was sworn in as the President and the Chief Martial Law Administrator (CMLA). The combine of the two offices was a compulsion of history, necessitated by circumstances and a requirement under the law to give continuity to the crumbling State structures.

Shaheed Bhutto could have continued to perpetuate the two offices or imposed a Constitution as his party had the majority; instead, he entered into an agreement with the NAP and the JUI to lift Martial Law by 14th August 1972. In the mean time, an Interim Constitution was to be given by 17th April 1972. The National Assembly was summoned to meet on 14th April 1972., in the Assembly Shaheed made a dramatic gesture by saying that Martial Law will be lifted by 21st April 1972, provided the Interim Constitution was passed. Martial Law was lifted on 21st April and the National Assembly passed the Interim Constitution. The point to take note of is that even in those tumultuous days the Assembly passed the Interim Constitution of 1972 and the Assembly also did the validation of the laws.

It can be argued that this was the democratic dispensation and to have acted otherwise was against its grain. Let us look at yet another transition that took place under General Zia. There are number of very striking similarities leading up to the transfer or sharing of power with the following civilian setup, except that in the final analysis General Musharraf has excluded Parliament.

The pattern is the same; in Begum Nusrat’s Bhutto’s case the Supreme Court gave the power to amend the Constitution to Zia. The Provincial Constitution

Order, 1982 (PCO) promulgated between 24th and 25th March 1981, also gave the CMLA (Chief Martial Law Administrator) the power to amend the Constitution. The similarity does not end here. The Lahore High Court gave validity to the PCO in the case of Tadjamal Hussain Mlaik v/s Federal Government of Pakistan in 1981. A Referendum was held by the Zia in which he was elected as the President of Pakistan. Till this stage the present era is a total return of Zia episode.

The partyless elections were held in February '85 and on the 2nd March of the same year the Revival of the Constitution order (RCO) was promulgated which altered the basic structure of the Constitution. Sixty-five Article of the Constitution were amended, substituted, added, modified, varied, deleted or omitted. It is interesting to note that the mindset of the establishment then and now did not differ in procedure but also in substance. Some of the major amendments that are common today and yester years are; to strike the balance between the power of President and the Prime Minister, Article 58(2)(b) the power of the President to dissolve the National Assembly, appointments of the Chairman Joint Chiefs of Staff and the other Service Chiefs by the President in his discretion, appointment of the Chief Election Commissioner, appointment of the Provincial Governors and last but not the least the National Security Council (NSC). If not any thing else there should be full marks on consistency in the establishment's thinking.

After the establishment of Parliament the RCO was debated and put to the vote on 16th October '85, in the National Assembly and in November of the same year in the Senate. The English amendment to the Constitution amended 18 Article and was passed by the procedure laid down under Article 238 and 239 of the Constitution.

One fails to understand the logic in not taking the LFO before Parliament and letting it become an issue. There is no principle involved, as seen from the past it has been a requirement of law that all documents, instruments, laws and amendments be placed before Parliament. The only two reasons that come to mind are that the establishment does not have confidence in the MembersS of Parliament that they helped to get elected and the economic reforms package cannot stand the test of Parliament. This is strange because a vast majority of these members owe their existence to them. It will be recalled that during the Referendum the Chief Executive ran a campaign in which he is on record to have said:

- In his speech on 5th April 2002, the Chief Executive said that he requires a cabinet and Parliament that can work with him.
- In his speech on 9th April 2002, at Lahore the Chief Executive said that his popularity after the Referendum would be transferred to those who support him.
- In his speech in April 2002 at Gujranwalla the Chief Executive said that those political parties that support the Referendum would win the next elections.

LFO A FRAUD ON THE CONSTITUTION

This set the tone for the October 2002 elections. As a consequence in May 2002 all those parties that supported the Referendum cobbled an alliance under the patronage of the State with a single point on the agenda to oppose the Pakistan Peoples Party. A leader of the Muslim League (Q) admitted in an interview to the Dawn that the reunification of the Leagues is a move sponsored by State agencies. But perhaps the biggest lever over the PML (Q) and its allies is the NAB Ordinance, which has been used on all politicians without exemption. With all this yet the powers that be are apprehensive of their support in Parliament, this means there is some thing amiss.

The other major reason for denying Parliament scrutiny of the LFO is the economic reform package and the laws related therewith. These laws have been promulgated under the guidelines provided by the international donor agencies and do not necessarily conform to the economic requirements of Pakistan. In fact to a great extent the economic sovereignty of the country has been compromised.

The argument of the Supreme Court conferring the power to amend the Constitution on the Chief Executive does not hold the field because a power the Court itself does not have cannot be delegated. If one was to concede on this argument then also the power conferred by the Supreme Court was limited and did not allow for amendments to change the basic structure of the Constitution namely federal, parliamentary and democratic. All aside, even in Begum Nusrat Bhutto's case the power to amend was conceded but yet the RCO was placed before Parliament. What places the LFO on a different pedestal?

The Government must realize that the Constitution is the fundamental law of the land and it provides the infrastructure within which the political process, laws, institutions and society operates. It is a historical fact that when Constitutions and institutions are tailored for particular individuals they do not survive their creators. That is the reason a Constitution should be a consensus document and the LFO is far from that.

CHECKS WITHOUT BALANCE

The main thrust of the regime's argument for constitutional changes is to create a "check and balance" between various institutions and offices functioning under the Constitution. Let this be the touchstone, does the LFO cater to this basic argument of the regime? No, it draws from the powers of Parliament and the Prime Minister to vest the office of the President with authority that encroaches on the sovereignty of Parliament and reduces the Prime Minister in his own Cabinet to an equal amongst equals. A lot has been said on this issue, let the people of Pakistan sit in judgment as they pursue through the discretionary power of the President as envisaged in the LFO.

The LFO provides under Article 58 (2)(b), the President power to dissolve the National Assembly. This experiment in our chequered parliament history has added to political instability as the equation between the President and the Prime Minister become strained. This power hits at the root of parliamentary democracy where the sovereignty of the National Assembly is captive in the hands of an individual. Article 112(2)(b) provides the corresponding power of dissolving the Provincial Assembly to the Governor with the prior approval of the President. This is an encroachment on provincial autonomy; Islamabad will decide the life of a Provincial Assembly to the exclusion of its electorate. Under these Articles the life's of "five Assemblies" rest in the hands of a single individual with no fetters on the use of this power. The implementation of this provision is stressed when it is read with Article 101(1) where the advice of the Prime Minister is not binding on the President for the appointment of the Governor.

Under the Article 224 (I), Proviso, it is the President's discretion to appoint a caretaker Government on the dissolution of the National Assembly. A similar discretion vests in the Governor after seeking the approval from the President. A plain reading makes it evident that from arbitrarily in his discretion dismissing the National Assembly to the appointment of the Caretaker Government the President acts without any checks and restraint.

Under Article 59(b) and (c) the manner in which the Senators from FATA and the Federal Capital are to be elected will be prescribed by the President. This provision has its own historical importance in our politics, FATA votes at times are the mark or break votes in government formation and passage of key legislation.

Article 71(4) stipulates that the President may in consultation with the Speaker and the Chairman Senate formulate the Rule for the Mediation Committee, which is a committee of both Houses. It is departure from tradition that the committee of Parliament should have its Rule formulated by the President to the exclusion of the Houses and its Presiding officers. This committee has been introduced as a substitute to a Joint Sitting of Parliament, when the President returns a Bill duly passed by Parliament for reconsideration. The power to return a Bill by the President was a gift of Zia.

The National Security Council alters the basic structure of the Constitution, but suffice for the moment to say that under Article 152-A the President presides over it. The ambit of the presidential powers goes further, Article 243 (3) the President's discretion in the appointment of the Chairman of the Joint Chiefs of Staff and Service Chiefs and to determine their salaries and allowance. This is in addition to the appointments to be made by the Presidents to other Constitutional Offices and Statuary Bodies as conferred by other Orders, Ordinances and Notifications; for example, the office of the Chief Election Commissioner. All these acts and actions taken are seeking validation under a new Article 270 AA in the LFO.

The motive behind these amendments is evident; the President dissolves the National Assembly in his discretion under Article 58 (2)(b), appoints Caretaker Government under Article 224 and holds elections under a Chief Election Commissioner appointed by him under Article 213. In the provinces the Governor are his appointees under Article 101 and can act in these matters only after his prior approval. With all the Presidents men in place, can the elections be free and fair? Can any party, which has political differences or differs on policies with the President, get even playing fields?

Article 206 has been amended and advice is not binding on the President. The factual consequences of this amendment is that he will act in his discretion in all matters while the Prime Minister and all his Cabinet are reduced to advisors. Is this sustainable democracy or are we returning to the days of Mughal dynasty? Through article 268 (2) and Schedule VI an unjustified restraint has been placed on Parliament and the Provincial Assemblies wherein certain laws specified cannot be amended or repealed without the prior consent of the President. The inclusion of the Local Government Ordinances of the four Provinces and the Police Order 2002 are a gross violation of provincial autonomy. These are exclusively provincial subjects but now the Provincial Assemblies cannot legislate till the President does give his approval. The inclusion of The Qualification to Hold Public Offices Order, 2002 is Benazir Bhutto's and Nawaz Sheriff's specific and in furtherance of political vendetta. There is no justification for The Political Parties Order, 2002 to be in the Sixth Schedule excepting that the President wants to maintain his control on the political parties in the country.

If the offices of the President and the COAS vest in one person then you are combing the Offices of the; (I) The President, (ii) The Supreme Commander of the Armed Forces, (iii) The Chief of Army Staff, (iv) Chairman of the NSC and (v) The Chairman of the National Command Structure into one. Is this diversification of power? It is also a violation of the Constitution, Article 43 that the President cannot be in the service of Pakistan.

In conclusion to address another argument of the Government i.e., the LFO is of no concern to the common man. Article 270AA is the mother of all Articles, it seeks validation of all Presidents Orders, Ordinances, CE Orders and all other laws made between the 12th October 1999 till date. It also seeks validation of all orders made, proceedings taken, appointments made, including secondments and deputations. On record, since October 1999 the following

LFO A FRAUD ON THE CONSTITUTION

number of Ordinances only, have been promulgated, 1999 - 24 Ordinances, 2000 – 66 Ordinances, 2001 – 67 Ordinances, 2002 Jan. to Oct. – 72 Ordinances and since the Assembly came into existence i.e. 10th Oct. to Dec. 2002 – 65 Ordinances have been promulgated. There is a plethora of other legislation that is to be validated including IRO 2002, economic laws and laws affecting the human rights of the common man.

NSC – The Turkish Model

Successive Governments supportive of or military Governments have sought to formalize their role through the creation of the National Security Council as an institution functioning under the Constitution. The democratic, progressive forces and civil society have resisted it as it formalizes a role for the armed forces in a democratic dispensation.

The resistance to the NSC stems from a basic principle that in a democratic political system, no role for the armed forces can be envisaged other than that of defending the territorial borders. The NSC whether created through an amendment to the Constitution or by sub-constitutional legislation, changes the basic structure of the Constitution i.e. federal, parliamentary and democratic. Such an amendment to the Constitution or law giving effect to such consequences is not permissible as a principle of policy and as laid down by the Superior Courts.

The National Security Council by virtue of its composition and the wide-ranging ambit of its functions, as produced below, infringes on the sovereignty of Parliament, as it takes up policies that are its exclusive domain:

“ 152 A. National Security Council. – (1) There shall be a National Security Council to serve as a forum for consultation on strategic matters pertaining to the sovereignty, integrity and security of the State; and the matters relating to democracy, governance and inter-provincial harmony.”

It is evident that the NSC with the role defined will act as a watchdog on Parliament and the elected Government. This is paradoxical as both institutions, which have been directly elected by the people, become subservient to and under the supervision of an un-elected institution. The President as Chairman of the NSC combined with the discretionary powers vested in him under the LFO becomes an overemphasized office such as Parliament, Cabinet and the Prime Minister.

The ambiguity if any on the role of the NSC has been removed by General Musharraf in one of his speeches wherein he said that the National Assembly consists of 342 members hence decision making is not possible but a cross-section of views can emerge. These views would then be considered by the NSC in formulating policy. On 30th June, 2003 while in Los Angeles he again said, “ the LFO would ensure a vital role to be played by the National Security Council – comprising the President, Premier, Opposition Leader and Services Chiefs in keeping the democratic system intact.” The intent is clear.

There is a need of interaction between the civilian Government and the military establishment on matters of national security. This interaction has already been provided for under the Rules of Business of the Federal Government whereby a Defense Committee of the Cabinet (DCC) under the

Prime Minister functions with almost a similar composition. This is quite sufficient as it implies the supremacy of Parliament.

In defense of the National Security Council, it is said that it will prevent Martial Laws, as it will create a balance between the three stakeholders, namely the President, Prime Minister and the Chief of Army staff. Under the Constitution the major stakeholders of power are Parliament, the Prime Minister and his Cabinet, which are answerable to the National Assembly. Therefore, the basic equation is incorrect and not sustainable under the Constitution.

It is further said that due to peculiar ground of Pakistan, we must emulate the Turkish model wherein such an institution coexists with Parliament. When we talk of the Turkish Model, we must not forget that the NSC in the Turkish Constitution cannot be viewed in isolation. In Turkey the armed forces are mandated under the Constitution to protect the principle of secularism. We must also remember that the Chief of General Staff is appointed on the advice of the Council of Ministers. The National Security Council, which is formed under Article 118, is an advisory body only on national security policy, the word used in the said Article is “policy” not “policies” thus the role is confined to matters of National Security only. Secondly, the advice so tendered shall be sent to the Council of Ministers (Cabinet) who may accept or reject the same. Thus the final arbiters as to the acceptability or otherwise of any advice on matters of national security alone is the Cabinet which is answerable to Parliament. Therefore, even in the Turkish Model, the concept of sovereignty of the Parliament vis a vis the NSC has been maintained. Further the Prime Minister presides over the NSC in the absence of the President. The argument of the Turkish mode, therefore, is self-defeating.

The NSC in the present context is an endeavor to rewrite the civil military equation to the advantage of the later. The NSC is unnecessary and whatever the means of its constitution, will spell the intrusion of an extra Parliamentary force upon the preserve of Parliament.

LFO AND THE COMMON MAN

The main thrust of the Government's argument in defense of the LFO is that it is a non-issue, as it does not affect the common man. This argument can be scuttled on the fact that if this was a people's oriented Government, why did it allow the promulgation of The Industrial Relations Ordinance 2002, while the National Assembly was in existence on 26th October 2002. That aside, let us examine the LFO in the light of its impact on a Pakistan if it becomes law without any amendments.

This Constitution is the basic law which determines the relations, rights, duties and obligations between the Federation and its Units, between the State and the citizens, between the State and the Institutions, between the citizens and institutions and between the institutions themselves. The Government by insisting on a position untenable in law has brought into question the entire equation on which the edifice of the State structure stands. Today in dispute is the basic law that governs our relation as a civilized society; today a Pakistani is unsure as to what are his fundamental rights, economic rights, political rights and cultural rights. According to law and the Constitution, they are the same as guaranteed under the 1973 Constitution as it stood on 12 October 1999, but he is being made to submit the position where the cohesive apparatus of the State seeks to implement the LFO in defiance of the Parliament. Thus, the Federation and its units, its citizens and its institutions are in a state of flux. When the root is in question then what follows consequently is under the suspicion of illegality and uncertainty.

Having questioned the basis of the relationship of the various stakeholders under the present dispensation let us move to more specifics, which affect common man under the LFO. A new Article 270AA in the LFO is the mother of all the Articles as it seeks validation of all laws namely: The Proclamation of the Emergency of the 14th day of October 1999, all President's Orders, Ordinances, Chief Executive's Orders including The Provisional Constitutional Order, 1999, The Oath of Office (Judges) Order 2002, the Referendum Order 2002 and all other laws made between the 12th day of October till today. This in itself is a stupendous task for any Parliament to debate and pass let alone permit an individual to sanctify it with the stroke of a pen.

The number of Ordinances promulgated from 12th October 1999 till December 2002 is over three hundred. Of these, approximately 91 Ordinances pertain to various financial laws such as tax laws, excise duties, custom duties, sales tax, The Protection of Economic Reforms (Amendment) Ordinance and the income tax laws have been amended a number of times. The impact of these laws does not confine itself to the Government or the business community but has a trickle down affect on all sections of society. When laws affect the common man and the business community it is strange logic of the Government that the LFO is not the common man's problem.

In the category of laws effecting structural changes to existing or creating new institutions, bodies, autonomous and semi-autonomous bodies, the number of Ordinances promulgated is approximately 89. The Bahria University Ordinance, the National Database and Registration Authority Ordinance, Pakistan Aeronautical Board Ordinance, the National Commission on Status of Women Ordinance, the Federal Public Service

Commission Ordinance, Indus River System Authority amendment Ordinance are just a few that need to be mentioned. A number of regulatory bodies have been created in the financial sector, the State Bank has been given autonomy and the functioning of various organizations has been restructured. This amounts to changing the basic infra structure of public sector companies. This has long-term effect not only on the country but also on the large work force employed in them. The logic of the Government that the LFO is not the common man's problem once again fails the test of reality.

In a third category, 34 (approximately) Ordinances have been promulgated that are related with service matters such as the Karachi Electricity Supply Corporation (Removal from Service) Ordinance, Removal from Service (Special Powers) Ordinance, Civil Servants (Amendment) Ordinance and IRO 2002. Through these laws massive retrenchment of the working class has taken place in the history of Pakistan. Under the grab of golden handshake workers have been forced to leave their jobs, others have been compulsory retired, terminated or compelled to take premature retirement. Through these laws the right of the workers to approach the Superior Court has been curtailed. The largest section of the population i.e. the workforce is affected yet the Government says that the LFO does not affect the common man.

In the fourth category, 19 (approximately) Ordinances have been promulgated which curb human rights and affect the principles of natural justice. The Nab Ordinance, the amendments to the Anti-Terrorism Act through various Ordinances, amendment relating to the Defense of Pakistan Rules, 1971 are just a few that need mention. The Nab Ordinance is applicable to all citizens of Pakistan except the military and the judiciary. This law not only violates fundamental rights but also is against the principles of natural justice; it is being used as a tool to victimize political opponents. The various amendments to the Anti-Terrorism Act make the ordinary citizen hostage at the hands of the State apparatus. Yet the Government insists that the LFO is not the issue of the common man.

In the fifth category the Companies Ordinance has been amended approximately 8 times through various Ordinances. The foreign currency laws have been amended at least 3 times through different Ordinances. This just touches the tip of the iceberg as we have only dealt with some of the Ordinances that have been promulgated. We have not gone into the Orders, Notifications, Rules, Enactment's or by-law that Article 270 AA seeks to validate.

It is interesting to note that like Zia made a unique amendment in the Constitution and added the name of an individual, the LFO. Through an amendment in Article 63 (p) makes the disqualification to contest elections one-person specific, i.e. Benazir Bhutto.

From the above it is evident that be it, IRO 2002, which effect the entire work force of Pakistan, or be it the NAB Ordinance, which is applicable to every Pakistani, or The Dismissal from Service Ordinance or be it the banning of trade union activities or be it the deregulation of petroleum prices, which gives rise to a mini-budget every fifteen days, or be it the amendment to the various financial laws which not only affects big business and the corporate sector but also has the trickle-down effect to the common man the LFO through Article 270AA directly affects the day to day affairs of the common man.

In the said Article, validation is also sought for all appointments made, including secondments and deputations. This would mean that the process of militarization of civil

LFO A FRAUD ON THE CONSTITUTION

institutions through transfers, postings and appointments of retired or serving armed forces personnel would also be validated. Does this not create an imbalance in civil society? Is this not rewriting the civil-military equation in favour of the latter? Will this not affect the service pattern of all those employees who are serving in these institutions? This is yet another example of how the LFO affects the common man.

The Government is aware of the magnitude of the impact of the LFO on a citizen; that is why despite its commitment in the specialists committee meeting under the Speaker of the National Assembly, they failed to produce the relevant laws. They seem to be following in the policy of the ostrich for themselves and keeping the people in the dark through deceit.

The focus of the debate on the LFO has to an extent been misguided. Saying this I do not mean to distract from the importance of the other issues. They are fundamental to the structure of the Constitution and the parliamentary system. The validation of laws promulgated from 12 October 1999, till date, has assumed a special significance as a vast majority of the laws have been given effect to, due to considerations other than Pakistani i.e. IMF, World Bank and the war on terror.

Today the nation is a hostage on its own soil, shackled in the chains of laws drafted and enforced by a regime that was unrepresentative and now seeks their continuity without the scrutiny of Parliament.

The Resistance From Parliament

The Government has deliberately created a false notion and perception, belied by facts, to the effect that the Opposition by taking part in the election has accepted the LFO. This concept has been dealt with in detail in a previous Chapter. According to one date the LFO was promulgated on 21st August 2002, the Gazette of Pakistan does not specify a date except the month and year i.e. August 2002; this in itself is onetime in legal history. The Pakistan Peoples Party rejected the LFO on 22nd August 2002, and the MMA took a position on the President in uniform on the same day as reported in the national press. On the contrary the PML (Q) after coming into power has varied its stands, in the Herald of October 2002 the magazine spoke to various parties on important national issues through a questioner. The PML (Q) President Mian Azhar was asked the question, “ Who has the authority to amend the Constitution”? (a) President (b) Parliament. Mian Azhar ticked (b) Parliament. He was again questioned, “ Are you in favour of the restoration of the 1973 Constitution”? (a) Restoration in original. (b) Partial restoration. (c) Not at all. Mian Azhar ticked (a) Restoration in original. The deviation in policy is recorded in history.

