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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 8th May, 1974

The following Act of Parliament received the assent of the President on the 4th May, 1974, and is hereby published for general information :—

ACT No. XXXIII OF 1974

An Act to amend the Constitution of the Islamic Republic of Pakistan

WHEREAS it is expedient to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Constitution (First Amendment) Act, 1974.

(2) It shall come into force at once.

2. **Amendment of Article 1 of the Constitution.**—In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 1, for clauses (2), (3) and (4) the following shall be substituted, namely :—

“(2) The territories of Pakistan shall comprise—

- (a) the Provinces of Baluchistan, the North-West Frontier, the Punjab and Sind ;
- (b) the Islamabad Capital Territory, hereinafter referred to as the Federal Capital ;
- (c) the Federally Administered Tribal Areas ; and
- (d) such States and territories as are or may be included in Pakistan, whether by accession or otherwise.

- (3) Parliament may by law admit into the Federation new States or areas on such terms and conditions as it thinks fit.”

3. Amendment of Article 8 of the Constitution.—In the Constitution, in Article 8, in clause (3), in paragraph (b), after the word “day” at the end, the words “or as amended by any of the laws specified in that Schedule” shall be added.

4. Amendment of Article 17 of the Constitution.—In the Constitution, in Article 17, for clause (2), the following shall be substituted, namely :—

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

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

5. Amendment of Article 61 of the Constitution.—In the Constitution, in Article 61, after the words “Deputy Chairman” at the end, the words, commas, brackets and figures “and as if, in the proviso to the said clause (2) of Article 54, for the words “one hundred and thirty” the word “ninety” were substituted” shall be added.

6. Amendment of Article 101 of the Constitution.—In the Constitution, in Article 101, in clause