This deception of policy of the PML (Q) was expected because it had been helped and prodded along in the elections by the military regime and the State apparatus. The final icing on the cake came in two shapes. Firstly, on the 26th / 27th October 2002, a politically significant amendment was made to the LFO and The Qualification to Hold Public Offices Order 2002, which was Benazir Bhutto’s and Nawaz Shariff’s specific, was amended. The amended Order allowed former Prime Ministers and Chief Ministers who had twice held these positions in the past during interim Governments to contest again. This was achieved through The Qualification to Hold Public Office (Amendment) Order, 2002 which added an explanation to Article 2 of the said Order. The way was paved for the incumbent Prime Minister.

Secondly, the elections to the National Assembly were held on 10th October 2002, the normal practice being that the Election Commission completes its formalities of Notification of the results in ten to fifteen days. The first session of the Assembly is then summoned immediately. As the PML (Q) was not in the position to form the Government, therefore, after a delay of 23 days on 3rd November 2002, (The Dawn) it was announced that the National Assembly was to meet on 8th November 2002. This was not to be, for the first time in the Parliamentary history of Pakistan a session summoned and notified was postponed on the request of the parliamentary party leader of the PML (Q) Chaudary Shujjat. The request was made on 5th November; the regime obliged and without fixing a date postponed the session for about a week. During the days that followed horse-trading was at its best and the regime managed 10 renegades from the PPP and the PMLN (Q) and was able to form a Government with a “one “vote majority. The National Assembly was summoned to meet on 16th November 2002; 36 days after being elected. The Senate elections were also postponed. The struggle of the Parliament had begun, first to get itself summoned to meet and then for its completion, holding elections to the Senate and the Office of the President.

The National Assembly met on 16th November 2002, before that General Musharraf took a fresh oath. The Constitution was revived with exception to the provision relating to the Senate, Provincial Government and the Chief Ministers. The Opposition made its position abundantly clear that it was taking oath under the 1973 Constitution as it existed prior to 12th October 1999. The Presiding Officer of the National Assembly session at the oath taking and in subsequent press statement confirmed the fact that the copy of the Constitution with him at the point in time was without the amendments of the LFO. Two Members of the Opposition namely Dr. Sher Afghan and Mr. Qurban Ali Shah in chambers inspected the Constitution and confirmed the statement of the Presiding Officer on the floor of the House. Similarly the Opposition members of the Senate, when they took oath on 12th March 2003, 177 days after the National Assembly took oath, made it clear that it was under the Constitution, as it existed prior to 12th October 1999. As a precaution in a oath when the members read, “And that I will preserve, protect and defend the Constitution of the Islamic Republic of Pakistan” they emphasized as it prior to 12th October 1999.

A point of order was raised by the Opposition in the National Assembly on 3rd March 2003, that copies of the Constitution had not been supplied to the Members. It will be recalled that the National Assembly Secretariat that supplies the Members with the Rules and other necessary material at the inaugural session omitted the Constitution. The copies were supplied the next day with the amendments of the LFO incorporated; from 5th March 2003, the National Assembly was up in arms, their contention, amendments can only become a part of the Constitution once passed by Parliament.

The Parliament was not ready to abdicate its fundamental power to amend the Constitution. This Parliament was not ready to surrender its sovereignty. This Parliament was not ready to play a subservient role to the National Security Council. This Parliament was not ready to allow for the change of the basic structure of the Constitution. The struggle within Parliament now became the resistance of the Parliament.

The fight of the Parliament to assert as the repository of the people’s will and power is not new history. In this struggle despotes have raised Parliaments to the ground and Speakers beheaded by kings for advocating and protecting the rights of the Houses but, the battle has gone on till final victory. Today those Parliaments stand as a monument of the collective will of the people, as a monument of the supremacy of civil society and as a monument for the rule of law. In Pakistan’s parliamentary history fierce resistance from both the Houses is a first. It sends distressing signal to the establishment that the character and complexion of the representatives of the people has changed. Pakistani politics and the politicians have come of age.

In the first instance the Opposition through parliamentary protest paralysed by the and no business of the House has been transacted since 5th March 2003. The Senate followed suit and lived up to its tradition of being the bastion of resistance against all undemocratic initiatives. It had blocked the Shariat Bill of Nawaz Shariff that was passed by the National Assembly and this time again it craved a place in history by perhaps the longest protest in parliamentary records of the world if not, then most certainly in the sub-continent. For over six continuous hours the members stood in their seats thumping their desks and raising slogans. The event in itself was of consequence as Opposition members well over the 60 years age bracket suffering from cardiac ailment withstood the un-parliamentary attitude of the Chair and the treasury benches. More important was the

message that emanated from the six-hour protest- “the spirit of the people cannot be broken or conquered.” This writing on the wall forced the PML (Q) Government to call a meeting of the heads of the political parties represented in Parliament in the last week of April 2003. The Opposition responded in the tradition of Parliament and opened a dialogue.

As a consequence of these talks a Government Opposition joint Constitution Committee was formed consisting of 11 members. The Committee ran into troubled waters, as the Chairman of the Committee was Chaudary Shujjat Hussain the leader of the Parliamentary Party of the PML (Q). The point was valid that his neutrality was in question as he was a party to the dispute. It was assumed that the Office of the Speaker of the National Assembly is by nature and compulsion of Office a neutral person. So the Committee met for the first time on the 2nd May 2002 with the Speaker in the Chair. The Government maintained that only the seven points identified by Qazi Hussain Ahmed in meetings of the heads of political parties would be discussed. The PPP and the Opposition insisted that this could not be deemed exhaustive and that other issues needed to be raised as they affected the political, economic and fundamental rights of the people. The Government was seeking a blanket validation of all the laws and this was not possible without a discussion. After a debate on the mandate of the Committee, it was accordingly noted in the final press release that while the seven points would be taken up first the Committee would then take up all the other point and reservations that members may have on the LFO.

The seven points that Mr. Qazi Hussain Ahmed had identified in the earlier meetings were: Constitutional package and Parliamentary supremacy, President and uniform, National Security Council, Article 58(2)(b), discretionary powers of the President introduced by the LFO, laws in the Sixth Schedule and the Judges’ retirement age. The Opposition also asked for the consolidate list of all the Ordinances, Presidents Orders, Chief Executive Orders, Notifications etc which were promulgated from 12th October 1999 till date, two weeks passed but the Committee was not supplied with the list.

The Committee met but it appeared that the Government delegation comprising of distinguished members was not given an adequate brief as a consequence the talks rambled along. It is not appropriate at this stage to go into the nitty-gritty of the talks. The phrase describing the dialogue of Chaudary Aitazaz Ahsan, a member of the Committee, is an apt description. He says, “ The members of the Committee were talking at each other rather than talking to one another.” By 10th May 2003, the press had begun to report that the talks had bogged down on the twin questions of the timeframe for the Offices of the President and the Chief of Army staff co-existing and the status of the LFO. The meeting broke for two days and the participants were asked to consult their respective parties on these questions. A formulation on the question of the President and the uniform was drafted but it could not find approval of the majority of the political parties.

It is correct that on the question of the National Security Council and Article 58 (2)(b) there was or is a degree of understanding between the Government and some of the Opposition parties. The main stumbling block was the timeframe for the separation of the two Offices’. As the dialogue continued conflicting reports emerged, proposals were discussed and shuttled; the Speaker took it upon himself to send the recommendations of the Committee to the Prime Minister, which would be discussed in the Party heads meeting. In such circumstances it was considered prudent that owing to the sensitivity of

the talks and this being a historic constitutional debate, i.e. the battle of civil society to preserve itself, the lines must be drawn very clearly. All parties should spell out their position on the seven and other issues involved in the LFO, so that today the people, tomorrow the new generation of Pakistani's and in the future history can identify without ambiguity the pleaders and defenders of their cause. On 16th May 2003, it was decided that each party would submit its positions in writing for history to record.

The dilly-dallying of the Government delegation was understandable when examined in the light of the observation made by an official who is considered an authority on constitutional matters. While speaking to the Dawn and reported on 12 May 2003, he said, "The Committee will present its recommendations to the Prime Minister, who after applying his mind, will seek approval of the President on the issue. After the approval, the Government will make its stance clear." It is evident that in the talks the Government was hedging with no clear position to take as the clearance was not there. The entire Parliament was held hostage, the nation fed on a perception having no premise that a settlement was in sight. This observation, which has not been contradicted, clearly shows that even the Prime Minister, the leader of the House, is not the final arbiter.

Then in a move devoid of logic or political foresight the speaker of the National Assembly was asked to announce a Ruling that he reserved on a point of order to the effect that the LFO is apart of the Constitution. The Ruling lacked competence under law and the Rules of the National Assembly. It added fuel to the fire; an already controversial Speaker was caught in the eyes of the storm. The Opposition moved a vote of no confidence against a custodian of the House who himself abdicated the powers of the House he presides and of Parliament. This in itself is history. The Opposition's motion against the Speaker was more to emphasize and have recognized the fact that it was not ready to concede the sovereignty of Parliament or the right of the people to be governed through their elected representatives even if it meant a challenge on the custodian. The Opposition boycotted the vote as the Deputy Speaker violated the Rules and prevented the movers from speaking; the Government abstained from the vote.

The Opposition moved another vote of no confidence, this time against the Deputy Speaker. On 7th July 2003, when at the conclusion of the debate the Prime Minister made an offer to resume the dialogue with the Opposition on the floor of the House from where it was left off. The Opposition withdrew the motion as a show of good will. The offer has still to materialize.

The resistance of Parliament continues the motions against the Speaker and the Deputy Speaker are a message that the torch has been passed on to a new breed of politicians born and tampered in struggle in the motherland with convicting that run coats be dealt with the contempt they deserve.

A Parting Thought

Hussain is alive today amongst other reasons for denying legitimacy to the usurper. So Pakistan's civil society conscious of its inherent weakness, conscious that for the moment it can not hold the present rulers accountable, conscious that it cannot stop the march of the boots, conscious that some Political Parties may not remain steadfast and conscious of the long arms of a cohesive State apparatus that is used without mercy against its people continues its relentless struggle by using its most effective weapons – the denial of legitimacy to the LFO.

This denial is the sword of Damocles that hangs in patient wait, when the scepter of State power falls or when the collective will of the people shatters the scepter then surely civil society will seek retribution from history. When the empire of the Rome and the edicts of the Caesar have gone to dust then surely the will of the people shall prevail and will dismantle structures, institutions and the laws passed by decree.

The question today is not only of denying Parliament its basic right to amend the Constitution but runs deeper. This is the first amongst many a step whereby civil society and its institutions are through deliberate intent being relegated to a secondary position. Parliament the repository of the collective will of the people is being targeted to send a message that the power center is not the people. It will be recalled, the dissolution of the first Constitutional Assembly the main cause was that they sought to shift the power base from the individual to the Institution. The message is clear that the decision-making will remain outside the purview of Parliament.

In actual fact a new equation is being written on the civil-military relationship in Pakistan and that to the advantage of the military. In effect civil society, civilian institutions, autonomous and semi-autonomous bodies, State structures such as, the bureaucracy and police have seen a largest induction of military personnel retired or serving in the history of Pakistan. The militarization of civil society is almost complete; the last bastion to fall will be, if Parliament capitulates to the LFO. The intent is clear, General Musharraf while talking to the press on the question of the National Security Council is reported to have said on 22nd August 2002, in The Dawn, “ If you want to keep army out you bring them in.” This is the new equation.

The new Order brings with it new traditions and laws. The 55 years history of Pakistan is witness, no matter how sham the election and the Parliament that followed all amendments to the Constitution and validation of laws promulgated during a constitutional deviation have been paced before Parliament. The new tradition under this Order in the 21st century is, that the edict of an individual is the law of the land, he can change the basic structure of the Constitution which even Parliament cannot. This creates a new power equation. Is this devolution of power?

The rewriting of the equation is not the figment of the imagination of the police forces in Pakistan but the Dawn of 13th October 2002, reported a press conference of the Observers from the European Union for the October 2002 elections as saying in the preliminary findings “ The LFO also institutionalizes the role of the military in the

governance through the NSC, which could subordinate civilian governments to military control.”

The United States State Department in its initial reaction to the promulgation of the LFO considered it a setback for democracy in Pakistan. As reported in the Dawn of 23rd August 2002, the State Department spokesperson, Philip Reeker, told a briefing in Washington that the US, “Wants full democratic civilian rule to be restored in Pakistan.” He further went on to say, “However, we are concerned that his recent decisions could make it more difficult to build strong democratic institutions in his country.” The turnaround and the shelving of the concerns with regard to democratic institutions and civilian rule is a sad reflection on how values of human rights and democracy in third world countries are subservient to national security and financial concerns of the US.

The LFO raises basic concerns not only affecting our future as individuals but as a nation, it will have repercussions on the new generation of Pakistani’s to whom the torch of leadership must pass. Will we allow this new generation to hold our generation as being complacent and drifting with the wind of personal aggrandicement to the detriment of the Federation, or will we ask ourselves:

1. What will be the effect of a quasi – Presidential form of government on the Federation?
2. What aspects of sovereignty of Parliament remain under the threat of Article 58 (2)(b) and the National Security Council?
3. What will be the effect of validation without the scrutiny of Parliament of laws bringing structural changes in financial institutions and laws protecting the economic policies framed under the IMF and World Bank guidance?
4. What will be the effect of validation without the scrutiny of Parliament of laws promulgated in furtherance of a political agenda, being Bhutto specific and violating the fundamental rights of the citizens?
5. What will be the effect of validation without the scrutiny of Parliament of an accountability process that is selective and excludes various institutions from its ambit?
6. What will be the effect of designing state structures and altering the Constitution to suit an individual?
7. Can civil society accept an institutional role for the armed forces in a democratic polity?
8. Can civil society afford any further militarization?
9. Can the Federation and the civil society survive the rewriting of the civil-military equation? And,
10. Can the Federation be subjected to yet another experiment in governance in a society polarized politically, ethnically and with growing trends of sectarianism?

No matter what the Government says or does, the changes, if not brought before Parliament, will always lack legitimacy. This will push the State into a new phase of authoritarian rule and turmoil, - with this the people rest their case.

APPENDISES

Text of The LFO

REGISTERED No.

**M-302
L-7646**

EXTRAORDINARY

PUBLISHED BY AUTHORITY

ISLAMABAD, WEDNESDAY, AUGUST 21, 2002

PART 1

Acts, Ordinance, President's Order and Regulations

GOVERNMENT OF PAKISTAN

**MINISTRY OF LAW, JUSTICE, HUMAN RIGHTS AND
PARLIAMENTARY AFFAIRS**

(Law, Justice and Human Rights Division)

Islamabad, the 21st August 2002

**F. No.2 (4) / 2002-Pub. – The following order promulgated by the Chief Executive is
hereby published for general information: -**

CHIEF EXECUTIVE'S ORDER NO. 24 OF 2002

LEGAL FRAMEWORK ORDER, 2002

WHEREAS general elections to the National Assembly and the Provincial Assemblies are scheduled to be held on October 10, 2002, and to the Senate on November 12, 2002;

AND WHEREAS it is necessary to provide for a smooth and orderly transition;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, read with the Provisional Constitution Order No. 1 of 1999, and in pursuance of the powers vested in him by and under the judgment of the Supreme Court of Pakistan, dated the 12th May, 2000, and in exercise of all the powers enabling him in that behalf; to revive the Constitution with the amendments made herein, the Chief Executive of the Islamic Republic of Pakistan is pleased to make the following Order:-

1. Short title and commencement

(1) This Order may be called the Legal Framework Order, 2002.

(2) It shall come into force at once.

2. First meetings of National Assembly, Senate and Provincial Assemblies

(1) The first meeting of the National Assembly shall be held on a day to be specified by the President for the election of the Speaker and Deputy Speaker, the members of the Senate from the Federal Capital, and for the transaction of such other business as the President may specify.

(2) The National Assembly shall meet on a day to be specified by the President to ascertain which one of the members of the Assembly commands the confidence of the majority of the members for the purposes of clause (2A) of Article 91 of the Constitution and the President shall invite such member to be the Prime Minister.

(3) The first meeting of a Provincial Assembly shall be held on a day to be specified by the President for the election of the Speaker and Deputy Speaker, the members of the Senate and for the transaction of such other business as the President specify.

(4) Every Provincial Assembly shall meet on a day to be specified by the President to ascertain which one of the members of the Assembly commands the confidence of the majority of the members for the purposes of clause (2A) of Article 130 of the Constitution and the Governor shall invite such member to be the Chief Minister.

(5) The first meeting of the Senate shall be held on a day to be specified by the President for the election of the Chairman and Deputy Chairman and for the transaction of such other business as the President may specify.

3. Amendment of the Constitution and removal of difficulties

(1) The Constitution of the Islamic Republic of Pakistan, 1973, referred to in this Order as the Constitution, is hereby amended to the extent and in the manner specified in column (3) of the Schedule.

(2) If there is any necessity for any further amendment of the Constitution or any difficulty arises in giving effect to any of the provisions of this Order, the Chief Executive may make such provisions and pass or promulgate such orders for amending the Constitution or for removing any difficulty as he may deem fit.

(3) The validity of any provision made, or orders passed, under clauses (1) and (2) shall not be called in question in any court on any ground whatsoever.

4. Revival of Constitution of 1973

The provisions of the Constitution, as amended by this Order and by such other Orders as may be promulgated hereinafter, shall stand revived on such day as the Chief Executive may, by notification in the official Gazette, appoint; and different days may be so appointed in respect of different provisions.

5. Order to override other laws

The provisions of this Order shall have effect notwithstanding anything contained in the Constitution or any other Order or law for the time being in force.

THE SCHEDULE

(See Article 3)

Serial No. (1)	Article / Chapter (2)	Amendments made (3)
1.	17.	<p>(1) In clause (2).-</p> <p>(a) After the words "integrity of Pakistan", occurring twice, the words "or public order" shall be inserted; and</p> <p>(b) For the full stop at the end a colon shall be substituted and there after the following provision shall be added, namely: -</p> <p>Provided that no political party shall promote sectarian, ethnic, regional hatred or animosity, or be titled or constituted as a militant group or section," and</p> <p>(2) After clause (3), the following new clause shall be added, namely</p> <p>(4) Every political party shall, subject to law, hold intra-party elections to elect its office-bearers and party leaders.</p>
2.	41.	<p>For clause (7) the following shall be substituted, namely: -</p> <p>“(7) The Chief Executive of the Islamic Republic of Pakistan-</p> <p>(a) shall relinquish the office of Chief Executive on such day as he may determine in accordance with the judgment of the Supreme Court of Pakistan of the 12th May, 2000; and</p> <p>(b) having received the democratic mandate to serve the nation as President of Pakistan for a period of five years shall, on relinquishing the office of the Chief Executive, notwithstanding anything contained in this Article or Article 43 or any other provision of the Constitution or any other law for the time being in force, assume the office of President of Pakistan forthwith and shall hold office for a term of five years under the Constitution, and Article 44 and other provisions of the Constitution shall apply accordingly.”</p>

3. 51. (1) For clause (1) the following shall be substituted, namely:-

(1) There shall be three hundred and forty-two seats of the members in the National Assembly, including seats reserved for women and non-Muslims.

(1A) The seats in the National Assembly referred to in clause (1), except as provided in clause (2A), are allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital as under-

	General	Women	Total
Balochistan	14	3	17
NWFP	35	8	43
The Punjab	148	35	183
Sindh	61	14	75
FATA	12	-	12
Federal Capital	2	-	2
Total	272	60	332

(2) In clause (2), in paragraph (b), for the word "twenty-one " the word "eighteen" shall be substituted;

(3) For clause (2A) the following clause shall be substituted, namely: -

“(2A) In addition to the number of seats referred to in clause (1A), there shall be, in the National Assembly, ten seats reserved for non-Muslims;

(4) For clause (4) the following shall be substituted, namely: -

“(4) For the purpose of election to the National Assembly, -

(a) The constituencies for the general seats shall be single member territorial constituencies and the members to fill such seats shall be elected by direct and free vote in accordance with law;

(b) Each Province shall be a single constituency for all seats reserved for women, which are allocated to the respective Province under clause (1A);

(c) the constituency for all seats reserved for non-Muslims shall be the whole country;

(d) members to the seats reserved for women which are allocated to a Province under clause (1A) shall be elected in accordance with law through proportional representation system of political parties' lists of candidates on the basis of total number of general seats secured by each political party from the Province concerned in the National Assembly.

(e) members to the seats reserved for non-Muslims shall be elected in accordance with law through proportional representation system of political parties lists of candidates on the basis of total number of general seats won by each political party in the National Assembly.

Provided that a political party securing less than five per centum of the total number of seats in the National Assembly shall not be entitled to any seat reserved for women or non-Muslims." and

4. 58. (5) Clauses(4) to (6) shall be omitted.
In clause (2), after paragraph (a), the following new paragraph shall be added, namely:-
(b) a situation has arisen in which the Government of the Federation cannot be carried on in accordance with the provisions of the Constitution and an appeal to the electorate is necessary."
5. 59. (1) For clause (1) the following shall be substituted, namely:-
“(1) The Senate shall consist of one-hundred members, of whom, -
(a) fourteen shall be elected by the members of each Provincial Assembly;
(b) eight shall be elected by direct and free vote from the Federally Administered Tribal Areas, in such manner as the President may, by Order, prescribe;
(c) two on general seats, and one woman and one technocrat including aalim shall be elected from the Federal Capital in such manner as the President may, by Order, prescribe;
(d) four women shall be elected by the members of each Provincial Assembly;
(e) four technocrats including ulema shall be elected by the members of each Provincial Assembly.”
- (2) In clause (3),-
(a) for paragraph (c) the following shall be substituted, namely:-

LFO A FRAUD ON THE CONSTITUTION

- "(c) of the members referred to in paragraph (c) of the aforesaid clause,-
- (i) one elected on general seat shall retire after the expiration of the first three years and the other one shall retire after the expiration of the next three years, and
 - (ii) one elected on the seat reserved for technocrat shall retire after first three years and the one elected on the seat reserved for woman shall retire after the expiration of the next three years;" and
- (b) for paragraph (d) the following shall be substituted, namely:-
- "(d) of the members referred to in paragraph (d) of the aforesaid clause, two shall retire after the expiration of the three years and two shall retire after the expiration of the next three years; and
- (e) of the members referred to in paragraph (e) of the aforesaid clause, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years:".
6. 62. For clause (b) the following shall be substituted, namely:-
- "(b) he is, in the case of the National Assembly, not less than twenty -five years of age and is enrolled as a voter in any electoral roll in-
- (i) any part of Pakistan, for election to a general seat or a seat reserved for non-Muslims; and
 - (ii) any area in a Province from which he seeks membership for election to a seat reserved for women."
- 7 63. (1) In clause (1) :-
- (a) for paragraphs (h), (i) and (j) the following shall be substituted, namely:-
- "(h) he has been convicted by a court of competent jurisdiction on a charge of corrupt practice, moral turpitude or misuse of power or authority under any law for the time being in force; or
- (i) he has been dismissed from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a Local Government on the grounds of misconduct or moral turpitude; or

LFO A FRAUD ON THE CONSTITUTION

- (j) he has been removed or compulsory retired from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a Local Government on the grounds of misconduct or moral turpitude; or" ; and

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

"(p) he has been convicted and sentenced to imprisonment for having absconded by a competent court under any law for the time being in force; or

(q) he has obtained a loan for an amount of two million rupees or more, from any bank, financial institution, cooperative society or cooperative body in his own name or in the name of his spouse or any of his dependents, which remains unpaid for more than one year from the due date, or has got such loan written off; or

(r) he or his spouse or any of his dependents has defaulted in payment of government dues and utility expenses, including telephone, electricity, gas and water charges in excess of ten thousand rupees, for over six months, at the time of filing his nomination papers".

(2) for clause (2) the following shall be substituted, namely:-

"(2) If any question arises whether a member of Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker or, as the case may be, the Chairman shall, within thirty days from raising of such question refer the question to the Chief Election Commissioner." ; and

(3) after clause (2), substituted as aforesaid, the following new clause shall be added, namely:-

"(3) Where a question is referred to the Chief Election Commissioner under clause (2), he shall lay such question before the Election Commission which shall give its decision thereon not later than three months from its receipt by the Chief Election Commissioner."

8. 63A. For Article 63A the following shall be substituted, namely:-

"63A. Disqualification on grounds of defection, etc.

(1) If a member of a Parliamentary Party composed of a single political party in a House-

- (a) resigns from membership of his political party or joins another Parliamentary Party; or
(b) votes or abstains from voting in the House contrary to any direction issued by the Parliamentary Party to which he belongs, in relations to-
(i) election of the Prime Minister or the Chief Minister; or
(ii) a vote of confidence or a vote of no-confidence; or
(iii) a Money Bill;

he may be declared in writing by the Head of the Parliamentary Party to have defected from the political party, and the Head of the Parliamentary Party may forward a copy of

the declaration to the Presiding Officer, and shall similarly forward a copy thereof to the member concerned:

Provided that before making the declaration, the Head of the Parliamentary Party shall provide such member with an opportunity to show cause as to why such declaration may not be made against him.

(2) A member of a House shall be deemed to be a member of a Parliamentary Party if he having been elected as a candidate or nominee of a political party which constitutes the Parliamentary Party in the House or, having been elected otherwise than as a candidate or nominee of a political party, has become a member of such Parliamentary Party after such election by means of a declaration in writing.

(3) Upon receipt of the declaration under clause (1), the Presiding Officer of the House shall within two days refer the declaration to the Chief Election Commissioner who shall lay the declaration before the Election Commission for its decision thereon confirming the declaration or otherwise within thirty days of its receipt by the Chief Election Commissioner.

(4) Where the Election Commission confirms the declaration, the member referred to in clause (1) shall cease to be a member of the House and his seat shall become vacant.

(5) Any party aggrieved by the decision of the Election Commission may within thirty days, prefer an appeal to the Supreme Court which shall decide the matter within three months from the date of the filing of the appeal.

(6) Nothing contained in this Article shall apply to the Chairman or Speaker of a House.

(7) For the purpose of this Article -

- (a) "House" means the National Assembly or the Senate in relation to the Federation and a Provincial Assembly in relation to the Province, as the case may be.
- (b) "Presiding Officer" means the Speaker of the National Assembly, the Chairman of the Senate or the Speaker of the Provincial Assembly, as the case may be.

9. 70. (1) In clause (2) for the words "considered in a joint sitting" the words and figure "referred to a Mediation Committee constituted under Article 71 for consideration and resolution thereon" shall be substituted; and

(2) for clause (3) the following shall be substituted, namely:-

(3) Where a Bill is referred to the Mediation Committee under clause (2), the Mediation Committee shall, within ninety days, formulate an agreed Bill which is likely to be passed by both Houses of the

Majlis-e-Shoora (Parliament) and place the agreed Bill separately before each House and if both the Houses pass the Bill, it shall be presented to the President for assent.

10. Part III. After Article 70, amended as aforesaid the following new Article
Chapter 2 shall be added namely:
- “71. Mediation Committee.
- (1) Both Houses of Majlis-e-Shoora (Parliament) shall, within fifteen days from the date of referral of the Bill by the House in which it was originated for consideration and resolution by the Mediation Committee under clause (2) of Article 70 nominate eight members each as members of a Mediation Committee.
- (2) The House in which the Bill was originated shall nominate a member of the Mediation Committee as Chairman of the Committee and the other House shall nominate a member as the Vice-Chairman thereof.
- (3) All decisions of the Mediation Committee shall be made by a majority of the total number of members of each House in the Committee.
- (4) The President may, in consultation with the Speaker of the National Assembly and Chairman of the Senate, make rules for conduct of business of the Mediation Committee.
11. 73. For clause (1) the following shall be substituted, namely:-
“(1) Notwithstanding anything contained in Article 70, a Money Bill shall originate in the National Assembly.
Provided that simultaneously when a Money Bill, including the Finance Bill containing the Annual Budget Statement, is presented in the National Assembly, a copy thereof shall be transmitted to the Senate, which may, within seven days, make recommendations thereon to the National Assembly.
(1A) The National Assembly shall, consider the recommendations of the Senate and after the Bill has been passed by the Assembly with or without incorporating the recommendations of the Senate, it shall be presented to the President for assent.
12. 75. In clause (2) -
- (a) the words "in joint sitting" shall be omitted; and
(b) for the words and comma "by the votes of the majority of the members of the both Houses present and voting," the words, figure and comma "in accordance with Article 70," shall be substituted.
13. 101 In clause (1), for the words "on the advice of" the words "after consultation with" shall be substituted.

14. 106. (1) For clause (1) the following shall be substituted:-

"(1) Each Provincial Assembly shall consist of general seats and seats reserved for women and non-Muslims as specified herein below.

	General seats	Women	Non-Muslims	Total
Balouchistan	51	11	3	65
NWFP	99	22	3	124
The Punjab	297	66	8	371
Sindh	130	29	9	168

(2) In clause (2), in paragraph (b), for the word "twenty-one" the word "eighteen" shall be substituted;

(3) for clause (3) the following shall be substituted, namely:-

(3) For the purpose of election to a Provincial Assembly -

(a) the constituencies for the general seats shall be single member territorial constituencies and the members to fill such seats shall be elected by direct and free vote.

(b) each Province shall be a single constituency for all seats reserved for women and non-Muslims allocated to the respective Provinces under clause (1);

(c) the members to fill seats reserved for women and non-Muslims allocated to a Province under clause (1) shall be elected in accordance with law through proportional representation system of political parties' lists of candidates on the basis of the total number of general seats secured by each political party in the Provincial Assembly.

Provided that a political party securing less than five centum of the total number of seats in the Provincial Assembly shall not be entitled to any seat reserved for women and non-Muslims" and

(4) Clauses (4), (5) and (6) shall be omitted.

15. 112. (1) In clause (2), after paragraph (a), the following new paragraph shall be added, namely:-

"(b) a situation has arisen in which the Government of the Province cannot be carried on in accordance with the provisions of the Constitution and an appeal to the electorate is necessary."

16. Part IV,
Chapter 3

After Article 140, the following new Article shall be inserted, namely :-

"140A. Local government -Each Province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments."

17. Part V
Chapter 3
- In Part V, in Chapter 3, before Article 153, the following new Article shall be inserted, namely:-
"152A. National Security Council.
(1) There shall be a National Security Council to serve as a forum for consultation on strategic matters pertaining to the sovereignty, integrity and security of the State; and the matters relating to democracy, governance and inter-provincial harmony.

(2) The President shall be the Chairman of the National Security Council and its other members shall be the Prime Minister, the Chairman of the Senate, the Speaker of the National Assembly, the Leader of the Opposition in the National Assembly, the Chief Ministers of the Provinces, the Chairman Joint Chiefs of Staff Committee, and the Chiefs of Staff of the Pakistan Army, Pakistan Navy and Pakistan Air Force.

(3) Meetings of the National Security Council may be convened by the President either in his discretion, or on the advice of the Prime Minister, or when requested by any other of its members, within the time frame indicating by him."
18. 199 (1) In clause (4A) for the words and commas "unless the case is finally decided, or the interim order is withdrawn, by the Court earlier" the comma and words "provided that the matter shall be finally decided by the High Court within six months from the date on which the interim order is made" shall be substituted: and

(2) clause (4B) shall be omitted.
19. 203C. In clause (9),

(a) for the word, "salary", occurring twice, the word "remuneration" shall be substituted: and
(b) for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:-
Provided that where a Judge is already drawing a pension for any other post in the service of Pakistan, the amount of such pension shall be deducted from the pension admissible under this clause."
20. 209. In clause (5) -

LFO A FRAUD ON THE CONSTITUTION

- (i) for the words and comma "received from the Council or from any other source," the words and comma "from any source, the Council or" shall be substituted: and
- (ii) after the words "Council to", the commas and words " ,or the Council may, on its own motion," shall be inserted.

21. 218. (1) For clause (1) the following shall be substituted, namely:-

"(1) For the purpose of election to both Houses of Majlis-e-Shoora (Parliament), Provincial Assemblies and for election of such other public offices as may be specified by law or until such law is made by the Majlis-e-Shoora (Parliament) by Order of the President, a permanent Election Commission shall be constituted in accordance with this Article."

(2) in clause (2), in paragraph (b),-

- (i) for the word "two" the word "four" shall be substituted; and
- (ii) after the words "High Court", occurring for the first time, the words "from each Province" shall be inserted.

22. 224. In Article 224,-

(a) in clause (1),-

- (i) for the word "preceding" the word "following" shall be substituted; and
- (ii) for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:-

Provided that on dissolution of an Assembly on completion of its term, the President, in his discretion, or, as the case may be, the Governor, in his discretion but with the previous approval of the President, shall appoint a care-taker Cabinet.";

(b) in clause (4), after the words and comma "Provincial Assembly, a", the word "general" shall be inserted;

(c) after clause (5), the following new clauses shall be added, namely:-

"(6) When a seat reserved for women or non-Muslims in the National Assembly or a Provincial Assembly falls vacant, for death, resignation or disqualification of a member, it shall be filled by the next person in order of precedence from the party

list of the candidates submitted to the Election Commission for the last general election by the political party whose member has vacated such seat.

- (7) When a care-taker Cabinet is appointed, on dissolution of the National Assembly under Article 58 or a Provincial Assembly under Article 112, or on dissolution of any such Assembly on completion of its term, the Prime Minister or, as the case may be, the Chief Minister of the care-taker Cabinet shall not be eligible to contest the immediately following election of such Assembly."

23. 243. (1) In clause (2),-
- (a) in paragraph (a), after the semi-colon at the end. the word "and" shall be added;
 - (b) in paragraph (b), for the word and semi-colon "and;" a full stop shall be substituted; and
 - (c) clause (c) shall be omitted; and
- (2) After clause (2), amended as aforesaid, the following new clause shall be added, namely:-
- "(3) The President shall, in his discretion, appoint-
- (a) the Chairman, Joint Chiefs of Staff Committee;
 - (b) the Chief of the Army Staff;
 - (c) the Chief of the Naval Staff; and
 - (d) the Chief of the Air Staff and shall also determine their salaries and allowances."

24. 260. In clause (1), after the expression "clause", the following new expression shall be inserted, namely:-
"Consultation" shall, save in respect of appointments of Judges of the Supreme Court and High Courts, mean discussion and deliberation which shall not be binding on the President."

25. 268. In clause (2):

 - (a) after the word "amended", the commas and words ", expressly or impliedly," shall be inserted; and
 - (b) after the word "President", the words "accorded after consultation with the Prime Minister" shall be added.

26. Part XII After Article 270A, the following new
Chapter 7 Articles shall be inserted, namely:

270AA. Validation of laws: (1) The Proclamation of Emergency of the fourteenth day of October, 1999, all President's Orders, Ordinances, Chief Executive's Orders, including the Provisional Constitution Order No.1 of 1999, the Oath of Office (Judges) Order, 2000 (No. 1 of 2000), the Referendum Order, 2002 (Chief Executive's Order No. 12 of 2002) and all other laws made between the twelfth day of October, one thousand nine hundred and ninety-nine and the date on which this Article comes into force, are hereby affirmed, adopted and declared notwithstanding any judgment of any court, to have been validly made by competent authority and notwithstanding anything contained in the constitution shall not be called in question in any court on any ground whatsoever.

(2) All orders made, proceedings taken, appointments made, including secondments and deputations, and acts done by any authority, or by any person, which were made, taken or done, or purported to have been made, taken or done, between the twelfth day of October, one thousand nine hundred and ninety-nine, and the date on which this Article comes into force (both days inclusive), in exercise of the powers derived from any proclamation, President's Orders, Ordinances, Chief Executive's Orders, enactments, notifications, rules, orders, bye-laws, or in execution of or in compliance with any orders made or sentences passed by any authority in the exercise or purported exercise of powers as aforesaid, shall, notwithstanding any judgment of any court, be deemed to be and always to have been validly made, taken or done and shall not be called in question in any court on any ground whatsoever.

(3) All Proclamations, President's Orders, Ordinances, Chief Executive's Orders, laws, regulations, enactments, notifications, rules, orders or bye-laws in force immediately before the date on which this Article comes into force shall continue in force until altered, repealed or amended by competent authority.

Explanation.- In this clause, "competent authority" means,

(a) in respect of President's Orders, Ordinances, Chief Executive's Orders and enactments, the appropriate Legislature: and

(b) in respect of notifications, rules, orders and bye-laws, the authority in which the power to make, alter, repeal or amend the same vests under the law.

(4) No suit, prosecution or other legal proceedings shall lie in any court against any authority or any person, for or on account of or in respect of any order made, proceedings taken or act done whether in the exercise or purported exercise of the powers referred to in clause (2) or in execution of or in compliance with orders made or sentences passed in exercise or purported exercise of such powers.

(5) For the purposes of clauses (1), (2) and (4), all orders made, proceedings taken, appointments made, including secondments and deputations, acts done or purporting to be made, taken or done by any authority or person shall be deemed to have been made, taken or done in good faith and for the purpose intended to be served thereby.

27. 270B In Article 270B, after the figure and comma "1977,", the words commas, the figures, brackets and letters "and the Conduct of General Elections Order, 2002 (Chief Executive's Order No.7 of 2002)," shall be inserted.

28. Part XII, Chapter 7 After Article 270B, amended as aforesaid, the following new Article shall be inserted, namely:-

270C. Oath of office of Judges, etc. Notwithstanding anything contained in the Constitution, all persons appointed as Judges of the Supreme Court, High Courts and Federal Shariat Court who have taken oath under the Oath of Office (Judges) Order, 2000 (1 of 2002), or not having been given or taken oath under that Order have ceased to continue to hold the office of a Judge shall be deemed to have been appointed or ceased to continue to hold such office, as the case may be, under the Constitution and such appointment or cession of office shall have effect accordingly."

29. Sixth Schedule After entry 24, the following new entries shall be added,:-

25. The State Bank of Pakistan Act, 1956 (XXXIII of 1956).

26. The National Accountability Bureau Ordinance, 1999 (XVIII of 1999).

27. The Balochistan Local Government Ordinance, 2001 (XVIII of 2001).

28. The North-West Frontier Province, Local Government Ordinance, 2001 (XIV of 2001)

29. The Punjab Local Government Ordinance, 2001 (XIII of 2001).

30. The Sindh Local Government Ordinance, 2001 (XXVII of 2001).

31. The Election Commission Order, 2002 (Chief Executive's Order No. 1 of 2002).

32. The Conduct of General Elections Order, 2002 (Chief Executive's Order No.7 of 2002)

33. The Political Parties Order, 2002 (Chief Executive's Order No.18 of 2002).

34. The Qualification to Hold Public Offices Order, 2002 (Chief Executive's Order No. 19 of 2002)

35. The Police Order, 2002 (Chief Executive's Order No.22 of 2002)."

GENERAL PERVEZ MUSHARRAF.
Chief Executive of the
Islamic Republic of Pakistan,
And Chief of Army Staff

MR. JUSTICE, MANSOOR AHMED
Secretary.



**Comparative Statement of
amendments proposed by the LFO
and the existing Constitutional
provisions**

(Provision as its exists in the Constitution)

Article 17

- (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 declare 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.

(Provision as it stands after proposed amendment)

Article 17

- (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 **or public order** and such law shall provide that where the Federal Government declare that any political party has been formed or is operating in a manner prejudicial to the sovereignty or integrity of Pakistan **or public order**, 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.

Provided that no political party shall promote sectarian, ethnic, regional hatred or animosity, or be titled or constituted as a militant group or section.

- (4) Every political party shall, subject to law, hold intra-party elections to elect its office-bearers and party leaders.

(Provision as its exists in the Constitution)

Article 41

- (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.
- (3) The President to be elected after the expiration of the term specified in clause (7) 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.

- (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.
- (7) Notwithstanding anything contained in this Article or Article 43, or any other Article of the Constitution or any other law, General Mohammad Zia ul Haq, in consequences of the result of the referendum held on the nineteenth day of December 1884, shall become the President of Pakistan on the day of the first meeting of Majlis-e-Shoora (Parliament) in joint sitting summoned after the elections to the Houses of Majlis-e-Shora (Parliament) and shall hold office for a term of five years from that day; and Article 44 and other provisions of the Constitution shall apply accordingly.

(Provision as it stands after proposed amendment)

Article 41

- (7) The Chief Executive of the Islamic Republic of Pakistan-**
- (a) shall relinquish the office of Chief Executive on such day as he may determine in accordance with the judgment of the Supreme Court of Pakistan of the 12th May, 2000; and**
 - (b) having received the democratic mandate to serve the nation as President of Pakistan for a period of five years shall, on relinquishing the office of the Chief Executive, notwithstanding anything contained in this Article or Article 43 or any other provision of the Constitution or any other law for the time being in force, assume the office of President of Pakistan forthwith and shall hold office for a term of five years under the Constitution, and Article 44 and other provisions of the Constitution shall apply accordingly.**

(Provision as it exists in the Constitution)

Article 51

(1) The National Assembly shall consist of two hundred and seven Muslim members to be elected by direct and free vote in accordance with law

(2) A person shall be entitled to vote if:

- (a) he is a citizen of Pakistan;
- (b) he is not less than twenty-one years of age;
- (c) his name appears on the electoral roll; and
- (d) he is not declared by a competent court to be of unsound mind

(2A) In addition to the number of seats referred to in clause (1), there shall be, in the National Assembly, ten additional seats reserved as follows for the persons referred to in clause (3) of Article 106

Christian	4
Hindus	4
Sikh, Buddhist and Parsi communities & other non Muslims	1
Person belonging to the Qadiani group or the Lahaori group (who call themselves Ahmadis)	1

(3) The seats in the National Assembly shall be allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital on the basis of population in accordance with the last preceding census officially published.

(3) Until the expiration of a period of ten years from the commencing day or the holding of the third general election to the National Assembly, whichever occurs later, twenty seats in addition to the number of seats referred to in clause (1) shall be reserved for women and allocated to be the Province in accordance with the Constitution and law.

(4) The members to fill the seats referred to in clause (2A) shall be elected, simultaneously with the member to fill the seats referred to in clause (1), on the basis of separate electorates by direct and free vote in accordance with law.

(5) As soon as practicable after the general election to the National Assembly, the members to fill seats reserved for women which are allocated to a Province under clause (4) shall be elected in accordance with law on the basis of the system of proportional representation by means of a single transferable vote by the electoral college consisting of the persons elected to the Assembly from that Province.

(6) Notwithstanding anything contained in this Article, the President may, by Order, make such provision as to the manner of filling the seats in the National Assembly allocated to the Federally Administered Tribal Areas as he may think fit.

(Provision as it stands after proposed amendment)

Article 51

- (1) **There shall be three hundred and forty-two seats of the members in the National Assembly, including seats reserved for women and non-Muslims.**
- (1A) **The seats in the National Assembly referred to in clause (1), except as provided in clause (2A), are allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital as under-**

	General	Women	Total
Balochistan	14	3	17
NWFP	35	8	43
The Punjab	148	35	183
Sindh	61	14	75
FATA	12	-	12
Federal Capital	2	-	2
Total	272	60	332

- (2) A person shall be entitled to vote if:
- he is a citizen of Pakistan;
 - he is not less than **eighteen years** of age;
 - his name appears on the electoral roll; and
 - he is not declared by a competent court to be of unsound mind

(2A) In addition to the number of seats referred to in clause (1A), there shall be, in the National Assembly, ten seats reserved for non-Muslims.

- (4) For the purpose of election to the National Assembly,-
- the constituencies for the general seats shall be single member territorial constituencies and the members to fill such seats shall be elected by direct and free vote in accordance with law;
 - each Province shall be a single constituency for all;
 - the constituency for all seats reserved for non-Muslims shall be the whole country;
 - members to the seats reserved for women which are allocated to a Province under clause (1A) shall be elected in accordance with law through proportional

LFO A FRAUD ON THE CONSTITUTION

representation system of political parties' lists of candidates on the basis of total number of general seats secured by each political party from the Province concerned in the National Assembly :

Provided that for the purpose of this sub-clause the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates.

- (e) members to the seats reserved for non-Muslims shall be elected in accordance with law through proportional representation system of political parties lists of candidates on the basis of total number of general seats won by each political party in the National Assembly:

Provided that for the purpose of this sub-clause the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates.

(Clause 4 to 6 of the original text shall be omitted)

(Provision as it exists in the Constitution)

Article 58

- (1) The President shall dissolve the National Assembly if so advised by the Prime Minister; and the National Assembly shall, unless sooner dissolved, stand dissolved at the expiration of forty-eight hours after the Prime Minister has so advised.

Explanation:- Reference in this Article to "Prime Minister" shall not be construed to include reference to a Prime Minister against whom a notice of a resolution for a vote of no-confidence has been given in the National Assembly but has not been voted upon or against whom such a resolution has been passed or who is continuing in office after his resignation or after the dissolution of the National Assembly.

- (2) Notwithstanding anything contained in clause (2) of Article 48, the President may also dissolve the National Assembly in his discretion where, in his opinion,:
 - (a) a vote of no-confidence having been passed against the Prime Minister, no other member of the National Assembly is likely to command the confidence of the majority of the members of the National Assembly in accordance with the provisions of the Constitution as ascertained in a session of the National Assembly summoned for the purpose; or

(Provision as it stands after proposed amendment)

Article 58

(b) a situation has arisen in which the Government of the Federation cannot be carried on in accordance with the provisions of the Constitution and an appeal to the electorate is necessary.

(Provision as it exists in the Constitution)

Article 59

- (1) The Senate shall consist of one hundred members, of whom
 - (a) fourteen shall be elected by the members of each Provincial Assembly
 - (b) eight shall be elected by the members from the Federally Administered Tribal Areas in the National Assembly
 - (c) three shall be elected from the Federal Capital in such manner as the President may, by Order, prescribe; and
 - (d) five women shall be elected by the members of each Provincial Assembly to represent ulema, technocrats and other professionals.

- (2) Election to fill seats in the Senate allocated to each Province shall be held in accordance with the system of proportional representation by means of the single transferable vote.
- (3) The Senate shall not be subject to dissolution but the term of its members, who shall retire as follows, shall be six years:-
 - (a) of the members referred to in paragraph (a) of clause (1), seven shall retire after the expiration of the first three years and seven shall retire after the expiration of the next three years.
 - (b) of the members referred to in paragraph (b) of the aforesaid clause, four shall retire after the expiration of the first three years and four shall retire after the expiration of the next three years;
 - (c) of the members referred to in paragraph (c) of the aforesaid clause,-
one shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years; and
 - (d) of the members referred to in paragraph (d) of the aforesaid clause, two shall retire after the expiration of the first three years and three shall retire after the expiration of the next three years;

Provided that the term of office of a person elected to fill a casual vacancy shall be the un-expired term of the member whose vacancy he has filled.

Article 59

- (1) The Senate shall consist of one hundred members, of whom,-
- (a) fourteen shall be elected by the members of each Provincial Assembly;
 - (b) eight shall be elected from the Federally Administered Tribal Areas, in such manner as the President may, by Order, prescribe;
 - (c) two on general seats, and one woman and one technocrat including aalim shall be elected from the Federal Capital in such manner as the President may, by Order, prescribe;
 - (d) four women shall be elected by the members of each Provincial Assembly;
 - (e) four technocrats including ulema shall be elected by the members of each Provincial Assembly.

(c)of the members referred to in paragraph (c) of the aforesaid clause,-

- (i) one elected on general seat shall retire after the expiration of the first three years and the other one shall retire after the expiration of the next three years, and
- (ii) one elected on the seat reserved for technocrat shall retire after first three years and the one elected on the seat reserved for woman shall retire after the expiration of the next three years;

(d) of the members referred to in paragraph (d) of the aforesaid clause, two shall retire after the expiration of the three years and two shall retire after the expiration of the next three years; and

(e) of the members referred to in paragraph (e) of the aforesaid clause, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years:

Provided that the term of office of a person elected to fill a casual vacancy shall be the un-expired term of the member whose vacancy he has filled.

(Provision as it exists in the Constitution)

Article 62

A person shall not be qualified to be elected or chosen as a member of Majlis-e-Shoora (Parliament) unless :-

- (a) he is a citizen of Pakistan;
- (b) he is, in the case of the National Assembly, not less than twenty -five years of age and is enrolled as a voter in any electoral roll for election to a Muslim seat or a non-Muslim seat as the case may be in that Assembly
- (c) he is, in the case of Senate, not less than thirty years of age and is enrolled as a voter in any area in a Province or, as the case may be, the Federal Capital or the Federally Administered Tribal Areas, from where he seeks membership;
- (d) he is of good character and is not commonly known as one who violates Islamic Injunctions;
- (e) he has adequate knowledge of Islamic teachings and practices obligatory duties prescribed by Islam as well as abstains from major sins ;
- (f) he is sagacious, righteous and non-profligate and honest and ameen;
- (g) he has not been convicted for a crime involving moral turpitude or for giving false evidence;
- (h) he has not, after the establishment of Pakistan, worked against the integrity of the country or opposed the Ideology of Pakistan

Provided that the disqualifications specified in paragraphs (d) and (e) shall not apply to a person who is a non-Muslim, but such a person shall have good moral reputation; and

- (i) he possesses such other qualifications as may be prescribed by Act of Majlis-e-Shoora (Parliament).

(Provision as it stands after proposed amendment)

Article 62

- (b) he is, in the case of the National Assembly, not less than twenty -five years of age and is enrolled as a voter in any electoral roll in-**
- (i) any part of Pakistan, for election to a general seat or a seat reserved for non-Muslims; and**
 - (ii) any area in a Province from which he seeks membership for election to a seat reserved for women.**

(Provision as it exists in the Constitution)

Article 63

1) A person shall be disqualified from being elected or chosen as, and from being, a member of the Majlis-e-Shoora (Parliament), if:-

(a) he is of unsound mind and has been so declared by a competent court; or

(b) he is an un-discharged insolvent; or

(c) he ceases to be a citizen of Pakistan, or acquires the citizenship of a foreign State; or

(d) he holds an office of profit in the service of Pakistan other than an office declared by law not to disqualify its holder; or

(e) he is in the service of any statutory body of any body which is owned or controlled by the Government or in which the Government has a controlling share or interest; or

(f) being a citizen of Pakistan by virtue of section 14B of the Pakistan Citizenship Act, 1951 (II of 1951), he is for the time being disqualified under any law in force in Azad Jammu and Kashmir from being elected as a member of the Legislative Assembly of Azad Jammu and Kashmir; or

(g) he is propagating any opinion, or acting in any manner, prejudicial to the Ideology of Pakistan, or the sovereignty, integrity or security of Pakistan, or morality, or the maintenance of public order, or the integrity or independence of the judiciary of Pakistan, or which defames or brings into ridicule the judiciary or the Armed Forces of Pakistan; or

(h) he has been, on conviction for any offence which in the opinion of the Chief Election Commissioner involves moral turpitude, sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his release; or

(i) he has been dismissed from the service of Pakistan on the ground of misconduct unless a period of five years has elapsed since his dismissal; or

(j) he has been removed or compulsorily retired from the service of Pakistan on the ground of misconduct unless a period of three years has elapsed since his removal or compulsory retirement; or

(k) he has been in the service of Pakistan or of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest, unless a period of two years has elapsed since he ceased to be in such service; or

(l) he is found guilty of a corrupt or illegal practice under any law for the time being in force, unless a period of five years has elapsed from the date on which that order takes effect; or

(m) he has been convicted under section 7 of the Political Parties Act, 1962 (III of 1962), unless a period of five years has elapsed from the date of such conviction; or

(n) he, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account or as a member of a Hindu undivided family, has any share or interest in a contract, not being a contract between a cooperative society and Government, for the supply of goods to, or for the execution of any contract or for the performance of any service undertaken by, Government:

Provided that the disqualification under this paragraph shall not apply to a person-

(i) where the share or interest in the contract devolves on him by inheritance or succession or as a legatee, executor or administrator, until the expiration of six months after it has so devolved on him;

(ii) where the contract has been entered into by or on behalf of a public company as defined in the Companies Ordinance, 1984 (XLVII of 1984), of which he is a share-holder but is not a director holding an office of profit under the company; or

(iii) where he is a member of a Hindu undivided family and the contract has been entered into by any other member of that family in the course of carrying on a separate business in which he has no share or interest; or

Explanation.- In this Article "goods" does not include agricultural produce or commodity grown or produced by him or such goods as he is, under any directive of Government or any law for the time being in force, under a duty or obligation to supply.

(o) he holds any office of profit in the service of Pakistan other than the following offices, namely :-

(i) an office which is not whole time office remunerated either by salary or by fee;

(ii) the office of Lumbardar, whether called by this or any other title;

(iii) the Qaumi Razakars;

(iv) any office the holder whereof, by virtue of such office, is liable to be called up for military training or military service under any law providing for the constitution or raising of a Force; or

(p) he is for the time being disqualified from being elected or chosen as a member of the Majlis-e- Shoora (Parliament) or of a Provincial Assembly under any law for the time being in force.

(2) If any question arises whether a member of Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker or, as the case may be, the Chairman shall, within thirty days from rising of such question refer the question to the Chief Election Commissioner.

(Provision as it stands after proposed amendment)

Article 63

(h) he has been convicted by a court of competent jurisdiction on a charge of corrupt practice, moral turpitude or misuse of power or authority under any law for the time being in force; or

(i) he has been dismissed from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a Local Government on the grounds of misconduct or moral turpitude; or

(j) he has been removed or compulsorily retired from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a Local Government on the grounds of misconduct or moral turpitude; or

(p) he has been convicted and sentenced to imprisonment for having absconded by a competent court under any law for the time being in force; or

(q) he has obtained a loan for an amount of two million rupees or more, from any bank, financial institution, cooperative society or cooperative body in his own name or in the name of his spouse or any of his dependents, which remains unpaid for more than one year from the due date, or has got such loan written off; or

(r) he or his spouse or any of his dependents has defaulted in payment of government dues and utility expenses, including telephone, electricity, gas and water charges in excess of ten thousand rupees, for over six months, at the time of filing his nomination papers; or

(s) he is for the time being disqualified from being elected or chosen as a member of the Majlis-e-Shoora (Parliament) or of a Provincial Assembly under any law for the time being in force.

(2) If any question arises whether a member of Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker or, as the case may be, the Chairman shall, within thirty days from rising of such question refer the question to the Chief Election Commissioner.

(3) Where a question is referred to the Chief Election Commissioner under clause (2), he shall lay such question before the Election Commission, which shall give its decision thereon not later than three months from its receipt by the Chief Election Commissioner.

(Provision as it exists in the Constitution)

Article 63 A

(1) If a member of a Parliamentary Party defects, he may by means of a notice in writing addressed to him by the Head of the political party, or such other person as may be authorized in this behalf by the Head of the political party, be called upon to show cause, within not more than seven days of such a notice, as to why a declaration under clause (2) should not be made against him. If a notice is issued under this clause, the presiding officer of the concerned House shall be informed accordingly.

Explanation: - member of a House shall be deemed to defect from a political party if he, having been elected as such, as a candidate or nominee of a political party, or under a symbol of a political party or having been elected otherwise than as a candidate or nominee of a political party, and having become a member of a political party after such election by means of a declaration in writing:
composed of a single political party in a House-

- (a) commits a breach of party discipline which means a violation of the party constitution, code of conduct and declared policies, or
 - (b) votes contrary to any direction issued by the parliamentary party to which he belongs or,
 - (c) abstains from voting in the House against party policy in relation to any bill.
- (2) where action is proposed to be taken under the Explanation to clause (1), sub-clause (a), the disciplinary committee of the party, on a reference by the Head of the Party, shall decide the matter, after giving an opportunity of a personal hearing to the member concerned within seven days. In the event the decision is against the member, he can file an appeal, within seven days, before the Head of the party, whose decision thereon shall be final. In cases covered by the Explanation to clause (1), sub-clause (b) and (c), the declaration may be made by the Head of the party concerned after examining the explanation of the member and determining whether or not that member has defected.
- (3) the Presiding officer of the House shall be intimated the decision by the Head of the political party in addition to an intimation, which shall also be sent to concerned member. The Presiding Officer shall within two days transmit the decision to the Chief Election Commissioner. The Chief Election Commissioner, shall give effect to such decision, within seven days from the date of the receipt of such intimation by declaring the seat vacant and announcing the schedule of the bye-election.
- (4) nothing contained in the Article shall apply to the Chairman or Speaker of a House.
- (5) for the purpose of this Article : -
- (a) "House" means the National Assembly or the Senate, in relation to the Federation, and the Provincial Assembly in relation to the Province, as the case may be.

LFO A FRAUD ON THE CONSTITUTION

(b) “Presiding Officer” means the Speaker of the National Assembly, the Chairman of the Senate or the Speaker of the Provincial Assembly, as the case may be;

(6) notwithstanding anything contained in the Constitution, no court including the Supreme Court and a High Court shall entertain any legal proceedings, exercise any jurisdiction, or make any order in relation to any action under this Article

(Provision as it stands after proposed amendment)

Article 63 A

- (1) If a member of a Parliamentary Party composed of a single political party in a House-
 - (a) resigns from membership of his political party or joins another Parliamentary Party; or
 - (b) votes or abstains from voting in the House contrary to any direction issued by the Parliamentary Party to which he belongs, in relations to-
 - (i) election of the Prime Minister or the Chief Minister; or
 - (ii) a vote of confidence or a vote of no-confidence; or
 - (iii) a Money Bill;

he may be declared in writing by the Head of the Parliamentary Party to have defected from the political party, and the Head of the Parliamentary Party may forward a copy of the declaration to the Presiding Officer, and shall similarly forward a copy thereof to the member concerned:

Provided that before making the declaration, the Head of the Parliamentary Party shall provide such member with an opportunity to show cause as to why such declaration may not be made against him.

- (2) A member of a House shall be deemed to be a member of a Parliamentary Party if he having been elected as a candidate or nominee of a political party which constitutes the Parliamentary Party in the House or, having been elected otherwise than as a candidate or nominee of a political party, has become a member of such Parliamentary Party after such election by means of a declaration in writing.
- (3) Upon receipt of the declaration under clause (1), the Presiding Officer of the House shall within two days refer the declaration to the Chief Election Commissioner who shall lay the declaration before the Election Commission for its decision thereon confirming the declaration or otherwise within thirty days of its receipt by the Chief Election Commissioner.
- (4) Where the Election Commission confirms the declaration, the member referred to in clause (1) shall cease to be a member of the House and his seat shall become vacant.
- (5) Any party aggrieved by the decision of the Election Commission may within thirty days, prefer an appeal to the Supreme Court which shall decide the matter within three months from the date of the filing of the appeal.
- (6) Nothing contained in this Article shall apply to the Chairman or Speaker of a House.

For the purpose of this Article-

- (a) "House" means the National Assembly or the Senate in relation to the Federation and a Provincial Assembly in relation to the Province, as the case may be.

LFO A FRAUD ON THE CONSTITUTION

- (b) "Presiding Officer" means the Speaker of the National Assembly, the Chairman of the Senate or the Speaker of the Provincial Assembly, as the case may be.

(Provision as it exists in the Constitution)

Article 70

(1) A Bill with respect to any matter in the Federal Legislative List or in the Concurrent Legislative List may originate in either House and shall, if it is passed by the House in which it originated, be transmitted to the other House; and, if the Bill is passed without amendment, by the other House also, it shall be presented to the President for assent.

(2) if a Bill transmitted to a House under clause (1) is rejected or is not passed within ninety days of its receipt or is passed with amendment, the Bill, at the request of the House in which it originated, shall be considered in a joint meeting.

(3) if a request is made under clause (2), the President shall summon a joint sitting; and, if the Bill is passed in the joint sitting, with or without amendment, by the votes of the majority of the total membership of the two House, it shall be presented to the President for assent.

(4) In this Article and the succeeding provisions of the Constitution, "Federal Legislative List" and "Concurrent Legislative List" mean respectively the Federal Legislative List and the Concurrent Legislative List in the Fourth Schedule.]

(Provision as it stands after proposed amendment)

Article 70

- (2) if a Bill transmitted to a House under clause (1) is rejected or is not passed within ninety days of its receipt or is passed with amendment, the Bill, at the request of the House in which it originated, shall be referred to a Mediation Committee constituted under Article 71 for consideration and resolution thereon.
- (3) Where a Bill is referred to the Mediation Committee under clause (2), the Mediation Committee shall, within ninety days, formulate an agreed Bill which is likely to be passed by both Houses of the Majlis-e-Shoora (Parliament) and place the agreed Bill separately before each House and if both the Houses pass the Bill, it shall be presented to the President for assent. President for assent.

LFO A FRAUD ON THE CONSTITUTION

(Provision as it exists in the Constitution)

Article 71

(Provision as it stands after proposed amendment)

Article 71

- (1) Both Houses of Majlis-e-Shoora (Parliament) shall, within fifteen days from the date of referral of the Bill by the House in which it was originated for consideration and resolution by the Mediation Committee under clause (2) of Article 70 nominate eight members each as members of a Mediation Committee.**
- (2) The House in which the Bill was originated shall nominate a member of the Mediation Committee as Chairman of the Committee and the other House shall nominate a member as the Vice-Chairman thereof.**
- (3) All decisions of the Mediation Committee shall be made by a majority of the total number of members of each House in the Committee.**
- (4) The President may, in consultation with the Speaker of the National Assembly and Chairman of the Senate, make rules for conduct of business of the Mediation Committee.**

(Provision as it exists in the Constitution)

Article 73

- (1) Notwithstanding anything contained in Article 70, a Money Bill shall originate in the National Assembly.
- (2) For the purpose of this Chapter, a Bill or amendment shall be deemed to be a Money Bill if it contains provisions dealing with all or any of the following matters, namely:-
 - (a) the imposition, abolition, remission, alteration or regulation of any tax;
 - (b) the borrowing of money, or the giving of any guarantee, by the Federal government, or the amendment of the law relating to the financial obligations of that Government;
 - (c) the custody of the Federal Consolidated Fund, the payment of moneys into, or the issue of moneys from, that Fund;
 - (d) the imposition of a charge upon the Federal Consolidated Fund, or the abolition or alteration of any such charge;
 - (e) the receipt of moneys on account of the Public Account of the Federation, the custody or issue of such moneys;
 - (f) the audit of the accounts of the Federal Government or a Provincial Government; and
 - (g) any matter incidental to any of the matters specified in the preceding paragraphs.
- (3) A Bill shall not be deemed to be a Money Bill by reason only that it provides:-
 - (a) for the imposition or alteration of any fine or other pecuniary penalty, or for the demand or payment of a license fee or a fee or charge for any service rendered; or
 - (b) for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.
- (4) If any question arises whether a Bill is a Money Bill or not, the decision of the Speaker of the National Assembly thereon shall be final.
- (5) Every Money Bill presented to the President for assent shall bear a certificate under the hand of the Speaker of the National Assembly that it is a Money Bill, and such certificate shall be conclusive for all purposes and shall not be called in question.

(Provision as it stands after proposed amendment)

Article 73

- (1) Notwithstanding anything contained in Article 70, a Money Bill shall originate in the National Assembly.**

Provided that simultaneously when a Money Bill, including the Finance Bill containing the Annual Budget Statement, is presented in the National Assembly, a copy thereof shall be transmitted to the Senate which may, within seven days, make recommendations thereon to the National Assembly.

- (1A) The National Assembly shall, consider the recommendations of the Senate and after the Bill has been passed by the Assembly with or without incorporating the recommendations of the Senate, it shall be presented to the President for assent.**

(Provision as it exists in the Constitution)

Article 75

- (1) When a Bill is presented to the President for assent, the President shall, within thirty days,
 - (a) assent to the Bill; or
 - (b) in the case of a Bill other than a Money Bill, return the Bill to the Majlis-e-Shoora (Parliament) with a message requesting that the Bill, or any specified provision thereof, be reconsidered and that any amendment specified in the message be considered.
- (2) When the President has returned a Bill to the Majlis-e-Shoora (Parliament), it shall be reconsidered by the Majlis-e-Shoora (Parliament) in joint sitting and, if it is again passed, with or without amendment, by the Majlis-e-Shoora (Parliament), by the votes of the majority of the members of both Houses present and voting, it shall be deemed for the purposes of the Constitution to have been passed by both Houses and shall be presented to the President and the President shall not withhold assent therefrom.
- (3) When the President has assented to a Bill, it shall become law and be called an Act of Majlis-e-Shoora (Parliament).
- (4) No act of Majlis-e-Shoora (Parliament), and no provision in any such Act, shall be invalid by reason only that some recommendation, previous sanction or consent required by the Constitution was not given if that Act was assented to in accordance with the Constitution

(Provision as it stands after proposed amendment)

Article 75

- (2) When the President has returned a Bill to the Majlis-e-Shoora (Parliament), it shall be reconsidered by the Majlis-e-Shoora (Parliament) and, if it is again passed, with or without amendment, by the Majlis-e-Shoora (Parliament), in accordance with Article 70 it shall be deemed for the purposes of the Constitution to have been passed by both Houses and shall be presented to the President and the President shall not withhold assent therefrom.

(Provision as it exists in the Constitution)

Article 101

- 1) There shall be a Governor for each Province, who shall be appointed by the President on the advice of the Prime Minister.
- (2) A person shall not be appointed a Governor unless he is qualified to be elected as member of the National Assembly and is not less than thirty-five years of age.
- (3) The Governor shall hold office during the pleasure of the President and shall be entitled to such salary, allowances and privileges as the President may determine.
- (4) The Governor may, by writing under his hand addressed to the President, resign his office.
- (5) The President may make such provision as he thinks fit for the discharge of the functions of a Governor in any contingency not provided for in this Part.

(Provision as it stands after proposed amendment)

Article 101

1) There shall be a Governor for each Province, who shall be appointed by the President in his discretion after consultation with the Prime Minister.

(Provision as it exists in the Constitution)

Article 106

(1) There shall be a Provincial Assembly for each Province consisting of the number of members hereinafter specified to be elected by direct and free vote in accordance with law: -

Balochistan	40
The North-West Frontier Province	80
The Punjab	240
Sindh	100

(2) A person shall be entitled to vote if-

- he is a citizen of Pakistan;
- he is not less than twenty-one years of age;
- his name appears on the electoral roll for any area in the Province; and
- he is not declared by a competent court to be of unsound mind

(3) in addition to the seats in the Provincial Assemblies for the Province of Balochistan, The Punjab, the North-West Frontier and Sindh specified in clause (1), there shall be in those Assemblies the number of seats hereinafter specified for non-muslims

Province	Christians	Hindus and person belonging to the schedule classes	Sikh, Buddhist and Parsi communities and other non-Muslims	Person belonging to the Quadiani group or the Lahore group (who call themselves Ahmadis)
Balochistan	1	1	1	-
The North West Frontier Province	1	-	1	1
The Punjab	5	1	1	1

LFO A FRAUD ON THE CONSTITUTION

Sindh	2	5	1	1
--------------	----------	----------	----------	----------

Explanation: - Where no independent seat is allocated to minority in a Province for being very small in number, the seat allocated jointly to all other non-Muslims in the Province shall be deemed to include that minority:

- (4) until the expiration of a period of ten years from the commencing day or the holding of the third general election to the Assembly of a Province, whichever occurs later, there shall be in the Assembly a number of additional seats reserved for women equal to five per centum of the number of member of that Assembly specified in clause (1).
- (5) That the member to fill the seats referred to in clause (3) shall be elected, simultaneously with the members to fill the seats referred to in clause (1), on the basis of separate electorates by direct and free vote in accordance with law.
- (6) As soon as practicable after the general election to a Provincial Assembly, the members to fill seats in that Assembly reserved for women shall be elected in accordance with law on the basis of the system of proportional representation by means of a single transferable vote by the electoral college consisting of the person elected to that Assembly.

(Provisional as it stands after proposed amendment)

Article 106

- 1) Each Provincial Assembly shall consist of general seats and seats reserved for women and non-Muslims as specified herein below.

	General seats	Women	Non-Muslims	Total
Balochistan	51	11	3	65
The North West Frontier Province	99	22	3	124
The Punjab	297	66	8	371
Sindh	130	29	9	168

- (2)
(b) he is not less than eighteen years of age;

- (3) For the purpose of election to a Provincial Assembly-
- (a) the constituencies for the general seats shall be single member territorial constituencies and the members to fill such seats shall be elected by direct and free vote.
- (b) each Province shall be a single constituency for all seats reserved for women and non-Muslims allocated to the respective Provinces under clause (1);
- (c) the members to fill seats reserved for women and non-Muslims allocated to a Province under clause (1) shall be elected in accordance with law through proportional representation system of political parties' lists of candidates on the basis of the total number of general seats secured by each political party in the Provincial Assembly:

Provided that for the purpose of this sub-clause, the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates.

(Provision as it exists in the Constitution)

Article 112

(1) The Governor shall dissolve the Provincial Assembly if so advised by the Chief Minister; and the Provincial Assembly shall, unless sooner dissolved, stand dissolved at the expiration of forty-eight hours after the Chief Minister has so advised.

Explanation.- Reference in this Article to "Chief Minister" shall not be construed to include reference to a Chief Minister against whom notice or a resolution for a vote of no-confidence has been given in the Provincial Assembly but has not been voted upon or against whom a resolution for a vote of no-confidence has been passed or who is continuing in office by virtue of clause (2) of Article 134 or a Provincial Minister performing the functions of the Chief Minister under clause (1) or clause (3) of Article 135.

(2) The Governor may also dissolve the Provincial Assembly in his discretion, but subject to the previous approval of the President, where, in his opinion:-

- (a) a vote of no-confidence having been passed against the Chief Minister, no other member of the Provincial Assembly is likely to command the confidence of the majority of the members of the Provincial Assembly in accordance with the provisions of the Constitution, as ascertained in a session of the Provincial Assembly summoned for the purpose; or

(Provision as it stands after proposed amendment)

Article 112

(b). a situation has arisen in which the Government of the Province cannot be carried on in accordance with the provisions of the Constitution and an appeal to the electorate is necessary.

LFO A FRAUD ON THE CONSTITUTION

(Provision as it exists in the Constitution)

Article 140A

(Provision as it stands after proposed amendment)

Article 140A

Each Province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments.

(Provision as it stands after proposed amendment)

Article 152A

(1) There shall be a National Security Council to serve as a forum for consultation on strategic matters pertaining to the sovereignty, integrity and security of the State; and the matters relating to democracy, governance and inter-provincial harmony.

(2) The President shall be the Chairman of the National Security Council and its other members shall be the Prime Minister, the Chairman of the Senate, the Speaker of the National Assembly, the Leader of the Opposition in the National Assembly, the Chief Ministers of the Provinces, the Chairman Joint Chiefs of Staff Committee, and the Chiefs of Staff of the Pakistan Army, Pakistan Navy and Pakistan Air Force.

(3) Meetings of the National Security Council may be convened by the President either in his discretion, or on the advice of the Prime Minister, or when requested by any other of its members.

(Provision as it exists in the Constitution)

Article 199

(1) Subject to the Constitution, a High Court may, if it is satisfied that no other adequate remedy is provided by law,-

(a) on the application of any aggrieved party, make an order-

(i) directing a person performing, within the territorial jurisdiction of the Court, functions in connection with the affairs of the Federation, a Province or a local authority, to refrain from doing anything he is not permitted by law to do, or to do anything he is required by law to do; or

(ii) declaring that any act done or proceeding taken within the territorial jurisdiction of the Court by a person performing functions in connection with the affairs of the Federation, a Province or a local authority has been done or taken without lawful authority and is of no legal effect; or

(b) on the application of any person, make an order-

(i) directing that a person in custody within the territorial jurisdiction of the Court be brought before it so that the Court may satisfy itself that he is not being held in custody without lawful authority or in an unlawful manner; or

(ii) requiring a person within the territorial jurisdiction of the Court holding or purporting to hold a public office to show under what authority of law he claims to hold that office; or

(c) on the application of any aggrieved person, make an order giving such directions to any person or authority, including any Government exercising any power or performing any function in, or in relation to, any territory within the jurisdiction of that Court as may be appropriate for the enforcement of any of the Fundamental Rights conferred by Chapter 1 of Part II.

(2) Subject to the Constitution, the right to move a High Court for the enforcement of any of the Fundamental Rights conferred by Chapter 1 of Part II shall not be abridged.

(3) An order shall not be made under clause (1) on application made by or in relation to a person who is a member of the Armed Forces of Pakistan, or who is for the time being subject to any law relating to any of those Forces, in respect of his terms and conditions of service, in respect of any matter arising out of his service, or in respect of any action taken in relation to him as a member of the Armed Forces of Pakistan or as a person subject to such law.

(4) Where-

(a) an application is made to a High Court for an order under paragraph (a) or paragraph (c) of clause (1), and

(b) the making of an interim order would have the effect of prejudicing or interfering with the carrying out of a public work or of otherwise being harmful to public interest or State property or of impeding the assessment or collection of public revenues,

LFO A FRAUD ON THE CONSTITUTION

the Court shall not make an interim order unless the prescribed law officer has been given notice of the application and he or any person authorized by him in that behalf has had an opportunity of being heard and the Court, for reasons to be recorded in writing, is satisfied that the interim order-

- (i) would not have such effect as aforesaid; or
- (ii) would have the effect of suspending an order or proceeding, which on the face of the record is without jurisdiction.

(4A) An interim order made by a High Court on an application made to it to question the validity or legal effect of any order made, proceeding taken or act done by any authority or person, which has been made, taken or done or purports to have been made, taken or done under any law which is specified in part I of the First Schedule or relates to, or is connected with, State Property or assessment or collection of public revenues shall cease to have effect on the expiration of a period of six months following the day on which it is made, provided that the matter shall be finally decided by the High Court within six months from the date on which the interim order is made.

(5) In this Article, unless the context otherwise requires, -

"person" includes any body politic or corporate, any authority of or under the control of the Federal Government or of a Provincial Government, and any Court or tribunal, other than the Supreme Court, a High Court or a Court or tribunal established under a law relating to the Armed Forces of Pakistan; and "prescribed law officer" means

- (a) in relation to an application affecting the Federal Government or an authority of or under the control of the Federal Government, the Attorney-General, and
- (b) in any other case, the Advocate-General for the Province in which the application is made.

(Provision as it stands after proposed amendment)

Article 199

4A- an interim order made by a High Court on an application made to it question the validity or legal effect of any order made, proceeding taken or act done by any authority or person, which has been mad, taken or done or purports to have been made, taken or done under any law which is specified in part I of the First schedule or relates to, or is connected with, State property or assessment or collection of public revenue shall cease to following the day on which it is made, **provided that the matter shall be finally decided by the High Court within six months from the date on which the interim order is made.**

(Article 4B of the original text is omitted)

(Provision as it exists in the Constitution)

Article 203C

- 1) There shall be constituted for the purposes of this Chapter a Court to be called the Federal Shariat Court.
- 2) The court shall consist of not more than eight Muslim Judges, including the Chief Justice, to be appointed by the President.
- 3) The Chief Justice shall be a person who is, or has been, or is qualified to be, a Judge of the Supreme Court or who is or has been a permanent Judge of a High Court.
- 3A) of the Judges, not more than four shall be persons each one of whom is, or has been, or is qualified to be, a judge of High Court and not more than three shall be Ulema who are well versed in Islamic Law.
- 4) The Chief Justice and a Judge shall hold office for a period not exceeding three years, but may be appointed for such further term or term as the President may determine:

Provided that a Judge of a High Court shall not be appointed to be a Judge for a period exceeding two years except with his consent and except where the Judge is himself the Chief Justice, after consultation by the President with the Chief Justice of the High Court.

- 4A) The President may, at any time, by order in writing,
 - a- modify the term of appointment of a judge
 - b- assign to a judge any other office; and
 - c- require a judge to perform such other functions as the President may deem fit

and pass such other order as he may consider appropriate.

Explanation: - I this clause (4C), "Judge" include Chief Justice.

- 4C) while he is performing the functions which he is required under clause (4B) to perform, or holding any other office assigned to him under that clause, a judge shall be entitled to the Chief Justice or, as the case may be, judge of the Court.
- 5) A judge of a High Court who does not accept appointment as a judge shall be deemed to have retired from his office and, on such retirement, shall be entitled to receive a pension calculated on the basis of the length of his service as judge and total service, if any, in the service of Pakistan.
- 6) The principal seat of the Court shall be at Islamabad, but the Court may from time to time sit in such other places in Pakistan as the Chief Justice may, with the approval of the President, appoint.
- 7) Before entering upon office, the Chief Justice and a judge shall make before the President or a person nominated by him oath in the form set out in the Third Schedule.

LFO A FRAUD ON THE CONSTITUTION

- 8) At any time when the Chief Justice or a judge is absent or is unable to perform the functions of his office, the President shall appoint another person qualified for the purpose to act as Chief Justice or, as the e may be, judge.
- 9) A Chief Justice who is not a judge of the Supreme Court shall be entitled to the same salary, allowances and privileges as are admissible to a judge of the Supreme Court and a Judge who is not a judge of a High Court shall be entitled to the same salary, allowance and privileges as are admissible to a judge of a High Court.

(Provision as it stands after proposed amendment)

Article 203C

- 9) A Chief Justice who is not a judge of the Supreme Court shall be entitled to the same **remuneration**, allowances and privileges as are admissible to a judge of the Supreme Court and a Judge who is not a judge of a High Court shall be entitled to the same **remuneration**, allowance and privileges as are admissible to a judge of a High Court.

Provided that where a judge is already drawing a pension for any other post in the service of Pakistan, the amount of such pension shall be deducted from the pension admissible under this clause.

(Provision as it exists in the Constitution)

Article 209

(1) There shall be Supreme Judicial Council of Pakistan, in this Chapter referred to as the Council.

(2) The Council shall consist of,

(a) the Chief Justice of Pakistan;

(b) the two next most senior Judges of the Supreme Court; and

(c) the two most senior Chief Justices of High Courts.

Explanation:- For the purpose of this clause, the inter se seniority of the Chief Justices of the High Courts shall be determined with reference to their dates of appointment as Chief Justice otherwise than as acting Chief Justice, and in case the dates of such appointment are the same, with reference to their dates of appointment as Judges of any of the High Courts.

(3) If at any time the Council is inquiring into the capacity or conduct of a Judge who is a member of the Council, or a member of the Council is absent or is unable to act due to illness or any other cause, then

(a) if such member is a Judge of the Supreme Court, the Judge of the Supreme Court who is next in seniority below the Judges referred to in paragraph (b) of clause (2), and

(b) if such member is the Chief Justice of a High Court; the Chief Justice of another High Court who is next in seniority amongst the Chief Justices of the remaining High Courts, shall act as a member of the Council in his place.

(4) If, upon any matter inquired into by the Council, there is a difference of opinion amongst its members, the opinion of the majority shall prevail, and the report of the Council to the President shall be expressed in terms of the view of the majority.

(5) If, on information received from the Council or from any other source, the President is of the opinion that a Judge of the Supreme Court or of a High Court,

(a) may be incapable of properly performing the duties of his office be reason of physical or mental incapacity; or

(b) may have been guilty of misconduct, the President shall direct the Council to inquire into the matter.

(6) If, after inquiring into the matter, the Council reports to the President that it is of the opinion,

(a) that the Judge is incapable of performing the duties of his office or has been guilty of misconduct, and

(b) that he should be removed from office, the President may remove the Judge from office.

(7) A Judge of the Supreme Court or of a High Court shall not be removed from office except as provided by this Article.

(8) The Council shall issue a code of conduct to be observed by Judges of the Supreme Court and of the High Courts.

LFO A FRAUD ON THE CONSTITUTION

(Provision as it stands after proposed amendment)

Article 209

- (5) if on information from any source the Council or the President is of the opinion that a judge of the Supreme Court or of a High Court: -**
- (b) have been guilty of misconduct, the President shall direct the Council to or the Council may on its own motion inquire into the matter.**

(Provision as it exists in the Constitution)

Article 218

- 1) For the purpose of each general election to the National Assembly and to a Provincial Assembly, an Election Commission shall be constituted in accordance with this Article.
- 2) The Election Commission shall consist of,
 - (a) The Commissioner who shall be Chairman of the Commission; and
 - (b) Two members, each of whom shall be a Judge of a High Court, appointed by the President after consultation with the Chief Justice of the High Court concerned and with the Commissioner.
- (3) It shall be the duty of the Election Commission constituted in relation to an election to organize and conduct the election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against.

(Provision as it stands after proposed amendment)

Article 218

1) For the purpose of election to both Houses of Majlis-e-Shoora (Parliament), Provincial Assemblies and for election of such other public offices as may be specified by law or until such law is made by the Majlis-e-Shoora (Parliament) by Order of the President, a permanent Election Commission shall be constituted in accordance with this Article.

(b) Four members each of whom shall be a Judge of a High Court from each Province appointed by the President after consultation with the Chief Justice of the High Court concerned and with the Commissioner.

(Provision as it exists in the Constitution)

Article 224

(1) A general election to the National Assembly or a Provincial Assembly shall be held within a period of sixty days immediately preceding the day on which the term of the Assembly is due to expire, unless the Assembly has been sooner dissolved, and the results of the election shall be declared not later than fourteen days before that day

(2) When the National Assembly or a Provincial Assembly is dissolved, a general election to the Assembly shall be held within a period of ninety days after the dissolution, and the results of the election shall be declared not later than fourteen days after the conclusion of the polls.

(3) An election to fill the seats in the Senate which are to become vacant on the expiration of the term of the members of the Senate shall be held not earlier than thirty days immediately preceding the day on which the vacancies are due to occur.

(4) When, except by dissolution of the National Assembly or a Provincial Assembly, a seat in any such Assembly has become vacant not later than one hundred and twenty days before the term of that Assembly is due to expire, an election to fill the seat shall be held within sixty days from the occurrence of the vacancy.

(5) When a seat in the Senate has become vacant, an election to fill the seat shall be held within thirty days from the occurrence of the vacancy.

(Provision as it stands after proposed amendment)

Article 224

Provided that on dissolution of an Assembly on completion of its term, the President, in his discretion, or, as the case may be, the Governor, in his discretion but with the previous approval of the President, shall appoint a care-taker Cabinet.

(6) When a seat reserved for women or non-Muslims in the National Assembly or a Provincial Assembly falls vacant, for death, resignation or disqualification of a member, it shall be filled by the next person in order of precedence from the party list of the candidates submitted to the Election Commission for the last general election by the political party whose member has vacated such seat.

(7) When a care-taker Cabinet is appointed, on dissolution of the National Assembly under Article 58 or a Provincial Assembly under Article 112, or on dissolution of any such Assembly on completion of its term, the Prime Minister or, as the case may be, the Chief Minister of the care-taker Cabinet shall not be eligible to contest the immediately following election of such Assembly.

(Provision as it exists in the Constitution)

Article 243

(1) The Federal Government shall have control and command of the Armed Forces.

(1A) Without prejudice to the generality of the foregoing provision, the Supreme Command of the Armed Forces shall vest in the President.

(2) The President shall, subject to law, have power-

(a) to raise and maintain the Military, Naval and Air Forces of Pakistan; and the Reserves of such Forces;

(b) to grant Commissions in such Forces; and

(b) to appoint

the Chairman, Joint Chief of Staff Committee, the Chief of Army Staff, the Chief of the Naval Staff and the Chief of the Air Staff, and determine their salaries and allowance.

(Provision as it stands after proposed amendment)

Article 243

(sub-clause (c) of clause (2) of Article 243 is omitted.)

(3) The President shall, in consultation with the Prime Minister], appoint-

(a) the Chairman, Joint Chiefs of Staff Committee;

(b) the Chief of the Army Staff;

(c) the Chief of the Naval Staff; and

(d) the Chief of the Air Staff,

and shall also determine their salaries and allowances.

(Provision as it exists in the Constitution)

Article 260

(1) In the Constitution, unless the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them, that is to say, "Act of Majlis-e-Shoora (Parliament)" means an Act passed by Majlis-e-Shoora (Parliament) or the National Assembly and assented to, or deemed to have been assented to, by the President;

"Act of Provincial Assembly" means an Act passed by the Provincial Assembly of a Province and assented to, or deemed to have been assented to, by the Governor;

"agricultural income" means agricultural income as defined for the purpose of the law relating to income tax;

"Article" means Article of the Constitution;

"borrows" includes the raising of money by the grant of annuities, and "loans" shall be construed accordingly;

"Chairman" means the Chairman of the Senate and, except in Article 49, includes a person acting as Chairman of the Senate;

"Chief Justices", in relation to the Supreme Court or a High Court, includes the Judge for the time being acting as Chief Justice of the Court;

"citizen" means a citizen of Pakistan as defined by law;

"clause" means clause of the Article in which it occurs;

"corporation tax" means any tax or income that is payable by companies and in respect of which the following conditions apply:

(a) the tax is not chargeable in respect of agricultural income;

(b) no deduction in respect of the tax paid by companies is, by any law which may apply to the tax, authorized to be made from dividends payable by the companies to individuals;

(c) no provision exists for taking the tax so paid into account in computing for the purposes of income tax the total income of individual receiving such dividends, or in computing the income tax payable by, or refundable to, such individuals;

"debt" includes any liability in respect of any obligation to repay capital sums by way of annuities and any liability under any guarantee, and "debt charges" shall be construed accordingly;

LFO A FRAUD ON THE CONSTITUTION

"estate duty" means a duty assessed on, or by reference to, the value of property passing upon death;

"existing laws" has the same meaning as in clause (7) of Article 268;

"Federal laws" means a law made by or under the authority of Majlis-e-Shoora (Parliament);

"financial year" means a year commencing on the first day of July;

"goods" includes all materials, commodities and articles;

"Governor" means the Governor of a Province and includes any person for the time being acting as the Governor of a Province;

"guarantee" includes any obligation undertaken before the commencing day to make payments in the event of the profits of an undertaking falling short of a specified amount;

"House" means the Senate or the National Assembly;

"Joint sitting" means a joint sitting of the two Houses;

"Judge" in relation to the Supreme Court or a High Court, includes the Chief Justice of the Court and also includes

(a) in relation to the Supreme Court, a person who is acting as a Judge of the Court; and

(b) in relation to the High Court, a person who is an Additional Judge of the Court;

"members of the Armed Forces" does not include persons who are not, for the time being, subject to any law relating to the members of the Armed Forces;

"net proceeds" means, in relation to any tax or duty, the proceeds thereof, reduced by the cost of collection, as ascertained and certified by the Auditor-General;

"oath" includes affirmation;

"Part" means Part of the Constitution;

"pension" means a pension, whether contributory or not, of any kind whatsoever payable to, or in respect of, any person and includes retired pay so payable, a gratuity so payable, and any sum or sums so payable by way of the return, with or without interest thereon or any addition thereto, of subscriptions to a provident fund;

"person" includes any body politic or corporals;

"President" means the President of Pakistan and includes a person for the time being acting as, or performing the functions of, the President of Pakistan and, as respects anything required to be done under the Constitution before the commencing day, the President under the Interim Constitution of the Islamic Republic of Pakistan;

"Property" includes any right, title or interest in property, movable or immovable, and any means and instruments of production;

"Provincial law" means a law made by or under the authority of the Provincial Assembly;

"remuneration" includes salary and pension;

"Schedule" means Schedule to the Constitution;

"security of Pakistan" includes the safety, welfare, stability and integrity of Pakistan and of each part of Pakistan, but shall not include public safety as such;

LFO A FRAUD ON THE CONSTITUTION

"Service of Pakistan" means any service, post or office in connection with the affairs of the Federation or of a Province, and includes an All-Pakistan Service, service in the Armed Forces and any other service declared to be a service of Pakistan by or under Act of Majlis-e-Shoora (Parliament) or of a Provincial Assembly, but does not include service as Speaker, Deputy Speaker, Chairman, Deputy Chairman, Prime Minister, Federal Minister, Minister of State, Chief Minister, Provincial Minister, Attorney-General, Advocate-General, Parliamentary Secretary or Chairman or member of a Law Commission, Chairman or member of the Council of Islamic Ideology, Special Assistant to the Prime Minister, Adviser to the Prime Minister, Special Assistant to Chief Minister, Adviser to a Chief Minister or member of a House or a Provincial Assembly;

"Speaker" means the Speaker of the National Assembly or a Provincial Assembly, and includes any person acting as the Speaker of the Assembly;

"taxation" includes the imposition of any tax or duty, whether general, local or special, and "tax" shall be construed accordingly;

"tax on income" includes a tax in the nature of an excess profits tax or a business profits tax

(2) In the Constitution "Act of Majlis-e-Shoora (Parliament)" or "Federal law" or "Act of Provincial Assembly" or "Provincial law" shall include an Ordinance promulgated by the President or, as the case may be, a Governor.

(3) In the Constitution and all enactments and other legal instruments, unless there is anything repugnant in the subject or context

(a) "Muslim" means a person who believes in the unity and oneness of Almighty Allah, in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him), the last of the prophets, and does not believe in, or recognize as a prophet or religious reformer, any person who claimed or claims to be a prophet, in any sense of the word or of any description whatsoever, after Muhammad (peace be upon him); and

(b) "non-Muslim" means a person who is not a Muslim and includes a person belonging to the Christian, Hindu, Sikh, Buddhist or Parsi community, a person of the Qadiani Group or the Lahori Group who call themselves 'Ahmadis' or by any other name or a Bahai, and a person belonging to any of the Scheduled Castes.

(Provision as it stands after proposed amendment)

Article 260

"Consultation" shall, save in respect of appointments of Judges of the Supreme Court and High Courts, mean discussion and deliberation which shall not be binding on the President.

(Provision as it exists in the Constitution)

Article 268

(1) Except as provided by this Article, all existing laws shall, subject to the Constitution, continue in force, so far as applicable and with the necessary adaptations, until altered, repealed or amended by the appropriate Legislature.

(2) The laws specified in the Sixth Schedule shall not be altered, repealed or amended without the previous sanction of the President.

(3) For the purpose of bringing the provisions of any existing law into accord with the provisions of the Constitution (other than Part II of the Constitution), the President may by Order, within a period of two years from the commencing day, make such adaptation, whether by way of modification, addition or omission, as he may deem to be necessary or expedient, and any such Order may be made so as to have effect from such day, not being a day earlier than the commencing day, as may be specified in the Order.

(4) The President may authorize the Governor of a Province to exercise, in relation to the Province, the powers conferred on the President by clause (3) in respect of laws relating to matters with respect to which the Provincial Assembly has power to make laws.

(5) The powers exercisable under clauses (3) and (4) shall be subject to the provisions of an Act of the appropriate Legislature.

(6) Any court, tribunal or authority required or empowered to enforce an existing law shall, notwithstanding that no adaptations have been made in such law by an Order made under clause (3) or clause (4), construe the law with all such adaptations as are necessary to bring it into accord with the provisions of the Constitution.

(7) In this Article, "existing laws" means all laws (including Ordinances, Orders-in-Council, Orders, rules, by-laws, regulations and Letters Patent constituting a High Court, and any notifications and other legal instruments having the force of law) in force in Pakistan or any part thereof, or having extraterritorial validity, immediately before the commencing day.

Explanation:- In this Article, "in force", in relation to any law, means having effect as law whether or not the law has been brought into operation.

(Provision as it stands after proposed amendment)

Article 268

(2) The laws specified in the Sixth Schedule shall not be altered, repealed or amended, expressly or impliedly, without the previous sanction of the President accorded after consultation with the Prime Minister.

LFO A FRAUD ON THE CONSTITUTION

(Provision as its exists in the Constitution)

Article 270AA

(Provision as it stands after proposed amendments)

Article 270AA

- (1) The Proclamation of Emergency of the fourteenth day of October, 1999, all President's Orders, Ordinances, Chief Executive's Orders, including the Provisional Constitution Order No. 1 of 1999, the Oath of Office (Judges) Order, 2000 (No. 1 of 2000), Chief Executive's Order No. 12 of 2002, the amendments made in the Constitution through the Legal Framework Order, 2002 (Chief Executive's Order No. 24 of 2002), the Legal Framework (Amendment) Order, 2002 (Chief Executive's Order No. 29 of 2002), the Legal Framework (Second Amendment) Order, 2002 (Chief Executive's Order No. 32 of 2002) and all other laws made between the twelfth day of October, one thousand nine hundred and ninety-nine and the date on which this Article comes into force (both days inclusive), having been duly made or accordingly affirmed, adopted and declared to have been validly made by the competent authority and notwithstanding anything contained in the Constitution shall not be called in question in any court or forum on any ground whatsoever.
- (2) All orders made, proceedings taken, appointments made, including secondments and deputations, and acts done by any authority, or by any person, which were made, taken or done, or purported to have been made, taken or done, between the twelfth day of October, one thousand nine hundred and ninety-nine, and the date on which this Article comes into force (both days inclusive), in exercise of the powers derived from any Proclamation, President's Orders, Ordinances, Chief Executive's Orders, enactments, including amendments in the Constitution, notifications, rules, orders, bye-laws or in execution of or in compliance with any orders made or sentences passed by any authority in the exercise or purported exercise of powers as aforesaid, shall, notwithstanding any judgment of any court, be deemed to be and always to have been validly made, taken or done and shall not be called in question in any court or forum on any ground whatsoever.
- (3) All Proclamations, President's Orders, Ordinances, Chief Executive's Orders, laws, regulations, enactments, including amendments in the Constitution, notification, rules, orders or bye-laws in force immediately before the date on which this Article comes into force shall continue in force, until altered, repealed or amended by the competent authority.

Explanation: In this clause, "competent authority" means,-

- (a) in respect of President's Orders, Ordinances, Chief Executive's Orders and enactments, including amendments in the Constitution, the appropriate Legislature; and

LFO A FRAUD ON THE CONSTITUTION

(b) in respect of notifications, rules, orders and bye-laws, the authority in which the power to make, alter, repeal or amend the same vests under the law.

(4) No suit, prosecution or other legal proceedings, including writ petitions, shall lie in any court or forum against any authority or any persons, for or on account of or in respect of any order made, proceedings taken or act done whether in the exercise or purported exercise of the powers referred to in clause (2) or in execution of or in compliance with orders made or sentences passed in exercise or purported exercise of such powers.

(5) For the purposes of clauses (1), (2) and (4), all orders made, proceedings taken, appointments made, including secondments and deputations, acts done or purporting to be made, taken or done by any authority or person shall be deemed to have been made, taken or done in good faith and for the purpose intended to be served thereby.

(Provision as it exists in the Constitution)

Article 270B

Notwithstanding anything contained in the Constitution, the elections held under the Houses (of Parliament) and Provincial Assemblies (Elections) Order, 1977, to the Houses and the Provincial Assemblies shall be deemed to have been held under the Constitution and shall have effect accordingly.

(Provision as it stands after proposed amendments)

Article 270B

Notwithstanding anything contained in the Constitution, the elections held under the Houses (of Parliament) and Provincial Assemblies (Elections) Order, 1977 and the Conduct of General Elections Order, 2002 (Chief Executive's Order No.7 of 2002), to the Houses and the Provincial Assemblies shall be deemed to have been held under the Constitution and shall have effect accordingly

(Provision as it stands after proposed amendment)

Article 270C

Notwithstanding anything contained in the Constitution, all persons appointed as Judges of the Supreme Court, High Courts and Federal Shariat Court who have taken oath under the Oath of Office (Judges) Order, 2000 (1 of 2002), or not having been given or taken oath under that Order have ceased to continue to hold the office of a Judge shall be deemed to have been appointed or ceased to continue to hold such office, as the case may be, under the Constitution and such appointment or cession of office shall have effect accordingly.

(Provision as it exists in the Constitution)

Sixth Schedule

[Article 268 (2)]

Laws not to be Altered, Repealed or Amended without the Previous Sanction of the President

1. The Improper Acquisition of Property Regulation, 1969.
2. The Removal from Service (Special Provisions) Regulation, 1969.
3. The Living Beyond Ostensible Means (Punishment) Regulation, 1969.
4. The Government Agricultural Land (Recovery of Illegal Possession) Regulation, 1969.
5. The Enemy Property (Payment of Money Due to Enemy) Regulation, 1970.
6. The Withdrawal of Currency Notes (High Denomination) Regulation, 1971.
7. The Price Of Evacuee Property And Public Dues (Recovery) Regulation 1971

8. The Peshawar District and Tribal Areas (Settlement of Disputes) Regulation, 1971.
9. The Convention Muslim League and Awami League (Scrutiny of Funds) Regulations, 1971.
10. The Foreign Exchange Repatriation Regulation, 1972.
11. The Foreign Assets (Declaration) Regulation, 1972.
12. The Removal from Service (Special Provisions) Regulation, 1972.
13. The Land Reforms Regulation, 1972.
14. The Removal from Service (Review Petition) Regulation, 1972.
15. The Land Reforms (Balochistan Pat Feeder Canal) Regulation, 1972.
16. The Privately Managed Schools and Colleges (Taking Over) Regulation, 1972.
17. The Enemy Property (Revocation of Sales) Regulation, 1972.
18. The Dir and Swat (Devolution and Distribution of Property) Regulation, 1972.
19. The Dir and Swat (Settlement of Disputes of Immovable Property) Regulation, 1972.
20. The West Pakistan Industrial Development Corporation (Revocation of Sales or Transfer) Regulation, 1972.
21. The Economic Reforms (Protection of Industries) Regulation, 1972.
22. The National Press trust (Suspension of Board of Trustees and Directors) Regulation, 1972.
23. The Cooperative Banks (Repayment of Loans) (Punjab) Regulation, 1972.

24. The Cooperative Societies (Repayment of Loans) (Sindh) Regulation, 1972.

LFO A FRAUD ON THE CONSTITUTION

(Provision as it stands after proposed amendment)

25. The State Bank of Pakistan Act, 1956 (XXXIII of 1956).
26. The National Accountability Bureau Ordinance, 1999 (XVIII of 1999).
27. The Balochistan Local Government Ordinance, 2001 (XVIII of 2001).
28. The North-West Frontier Province, Local Government Ordinance, 2001 (XIV of 2001).
29. The Punjab Local Government Ordinance, 2001 (XIII of 2001).
30. The Sindh Local Government Ordinance, 2001 (XXVII of 2001).
31. The Election Commission Order, 2002 (Chief Executive's Order No. 1 of 2002).
32. The Conduct of General Elections Order, 2002 (Chief Executive's Order No. 7 of 2002).
33. The Political Parties Order, 2002 (Chief Executive's Order No. 18 of 2002).
34. The Qualification to Hold Public Offices Order, 2002 (Chief Executive's Order No. 19 of 2002).
35. The Police Order, 2002 (Chief Executive's Order No. 22 of 2002).

2000

CENTRAL STATUTES

ORDERS – 1999

1. Provisional Constitution (Amendment) Order, 1999
2. Provisional Constitution (Amendment) Order, 1999
3. Governor Appointment And Oath of Office Order, 1999
4. Powers And Functions Of The Governors Order, 1999
5. Appointment Of National Security Council And Oath Of Office Order, 1999
6. Appointment Of Federal Ministers And Oath Of Office Order, 1999
7. Appointment Of Provincial Ministers And Oath Of Office Order, 1999
8. Provincial Constitution (Amendment) Order, 1999
9. Oath Of Office (Judges) Order, 1999

ORDINANCE – 1999

1. Sales Tax (Amendment) Ordinance, 1999
2. Anti-Terrorism (Second Amendment) Ordinance, 1999
3. Pakistan Water And Power Development Authority (Third Amendment) Ordinance, 1999
4. Electricity (Second Amendment) Ordinance, 1999
5. Industrial Relations (Second Amendment) Ordinance, 1999
6. Karachi Electric Supply Corporation (Removal From Service) Ordinance, 1999
7. National Accountability Bureau Ordinance, 1999
8. National Accountability Bureau (Amendment) Ordinance, 1999
9. Anti-Terrorism (Third Amendment) Ordinance, 1999
10. Protection Of Economic Reforms (Amendment) Ordinance, 1999
11. Tax Laws (Amendment) Ordinance, 1999
12. Pakistan Bait-Ul-Maal (Amendment) Ordinance
13. Regulation Of Generation, Transmission And Distribution Of Electric Power (Amendment) Ordinance, 1999

RULES – 1999

Customs Valuation (Determination Of Value Of Imported Goods)
Rules, 1999

Pakistan Bar Council Free Legal Aid Rules, 1999

REGULATIONS

National Police Academy (Islamabad), Employees Pension And Gratuity Rules / Regulations, 1999

CHIEF EXECUTIVE”S ORDERS, 1000

1. Oath of office (judges) order, 2000
2. Supreme court judges (pensioner benefits) order, 2000
3. Holders of representative offices laws (suspension of operation) order, 2000
4. Supreme court judges (pensionary benefits) (amendment) order, 2000
5. High Court judges (service benefits) order, 2000
6. Budgetary provision order, 2000
7. Provisional constitution (amendment) order, 2000

ORDINANCE, 2000

1. National Gas Regulatory Authority Ordinance, 2000
2. Marriage Functions (Prohibition Of Ostentatious Displays And Wasteful Expense) Ordinance, 2000
3. Acceding State (Property) (Amendment) Ordinance, 2000
4. National Accountability Bureau (Amendment) Ordinance, 2000
5. Bahria University Ordinance, 2000
6. Industrial Statistics (Amendment) Ordinance, 2000
7. General Statistics (Amendment) Ordinance
8. National Database And Registration Authority Ordinance, 2000
9. Employees’ Old-Age Benefits (Amendments) ordinance 2000
10. Pakistan Institute of engineering and Applied sciences ordinance 2000
11. Customs (Amendment) ordinance 2000
12. Secretariat Allowance (Recession Of Orders, Etc) Ordinance 2000
13. Pakistan Citizenship (Amendment) Ordinance 2000
14. Transfer Of Railways (Amendments) Ordinance 2000
15. Survey of Documentation of National; Economy Ordinance 2000
16. Tax Laws Amendment Ordinance 2000
17. Removal from services (Special Powers) Ordinance 2000
18. National University Of modern Languages Ordinance 2000
19. Anti-Terrorism (Amendment) Ordinance 2000
20. Civil Servants (Amendments) Ordinance

21. Finance Ordinance 2000
22. Juvenile justice System Ordinance 2000
23. National University Of Computer and Emerging Sciences Ordinance 2000
24. National Accountability Bureau (Second Amendment) Ordinance 2000
25. Foreigner (Amendment) Ordinance 2000
26. National Commission on The status Of women Ordinance 2000
27. Water And Power Development Authority (Amendment) Ordinance 2000
28. Pakistan Aeronautical Complex Board Ordinance 2000

ORDERS – 1999

1. Northern Areas Council Legal Framework (Amendment) Order 1999
2. Northern Areas Court Of Appeals (Establishment) Order 1999

PRESIDENT’S ORDERS- 2000

1. Ad Hoc Members Of The Shariat Appellate Bench (Allowance For Attending Of Sittings) Order 2000

REGULATIONS – 2000

2. Frontier crime (amendment) regulation 2000

RULES – 2000

3. Sales Tax Refund Rules 2000
4. Special Procedure For Collection And Payment Of Sales Tax (Electric power) Rules 2000

NOTIFICATIONS

1. Anti-Terrorism Act, 1997 (Amendment of Schedule)
2. Asset Management Companies Rules 1995 (Amendment)
3. Central Excise Rules 1944 (Amendment in R. 2)
4. Civil Servants (Appeal) Rules, 1977(Amendment in R.2)
5. Civil Servants (Appointment, Promotion and transfer Rules, 1973 (Amendment in Notification No. 5(1) 98, Dated 5th January; 1998)
6. Civil Servants (Appointment, Promotion And Transfer) Rules, 1973 (Amendment in R.8-B)
7. Civil Servants (Appointment, Promotion And Transfer) Rules, 1973 (Amendments)
8. Civil Servants (Appointment, Promotion And Transfer) Rules, 1973 (Amendments in Rr. 2 And 7)
9. Civil Servants (Appointment, Promotion And Transfer) Rules, 1973 Substitution of R. 6

10. Civil Servants (Appointment, Promotion And Transfer) Rules 1973 (Substitution of Rr. 18 And 19)
11. Control Of Narcotics Substances Act, 1997 (Laboratories For The Purpose Of The Act)
12. Defence Of Pakistan Rules, 1971 (Powers of Government Of Sindh Under R. 185)
13. Drugs (Licensing, Registering And Advertising) Rules, 1976 (Amendment in Sched. "B")
14. Federal Government Lands And Buildings (Recovery of Possession) Ordinance, 1965 (Exercise Of Powers Under Ss. 3 To 7 Of The Ordinance On Respect Of Premises Of The Jinnah Postgraduate Medical Center, Karachi)
15. Federal Public Service Commission (Commission And Conditions Of Service) Regulations, 1978 (Amendment In R.3)
16. Finance Act 1999 (Amendment In Table III)
17. Finance Act, 1999 (Date Of Enforcement Of Cls. (3) And (5) Of S. 10)
18. Finance Act 1989 (Exemption Of Jeeps Manufactured in Pakistan From Payment Of Capital Value Tax)
19. Government Servants (Efficiency And Discipline) Rule, 1973 (Substitution Of DI. (2) Of R. 2)
20. Income Tax Ordinance 1979 (Addition of CI. (6HB) In Part IV Of Second Schedule)
21. Income Tax Ordinance 1979 (Addition of CI. (10-D) In Party IV of Second Schedule)
22. Income tax Ordinance 1979 (Addition of CI. (49A) In Party IV, Second schedule)
23. Income Tax Ordinance 1979 (Addition) of CI. (69) In Second schedule Part IV)
24. Income Tax Ordinance 1979 (Addition of Proviso In CI.37-A) Of second schedule, Part IV)
25. Income Tax Ordinance 1979 (Amendment In Parts I And II Of Second schedule)
26. Income Tax Ordinance 1979 (Amendment In Second Schedule Part II CI. 2-)
27. Income Tax Ordinance 1979 (Amendment In Second Schedule Part I, CI. (91))
28. Income Tax Ordinance 1979 (Amendment of Part I Of Second Schedule)
29. Income Tax Ordinance 1979 (Amendment in CI. (6AB) Of Part II Second Schedule)
30. Income Tax Ordinance 1979 (Amendment In Parts I And II of Second Schedule)
31. Income Tax Ordinance 1979 (Amendments in part I, II And IV Of Second Schedule)
32. Income Tax Ordinance 1979 (Amendment In Parts III And IV of second schedule)
33. Income Tax Ordinance 1979 (Insertion of CI. (9C) In Part IV, Second Schedule)
34. Income Tax Ordinance 1982 (Addition of R.26)

LFO A FRAUD ON THE CONSTITUTION

35. Income Tax Ordinance 1982 (Addition of R.32-A)
36. Income Tax Ordinance 1982 (Addition of Sub-Rules) (9) In R. 190)
37. Income Tax Ordinance 1982(Insertion Of R.203-AA)
38. Income Tax Ordinance 1982(Insertion Of Rules)
39. Income Tax Settlement Commission Procedure Rules, 1994 (Insertion Of Explanation After Sub-Rule (2) of R.8)
40. Islamabad Land Disposal Regulation, 1993 (Substitution Of Article 22)
41. Marriage Functions (Prohibition Of Ostentatious Displays And Wasteful Expenses) Ordinance 2000 (Appointment Of Officer To File Complaints Under The Ordinance In Islamabad Capital Territory)
42. Mine Act 1923 (Application Of act To FATA)
43. National Accountability Bureau Ordinance, 1999 (Date Of Setting Up Of National Accountability Bureau)
44. National Database And Registration Authority (Establishment Of Database And Registration Authority)
45. Pakistan Air Force Act Rules, 1957 (Amendment)
46. Pakistan Allocation Rules, 1993 (Amendment in R.16 (2))
47. Pakistan Citizenship Rules 1952 (Amendment In R.9)
48. Pakistan Medical And Dental Council ordinance, 1962 (Authority To File Complaint In Islamabad Capital Territory)
49. Retail Tax Rules, 1988 (Amendments)
50. Rules of Business, 1973 (Substitution Of Rule 20a)
51. Sales Tax act 1990 (Exemption Of Additional Chargeable Under S.34)
52. Scheme For The lease Of Evacuee Trust Agricultural Land, 1975 (Amendments)
53. Scheme For The Management And Disposal Of Urban Evacuee Trust properties, 1977 (Amendments)
54. Supreme Court Rules, 1980 (Amendments In order Ii, IV And IX)
55. Supreme Court Rules, 1980 (Substitution Of R.5 Of O.II)
56. Turnover Tax Rules, 1999(Amendment)
57. Wealth Tax Act, 1963 (Addition Of CI. (33) In second Schedule, Part I)
58. Wealth tax act, 1963 (Amendment in Second Schedule, party I, CI. (33))
59. Wealth Tax Act, 1963 (Insertion Of CI. (1a) In Part Ii Of Second schedule)
60. Wealth Tax Act, 1963 (Insertion Of CI. (10a) In Part I Of second schedule)

BALUCHISTAN STATUTES

ORDINANCE- 2000

1. Baluchistan Sales Tax ordinance, 2000
2. Baluchistan Tax On Land And Agriculture Income ordinance, 2000
3. Baluchistan Province Removal from Service (Special Powers) ordinance 2000
4. Baluchistan Civil Servants (Amendment) Ordinance 2000

NWFP STATUTES

1. North-West Frontier Province Pension Fund Act 1999
2. North-West Frontier Province General Provident Investment Fund Act 1999
3. Galiyat Development Authority (Amendment) act 1999
4. Kaghan Development Authority (Amendment) Act 1999

2001

CENTRAL STATUTES

AGREEMENT

Agreement on Mutual Legal Assistance In civil, Family And Criminal Matters
Between The Islamic Republic Of Pakistan And The Republic Of Kazakhstan

CHIEF EXECUTIVE'S ORDERS – 2000

1 to 7 (Already published in 2000)

8. Local Government Elections order 2000
9. Term Of Chief Election Commissioner Order 2000
10. Provisional Constitution (Amendment) order 2000
11. Governor's Power Order 2000

ORDERS – 2000

Anti-Narcotics Force (Adaptation And Enforcement) Order 2000
National Accountability Bureau Ordinance, 1000 (Adaptation And Enforcement) Order
2000
National Highway Authority Act 1991 (Adaptation And Enforcement) Order 2000
Northern Areas Anti-Terrorism Order 2000
Northern Areas Council Legal Framework (Amendment) Order 2000
Northern Areas Legal Practitioner And Bar Council Order 2000
Removal From Service (Special Powers) Adaptation And Enforcement) Order 2000

ORDINANCES- 2000

I to XXVIII (Already Published in 2000)

- | | |
|---------|---|
| XXIX. | Anti-Terrorism (Amendment) Ordinance 2000 |
| XXX. | Islamabad Capital Territory Shops, Business And
Industrial Establishment (Security) Ordinance 2000 |
| XXXI. | Karachi Port Trust (Amendment) Ordinance 2000 |
| XXXII. | Micro-Finance Bank Ordinance 2000 |
| XXXIII. | Political Parties (Amendment) Ordinance 2000 |
| XXXIV. | Central Excises (Amendment) Ordinance 2000 |

LFO A FRAUD ON THE CONSTITUTION

XXXV.		Establishment Of Office Of Federal Tax Ombudsman
	Ordinance 2000	
XXXVI.		Pakistan Insurance Corporation (Re-Organization)
	Ordinance 2000	
XXXVII.		National Insurance Corporation (Re-Organization)
	Ordinance 2000	
XXXVIII.		Comsats Institute Of Information Technology
	Ordinance 2000	
XXXIX.		Insurance Ordinance 2000 (To Be published in 2002)
XL.		National Highways Safety Ordinance 2000
XLI.		Indus River System Authority (Amendment) Ordinance
	2000	
XLII.		Sales Tax (Amendment) Ordinance 2000
XLIII.		Civil Servants (Amendment) Ordinance 2000
XLIV.		Securities And Exchange (Amendment) Ordinance
	2000	
XLV.		Registered Designs Ordinance 2000
XLVI.		Customs (Amendment) ordinance 2000
XLVII.		Heavy Industries Board (Amendment) Ordinance 2000
XLVIII.		Banking Companies (Amendment) Ordinance 2000
XLIX.		Registered Layout-Designs Of Integrated Circuits
	Ordinance 2000	
L.		Corporate And Industrial Restructuring Corporation
	Ordinance 2000	
LI.		Electoral Rolls (Amendment) Ordinance 2000
LII.		Privatization Commission Ordinance 2000
LIII.		Copyright (Amendment) Ordinance 2000
LIV.		Chemical Weapons Convention Implementation
	Ordinance 2000 (To Be Published In 2002)	
LV.		Securities And Exchange Commission Of Pakistan
	(Amendment) Ordinance 2000	
LVI.		Federal Public Service Commission (Amendment)
	Ordinance 2000	
LVII.		Corporate And Industrial Restructuring Corporation
	(Amendment) ordinance 2000	
LVIII.		Non-Performing Assets And Rehabilitation Of
	Industrial Undertaking (Legal proceedings) Ordinance 2000	
LIX.		Zakat And Ushr (Amendment) Ordinance 2000 (To Be
	Published In 2002)	
LX.		Micro-Finance Bank (Amendment) Ordinance 2000
	(To Be Published In 2002)	
LXI.		Patents Ordinance 2000 (To Be Published In 2002)
LXII.		Pakistan Navy (Amendment) Ordinance 2000
LXIII.		Compulsory Service In The Armed Forces
	(Amendment) Ordinance 2000	

- LXIV. State Bank Of Pakistan (Amendment) Ordinance 2000
(To Be Published In 2002)
- LXV. Anti-Dumping Duties Ordinance 2000 (To Be
Published In 2002)
- LXVI. Control Of National Substances (Amendment)
Ordinance 2000

PRESIDENTIAL ORDERS 2000

1. (Already Published In 2000)
2. Supreme Court Judges (Leave, Pension And Privileges) (Amendment) Order 2000
3. High Court Judges (Leave, Pension And Privileges) (Amendment) Order 2000

REGULATIONS – 2000

Securities And Exchange Commission of Pakistan (Conduct Of Business) Regulation 2000

Securities And Exchange Policy Board (Conduct Of Business) regulation 2000

I- (Already Published in 2000)

II- Federally Administered Tribal Areas Development
Corporation (Amendment) Regulation 2000

RULES-2000

Companies, Share Capital (Variation In Right And Privileges) Rules 2000

Leasing Companies (Establishment And Regulation) Rule 2000

Pakistan Bar Councils Employees Service (Amendment) Rule 2000

Pakistan Legal Practitioners And Bar Councils (Amendment) Rules 2000

Pakistan Telecommunication Rules 2000

Special Procedure For Payment Of Sales Tax Rules 2000

Stock Exchange Members (Inspection Of Books And Record) Rules 2001

Supreme Court Bar Association Of Pakistan (Amendment) Rule 2000

FEDERAL STATUTES

CHIEF EXECUTIVE'S ORDER – 2001

1. Ad Hoc Public Accounts Committee (Composition And Functions) Order 2001 (To Be Published 2002)
2. Proclamation Of emergency (Amendment) order 2001
3. President's Succession Order's 2001
4. Appointment Of Provincial Ministers And Oath Of Office (Amendment) Order 2001
5. National Security Council Order 2001 (To Be Published In 2002)
6. Pakistan International Corporation (Suspension Of Trade Union And Existing Agreements) Order 2001 (To Be Published In 2002)
7. Police (Amendment) Order 2001

ORDINANCES – 2001

1. Countervailing Duties Ordinance 2001 (To Be Published In 2002)
2. Civil Servants (Validation Of rules) Ordinance 2001 (To Be Published In 2002)
3. Pakistan Nuclear Regulatory Authority Ordinance 2001 (To Be Published In 2002)
4. Islamabad Rent Restriction Ordinance 2001 (To Be Published In 2002)
5. Removal From Services (Special Powers) (Amendment) Ordinance 2001 (To Be Published In 2002)
6. Private Security Companies Ordinance 2001 (To be Published In 2002)
7. Sales Tax (Amendment) Ordinance 2001 (To Be Published In 2002)
8. Mental Health Ordinance 2001 (To Be Published In 2002)
9. State Bank Of Pakistan (Amendment) Ordinance 2001 (To Be Published In 2002)
10. Aircraft Removal Of danger To Safety (Amendment) Ordinance 2001 (To Be Published In 2002)
11. Civil Aviation (Amendment) Ordinance 2001 (To Be Published In 2002)
12. Pakistan Atomic Energy Commission (Amendment) Ordinance 2001 (To Be Published In 2002)
13. Tax Laws (Amendment) Ordinance 2001 (To be Published In 2002)
14. Regulation Of Generation, Transmission And Distribution Of Electric Power (Amendment) Ordinance 2001 (To Be Published In 2002)
15. Board Of Investment Ordinance 2001 (To Be Published In 2002)
16. Federal Public Service Commission (Amendment) Ordinance 2001
17. Sales Tax (Second Amendment) Ordinance 2001
18. National Zakat Foundation (Merger In The Bait-Ul-Maal) Ordinance 2001

19. Trade Marks Ordinance 2001 (To Be Published In 2002)
20. Civil Servants (Amendment) Ordinance 2001 (To Be Published In 2002)
21. Zakat And Ushr (Amendment) Ordinance 2001 (To Be Published In 2002)
22. Small Business Finance Corporation (Amendment) Ordinance 2001 (To Be Published In 2002)
23. Auditor-General's (Functions, Powers And Terms And Conditions Of Services) Ordinance 2001
24. Controller General Of Accounts (Appointment, Functions And Powers) Ordinance 2001
25. Finance Ordinance 2001

ORDER- 2001

1. Export Credits Guarantee Scheme (Abolition) Order 2001

RULES –2001

1. Anti Dumping Duties Rules 2001
2. Determination Of Imported Materials And Fixation Of Rates For Repayment Or Duty Drawback Rules 2001
3. Duty And Tax Remission For Export Rules 2001
4. Members' Agents And Traders (Eligibility Standards) Rules 2001
5. Stock Exchange Members (Inspection Of Books And Record) Rules 2001

NOTIFICATIONS

1. Anti Terrorism Act 1997 (Notification Of Weapons As Fire Arms)
2. CDA Employees (Service) Regulations 1992 (Amendments)
3. CDA Employees (Service) Regulations 1992 (Amendments)
4. CDA Employees (Service) Regulations 1992 (Substitution Of Regulation 19.02)
5. Cantonments Act 1924 (Amendment In Notification No. SRO 1207 (I)79, Dated 22nd December 1979)
6. Central Excise Rules 1944 (Amendment)
7. Central Excise Rules 1944 (Amendment in R.13)
8. Civil Servants (Appointment, Promotion And Transfer) Rules 1973 (Addition Of R. 12-A)
9. Civil Servants (Appointment, Promotion And Transfer) Rules 1973 (Amendment In R.8-A)
10. Civil Servants (Appointment, Promotion And Transfer) Rules 1973 (Substitution Of Rr. 10-11)

LFO A FRAUD ON THE CONSTITUTION

11. Companies (Buy-Back Of Shares) Rules 1999 (Amendment)
12. Companies (General Provisions And Forms) Rules 1985 (Substitution Of Rom 35-A)
13. Companies Ordinance, 1984 (Insertion Of CI. (30-A) In Second Schedule)
14. Companies Ordinance 1984 (Powers To Adjudge Offences, Contraventions And Defaults Under S.476)
15. Companies Ordinance, 1984 (Specification Of Pension Fund Trust As Persons To Whom Term Finance Certificates (TFCs) May Be Issued)
16. Companies Ordinance 1984 (substitution Of Sixth Schedule)
17. Drugs Act 1976 (Setting Up Of Laboratory For Testing And Lot Release Of Biological Drugs)
18. Drugs (Appellate Board) Rules 1976 (Amendment In R.4)
19. Drugs (Import and Export) Rules 1976 (Amendments In R.6)
20. Drugs (Licensing, Registering And Advertising) Rules 1976 (Amendments)
21. Electoral Rolls Rules 1974 (Amendments)
22. Emigration Rules 1979 (Amendments)
23. Establishment Of The Office Of The Wafaqi Mohtasib (Ombudsman) Order 1983 (Exclusion Of Revenue Division From Operation And Purview Of All The Provision Of The Order)
24. Foreign Exchange Regulation Act 1947 (Authority To Make Complaints)
25. Foreign Exchange Regulation Act 1947 (Offence Under Section 23 To Be Cognizable And Non Bail- Able Up To 30-7-2000)
26. Fundamental Rules (Amendments)
27. General Provident Fund (Central Services) Rules (Amendments)
28. Government Servants (Efficiency And Discipline) Rules 1973 (Amendments)
29. Government Servants (Efficiency And Discipline) Rules 1973 (Amendments In Notification No. SRO 429 (I)/98, Dated The 30th April 1988)
30. Government Servants (Efficiency And Discipline) Rules 1973 (Amendments In Notification No. SRO 615 (I)/79, Dated The 5th April 1979)
31. Income Tax Ordinance 1979 (Addition Of CI.(22-A) In Part IV Of Second Schedule)
32. Income Tax Ordinance 1979 (Addition Of CI.(32f) In Part IV Of Second Schedule)
33. Income Tax Ordinance 1979 (Addition Of CI.(62) In Part IV Second Schedule)
34. Income Tax Ordinance 1979 (Amendment In CI.(54), Part IV Of Second Schedule)
35. Income Tax Ordinance 1979 (Amendments)
36. Income Tax ordinance 1979 (Amendments In Parts I And IV Of Second Schedule)
37. Income Tax Ordinance 1979 (Amendments In Part Iii And IV Of Second Schedule)
38. Income Tax Ordinance 1979 (Amendments In Part IV Of Second Schedule)
39. Income Tax Ordinance 1979 (Insertion Of CI. (32D) In Part IV, Second Schedule)
40. Income Tax Ordinance 1979 (Insertion Of CI. (54A) In Part Second Schedule)
41. Income Tax Ordinance 1979 (Substitution Of CI. (22A) In Second Schedule Part IV Of The Ordinance)

42. Initial Appointment To Civil Posts (Relaxation Of Upper Age Limit) Rules 1993 (Amendment In R.3)
43. Islamabad Capital Territory Prohibition (Enforcement Of Hadd) Rules, 1982 (Insertion of Sub-Rule (1) (a) In Rule 19)
44. Juvenile Justice System Ordinance 2000 (Establishment And Conferment Of Powers To Juvenile Court)
45. Manufacturing In Bond Rules 1997 (Addition Of Explanation To R.14)
46. National Highways Safety Ordinance 2000 (Adaptation And Enforcement) Order 2001
47. Pakistan Air Force Act Rules 1957 (Amendments)
48. Pakistan Army Act 1952 (Amendment In Financial Regulation Vol. II 1986)
49. Pakistan Citizenship Rules 1952 (Amendments)
50. Pakistan Engineering Council Act 1975 (Amendment In The 1st Schedule)
51. Pakistan Naturalization Rules 1961 (Amendments)
52. Pakistan Penal Code 1860 (Value Of 30,630 Grams Of silver For The Purpose Of S.323(1))
53. Pakistan Railway police Act 1977 (Amendment In Notification No. SRO 742(1)/77, Dated 6th August, 1977)
54. Passport Rules 1974 (Amendment)
55. Removal From Service (Special Powers) Ordinance 2000 (Authorization Of Auditor General To Exercise The Powers Of Competent Authority)
56. Removal from Services (Special Powers) Ordinance 2000 (Designation Of officers To Whom Representation Against Order Under Section 3 To be Preferred)
57. Sales Tax Act 1990 (Amendment In Notification No. SRO 614(1)/2000 Dated 2nd September 2000)
58. Sales Tax Act 1990 (Amendment In Notification No. SRO 614(1)/2000 Dated 2nd September 2000)
59. Sales Tax Act 1990 (Amendment In Notification No. SRO 615(I)/2000 Dated 2nd September 2000)
60. Sales Tax Act 1990 (Exemption Of CNG Kits From Sales Tax)
61. Sales Tax Refund Rules 2000 (Amendments)
62. Scheme For The Lease Of Evacuee Trust Agricultural Land, 1975 (Amendments)
63. Scheme for The Management And disposal Of Urban Evacuee trust properties 1977 (Amendments)
64. Securities And Exchange Commission Of Pakistan Act 1997 (Delegation Of Powers)
65. Securities And Exchange Commission Of Pakistan Act 1997 (Amendments)
66. Securities And Exchange Commission Of Pakistan Act 1997 (Date Of Enforcement of S.43-A)
67. Securities And Exchange Commission Of Pakistan Act 1997 (Delegation Of Powers And Functions Of The Commission To The Commissioner)
68. Securities And Exchange Commission Of Pakistan Act 1997 (Delegation Of Powers And Functions Of The Commission To The Commissioner (Specialized Companies))

LFO A FRAUD ON THE CONSTITUTION

69. Securities And Exchange Commission Of Pakistan Act 1997 (Delegation Of Powers And Functions Of The Commission To The Executive Directors)
70. Securities And Exchange Commission Of Pakistan Act 1997 (International Accounting Standard)
71. Special Procedure for Ginning Industry Rules 1996 (Amendments)
72. Wealth Tax Act 1963 (Amendment In Cl. (1-A), Part Ii, Second Schedule)
73. Wealth Tax Act 1963 (Amendment In Cl. (1-A), Part Ii, Second Schedule)
74. Wealth Tax Act 1963 (Amendment In Part Ii, Second Schedule)
75. Wealth Tax Act 1963 (Amendment In Part Ii, Second Schedule)
76. Wealth Tax Act 1963 (Insertion Of Cl. (1-B) In Part Ii, Second Schedule)

2002

FEDERAL STATUTES

ORDINANCES- 2000

- XXXIX. Insurance Ordinance 2000 [Published In PLD 2002 Supplement Federal Statutes 1228]
- XL. National Highways Safety Ordinance 2000 [published In PLD 2001 Central Statutes 80]
- XLI. Indus River System Authority (Amendment) Ordinance 2000 [Published In 2002 PLD Central Statutes 163]
- XLII. Sales (Amendment) Ordinance 2000 [Published in PLD 2002 Central Statutes 164]
- XLIII. Civil servants (Amendment) Ordinance 2000 [Published in PLD 2001 central statutes 247]
- XLIV. Securities And exchange (Amendment) Ordinance 2000 [Published in PLD 2001 Central statutes 248]
- XLV. Registered Designs ordinance 2000 [Published in 2001 Central statutes 251]
- XLVI. Customs (Amendments) Ordinance 2000 [Published in 2001 PLD Central Statutes 266]
- XLVII. Heavy Industries Board (Amendment) Ordinance 2000 [Published in 2001 PLD Central Statutes 271]
- XLVIII. Banking Companies (Amendment) Ordinance 2000 [Published In 2001 PLD Central Statutes 231]
- XLIX. Registered Layout Designs Of Integrated Circuits Ordinance 2000 [Published in 2001 PLD Central Statutes 233]
- L. Corporate And Industrial Restructuring corporation ordinance [published in 2001 PLD central statutes 314]
- LI. Electoral Rolls (Amendment) Ordinance 2000 [Published in 2001 PLD Central statutes 244]
- LII. Privatization commission ordinance 2000[Published in 2001 PLD Central statutes 295]
- LIII. Copyright (Amendment) Ordinance 2000 [Published in 2001 PLD Central Statutes 289]
- LIV. Chemical Weapons Convention implementation Ordinance 2000 [Published in 2001 PLD Central statutes 1332]

LFO A FRAUD ON THE CONSTITUTION

- LIV. Security And Exchange Commission of Pakistan (Amendment) ordinance 2000 [Published in 2001 PLD Central statutes 360]
- LVI. Federal Public Service Commission (Amendment) Ordinance 2000 [Published in 2001 PLD Central statutes 431]
- LVII. Corporate And Industrial restructuring corporation (Amendment) Ordinance 2000 [Published in 2001 PLD Central Statutes 435]
- LVIII. Non Performing assets and rehabilitation of Industrial undertaking (legal Proceedings) ordinance 2000 [Published in 2001 PLD central Statutes 436]
- LIX. Zakat and Ushr (Amendment) Ordinance 2000 [published in 2002 PLD Central Statutes 1365]
- LX. Micro Finance bank (Amendment) Ordinance 2000 [Published in 2002 PLD Central statutes 1017]
- LXI. Patent Ordinance 2000 [published in 2002 PLD Central Statutes 1031]

CHIEF EXECUTIVE'S ORDERS – 2001

1. Ad Hoc Public Accounts Committee (Composition And Functions) Order 2001
2. Proclamation Of Emergency (Amendment) Ordinance 2001 [Published in 2001 PLD Central Statutes 391]
3. President's Succession Order 2001 [Published in 2001 PLD Federal statutes 392]
4. Appointment of Provincial Minister And Oath Of the Office (Amendment) Ordinance 2001 [published in 2001 PLD Federal Statutes 393]
5. National Security Council order 2001
6. Pakistan International Airlines Corporation (Suspension Of Trade Union And Existing Agreements) Order 2001
7. Police (Amendment) Ordinance 2001 [published in 2001 PLD Federal statutes 394]
8. President's Succession (Amendment) Ordinance 2001 [Published in 2001 PLD Federal Statutes 167]
9. Police (Amendment) Ordinance 2001 [published in 2001 PLD Federal statutes 167]

ORDERS – 2001

Northern Areas Civil Courts (Amendments) Ordinance 2001

ORDINANCES – 2001

1. Countervailing Duties Ordinance 2001 [published in PLD 2001 Supplement Federal Statutes 1173]
2. Civil Servants (Validation Of Rules) Ordinance 2001
3. Pakistan Nuclear Regulatory Authority Ordinance 2001 [Published in 2002 PLD Federal Statutes 1366]
4. Islamabad Rent Restriction Ordinance 2001
5. Removal from Services (Special Powers) (Amendment) Ordinance 2001
6. Private Security Company ordinance 2001
7. Sales Tax (Amendment) ordinance 2001 [Published in 2002 PLD Federal Statutes 1325]
8. Mental Health Ordinance 2001
9. State Bank Of Pakistan (Amendment) Ordinance 2001 [Published in 2002 PLD Federal Statutes 1015]
10. Aircraft Removal Of danger To Safety (Amendment) Ordinance 2001
11. Civil Aviation (Amendment) Ordinance 2001
12. Pakistan Atomic Energy Commission (Amendment) Ordinance 2001 [Published in 2002 PLD Federal Statutes 1330]

13. Tax Laws (Amendment) Ordinance 2001 [Published in 2002 PLD Federal Statutes 1328]
14. Regulation Of Generation, Transmission And Distribution Of Electric Power (Amendment) Ordinance 2001
15. Board Of Investment Ordinance 2001 [Published in 2002 PLD Federal Statutes 1018]
16. Federal Public Service Commission (Amendment) Ordinance 2001 [Published in 2002 PLD Federal Statutes 335]
17. SBP Banking Service Corporation Ordinance 2001 [Published in 2002 PLD Federal Statutes 664]
18. National Zakat Foundation (Merger In The Bait-Ul-Maal) Ordinance 2001 [Published in 2002 PLD Federal Statutes 357]
19. Trade Marks Ordinance 2001 [Published in 2002 PLD Federal Statutes 1083]
20. Civil Servants (Amendment) Ordinance 2001
21. Zakat And Ushr (Amendment) Ordinance 2001
22. Small Business Finance Corporation (Amendment) Ordinance 2001 [Published in 2002 PLD Federal Statutes 1029]
23. Auditor-General's (Functions, Powers And Terms And Conditions Of Services) Ordinance 2001 [Published in 2002 PLD Federal Statutes 546]
24. Controller General Of Accounts (Appointment, Functions And Powers) Ordinance 2001 [Published in 2002 PLD Federal Statutes 552]
25. Finance Ordinance 2001 [Published in 2002 PLD Federal Statutes 471]
26. Petroleum Products (Petroleum Development Levy) (Amendment) Ordinance 2001
27. Customs (Amendment) Ordinance 2001
28. Oil And Gas Development Corporation (Reorganization) Ordinance 2001
29. Removal from Services (Special Powers) (Amendment) Ordinance 2001
30. Karachi Port Trust (Amendment) Ordinance 2001
31. National Highway Authority (Amendment) Ordinance 2001
32. Transfer Of Population Welfare Programme (Field Activities) (Amendment) Ordinance 2001
33. Civil Servants (Amendment) Ordinance 2001
34. Civil Servants (Amendment) Ordinance 2001
35. National Accountability Bureau (Amendment) Ordinance 2001
36. General Clause (Amendment) Ordinance 2001
37. Code Of Criminal Procedure (Amendment) Ordinance 2001
38. Federal Ministers And ministers Of state (Salaries, Allowances And Privileges) (Amendment) Ordinance 2001
39. Anti-Terrorism (Amendment) Ordinance 2001
40. Pakistan Madrasah Education (Establishment And Affiliation Of Model Dini Madaris) Board Ordinance 2001
41. Provincial Motor Vehicles (Amendment) Ordinance 2001
42. Islamabad Capital Territory (Tax On Services) Ordinance 2001
43. Code Of Criminal Procedure (Second Amendment) Ordinance 2001
44. General Clauses (Amendment) Ordinance 2001
45. Code Of Criminal Procedure (Amendment) Ordinance 2001

46. Financial Institution (Recovery Of Finances) Ordinance 2001 [Published In 2002 PLD Federal Statutes 984]
47. Banking Companies (Amendment) Ordinance 2001 [Published In 2002 PLD Federal Statutes 1006]
48. Sales Tax (Third Amendment) Ordinance 2001 [Published In 2002 PLD Federal Statutes 949]
49. Income Tax Ordinance 2001 [Published In 2002 PLD Federal Statutes 702]
50. Foreign Currency Account (Protection) Ordinance 2001 [Published In 2002 PLD Federal Statutes 950]
51. Finance Institution (Recovery Of Finance) (Amendment) Ordinance 2001 [Published in 2002 PLD Federal Statutes 1010]
52. Pakistan Merchant Shipping Ordinance 2001 [Published in 2002 PLD Federal Statutes]
53. Labor Laws (Amendment) Ordinance 2001 [Published In 2002 PLD Federal Statutes 952]
54. Code Of criminal procedure (Amendment) Ordinance 2001 [Published In 2002 PLD Federal Statutes 973]
55. Micro Finance Institution Ordinance 2001 [Published In 2002 PLD federal Statutes 957]
56. Regional Development Finance corporation And Small Business finance Corporation (Amalgamation And Conversion) Ordinance 2001 [Published In 2002 PLD Federal statutes 1011]
57. West Pakistan Minimum Wages For Unskilled Workers (Amendment) Ordinance 2001 [Published In 2002 PLD Federal statutes 974]
58. Pakistan Ordinance Factory Board (Amendment) Ordinance 2001 [Published In 2002 PLD Federal Statutes 976]
59. Pakistan Air Force (Amendment) Ordinance 2001 [Published In 2002 PLD Federal statutes 977]
60. Civil Servants (Second Amendment) Ordinance 2001 [published In 2002 PLD Federal statutes 977]
61. Civil Servants (Second amendment) Ordinance 2001 [Published In 2002 PLD Federal statutes 979]
62. Removal From service (Special Powers) (Amendment) Ordinance 2001 [Published In 2002 PLD Federal Statutes 980]
63. Income Tax (Amendment) Ordinance 2001 [Published In 2002 PLD Federal statutes 981]
64. House building Finance Corporation (Amendment) Ordinance 2001 [Published In 2002 PLD Federal statutes 662]
65. Arms Laws (Amendment) Ordinance 2001

PRESIDENT'S ORDER- 2001

1. Supreme Court Judges (Leave, Pension And Privileges) (Amendment) Ordinance 2001

2. Supreme Court Judges (Leave, Pension And Privileges) (Second Amendment) Ordinance 2001

RULES- 2001

1. Customs Rules 2001 [Published In 2002 PLD Federal Statutes 246]
2. Disposal Of Vehicle And Other Articles (Involved In The Narcotic Cases) Rules 2001
3. Juvenile Justice Rules 2001
4. Privatization Commission (Valuation Of Property) Rules 2001 [Published In 2002 PLD Federal statutes 655]
5. Taxpayer (Authorized Representatives) Rules 2001 [Published In 2002 PLD Federal Statutes 657]

CHIEF EXECUTIVE'S ORDER- 2002

1. Election commission Order 2002
2. National Kashmir Committee order 2002
3. Governors Appointment And Oath Of Office (Amendment) Ordinance 2002
4. Appointment of Federal Minister and Oath Of Office (Amendment) Ordinance 2002
5. Appointment Of Provincial ministers And Oath Of Office (Amendment) Ordinance 2002
6. National Security Council Order (Amendment) Ordinance 2002
7. Conduct Of General Elections Order 2002
8. Election Commission (Amendment) Ordinance 2002
9. Local Government Elections Laws (Amendment) Ordinance 2002
10. National Kashmir Committee (Amendment) Ordinance 2002
11. Agha Khan University (Amendment) Ordinance 2002
12. Referendum Order 2002
13. Referendum (Amendment) Ordinance 2002
14. Conduct Of General Elections (Amendment) Ordinance 2002
15. Conduct Of General Elections (Second Amendment) Ordinance 2002
16. Appointment of Federal Minister And Oath Of Office (Amendment) Ordinance 2002
17. Conduct Of General Elections (Amendment) Ordinance 2002
18. Political Parties Order 2002
19. Qualification To Hold Public Order 2002
20. Political Parties (Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 1592]
21. Conduct Of General Elections (Fourth Amendment) Ordinance 2002 [Published In 2002 PLD Federal statutes 1502]

22. Police Order 2002 [Published In 2002 PLD Federal Statutes 1515]
23. Conduct Of General Elections (Fifth Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 1619]
24. Legal Framework Order 2002 [Published In 2002 PLD Federal Statutes 1604]
25. Election Of member of Senate from The Federally Administered Areas Order 2002 [Published In 2002 PLD Federal statutes 1710]
26. Defence Housing Authority Lahore Order 2002 [Published In 2002 PLD Federal Statutes 1702]
27. Rules Of Procedure And Conduct Of Business In The National Assembly (Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 1696]
28. Political Parties (Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 1697]
29. Legal Framework (Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 1698]

ORDINANCES- 2002

1. Employees' Old Age Benefits (Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 649]
2. National Training (Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 650]
3. Imports And Exports (Control) (Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 654]
4. Unani, Ayurvedic And Homeopathic Practitioners (Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 683]
5. Protection Of Communal parties of Minorities Ordinance 2001 [Published In 2002 PLD Federal Statutes 680]
6. Anti-Terrorism (Amendment) Ordinance 2002
7. Chief Election Commissioner (Salary, Allowances And Privileges) (Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 685]
8. Code OF Criminal Procedure (Amendment) Ordinance 2002
9. Electoral Rolls (Amendment) Ordinance 2002
10. Custom (Amendment) Ordinance 2002
11. President's Salary, Allowances and Privileges (Amendment) Ordinance 2002
12. President's pension (Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 677]
13. Pakistan Electronic Media Regulatory Authority Ordinance 2002 [Published In 2002 PLD Federal Statutes 686]
14. Islamabad Capital Territory Compulsory Primary Education Ordinance 2002 [Published In 2002 PLD Federal Statutes 699]
15. Code of Criminal Procedure (Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 701]
16. Sales Tax (Amendment) Ordinance 2002

17. Oil And Gas Regulatory Authority Ordinance 2002 [Published In 2002 PLD Federal Statutes 1478]
18. Customs (Amendment) Ordinance 2002
19. Removal from services (Special Powers) (Amendment) Ordinance 2002
20. National Education Foundation Ordinance 2002 [Published In 2002 PLD Federal Statutes 1462]
21. Prime Minister's Salary, Allowance and Privileges (Amendment) Ordinance 2002
22. Public Procurement Regulatory Authority Ordinance 2002
23. Public Debt (Amendment) Ordinance 2002
24. Customs (Amendment) Ordinance 2002
25. Sales Tax (Amendment) Ordinance 2002
26. Small Claims And Minor Offence Courts Ordinance 2002
27. Finance Ordinance 2002 [Published In 2002 PLD Federal Statutes 1636]
28. Representation Of People (Amendment) Ordinance 2002
29. National Commission For Human Development Ordinance 2002 [Published In 2002 PLD Federal Statutes 1390]
30. Foreign Exchange Regulation (Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 1595]
31. Safeguard Measures Ordinance 2002 [Published In 2002 PLD Federal Statutes 1433]
32. Removal from services (Special Powers) (Second Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 1598]
33. General Clause (Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 1599]
34. Code Of Civil Procedure (Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 1600]
35. Zakat And Ushr (Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 1601]
36. Representation Of The People (Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 1399]
37. Transfer Of Offenders Ordinance 2002 [Published In 2002 PLD Federal Statutes 1456]
38. Zakat And Ushr (Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 1603]
39. Small And Medium Enterprises Development Authority Ordinance 2002 [Published In 2002 PLD Federal Statutes 1414]
40. Chairman And Speaker (Salaries, Allowances And Privileges) (Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 1621]
41. Deputy Chairman And Deputy Speaker (Salaries, Allowances And Privileges) (Amendment) [Published In 2002 PLD Federal Statutes 1622]
42. National Guards (Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 1623]
43. Port Qasim Authority (Amendment) ordinance 2002 [Published In 2002 PLD Federal Statutes 1624]
44. Foreigners (Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 1620]

45. Representation Of The People (Third Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 1627]
46. Employees' Old Age Benefit (Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 1629]
47. Pakistan Merchant Shipping (Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 1634]

PRESIDENT'S ORDERS – 2002

1. Governor's Salaries, allowances And Privileges (Amendment) Ordinance 2002 [Published In 2002 PLD Federal Statutes 682]
2. Salary Of Judges Of Supreme Courts Order 2002 [Published In 2002 PLD Federal Statutes 680]
3. High Court Judges (Traveling Allowance) (Amendment) ordinance 2002
4. Governor's Salaries, allowances And Privileges (Amendment) Ordinance 2002
5. Federally Administered Tribal areas Local Government Elections Orders 2002 [Published In 2002 PLD Federal Statutes 1954]

REGULATION – 2002

1. Federally Administered tribal Areas Compulsory Primary Education Regulation 2002

NOTIFICATIONS

1. Arms Rules 1924 (Amendment) [Published In 2002 PLD Federal Statutes 661]
2. Central Excise Rules 1944 (Amendment In R.96BBB)
3. Central Excise Rules 1944 (Submission Of R.235)
4. Central Excise Act 1944 (Amendment of Notification No. SRO 454(1)/96, Dated 13th June 1996)
5. Companies ordinance 1984 (IAS 22 (Revised 1998)) [Published In 2002 PLD Federal Statutes 422]
6. Companies Ordinance 1984 (IAS 35) [Published In 2002 PLD Federal Statutes 561]
7. Control Of Narcotics Substances Act 1997 (Amendment In Notification No. SRO 1134(I)/97, Dated 7th July 1997)
8. Criminal Law (Amendment) Act 1989 (Application Of Act To FATA)
9. Criminal Law (Amendment) Act 1991 (Application Of Act To FATA)

10. Custom Act 1969 (Amendment Of Notification No SRO 354(I)/2002, Dated 15th June 2002) [Published In 2002 PLD Federal Statutes 1389]
11. Custom Act 1969 (Amendment Of Notification No. SRO 700(I)/2001, Dated 10th October 2001)
12. Custom Rule 2001 (Amendment of R. 296) [Published In 2002 PLD Federal Statutes 1697]
13. Custom Rule 2001 (Substitution of Sub0Rule (4) of R. 299)
14. Drugs (Licensing, Registering And Advertising) Rules, 1976 (Addition Of Sub-Rule (6) In R.5)
15. Emigration Rule 1979 (Amendments In R.15 (1))
16. Emigration Rule 1979 (Amendments In R.15 (2))
17. Employment Of Children Act 1991 (Amendment In Part Ii Of the Schedule)
18. Finance Ordinance 2001 (Date Of Enforcement Of S.52 Of Finance Ordinance 2001)
19. Foreigners (Amendment) Ordinance 2000 (Application Of Ordinance To Federally Administered Tribal Areas)
20. Government Servants (Efficiency And Discipline) Rules 1973 (Substitution Of Rr.6a & 9)
21. Income Tax Ordinance 1979 (Addition Of CI. (33b) In Part Iv, Second Schedule) [Published In 2002 PLD Federal Statutes 1635]
22. Income Tax Ordinance 1979 (Addition Of CI. (63) In Part Iv, Second Schedule)
23. Income Tax Ordinance 1979 (Amendment In Second Schedule Part I, CI. (78e), Proviso)
24. Income Tax Ordinance 1979 (Amendment Of CI. (126c), Part I, Second Schedule)
25. Income Tax Ordinance 1979 (Insertion Of CI. (14) In Part II, Second Schedule)
26. Income Tax Ordinance 1979 (Substitution Of CI. (6ha) Of Second Schedule Part Iv)
27. Income Tax Ordinance 1979 (Substitution Of CI. (9b) In Part I, Second Schedule)
28. Income Tax Ordinance 2001 (Effect Of sections 114, 121, 137, 147, 161, 221, 239 Of the Ordinance In making assessment For The Year Beginning On First Day Of July 2002) [Published In 2002 PLD Federal Statutes 1700]
29. Income Tax Ordinance 2001 (Insertion Of CI. (121) In Part I Second Schedule) [Published In 2002 PLD Federal Statutes 1695]
30. Occupational Groups And Services (Probation, Training And Seniority) Rules, 1990 (Amendment) [Published In 2002 PLD Federal Statutes 153]
31. Pakistan Essential Services (Maintenance) Act 1952 (Application Of The Act To Pakistan International Airlines Corporation)
32. Pakistan Penal Code 1860 (Value Of 20,630 Grams Of Silver For The Purpose Of S.323 (1), PPC)

LFO A FRAUD ON THE CONSTITUTION

33. Price Control And Prevention of Profiteering And Hoarding Act 1977 (Amendment In This Schedule) [Published In 2002 PLD Federal Statutes 649]
34. Provisional Constitutional order 1 of 1999 (Authorization of Governor Of A Province To Alter, (Amendment) Ordinance 2002 Or Repeal Any Laws And Ordinances)
35. Sales Tax Act 1990 (Amendment In Notification No. SRO 77(1)/95, Dated 19th January 1995)
36. Sales Tax Act 1990 (Repayment Of Tax On Raw Materials)
37. Special Procedure For Ginning Industry Rules 1996 (Amendments)
38. Surrender Of Illicit Arms Act, 1991 (Date Of Enforcement)
39. Travel Agencies Act 1976 (Application Of Act To The Federally Administered Tribal Areas)
40. Wealth Tax Act 1963 (Amendment Of Cl. (7) In Sub-Clause (Iii) Of Second Schedule Part I)
41. Zero Rating Of Supplies Against International Tender For Afghan Refugees Rules 2001 (Amendment In Rules n1 And 3)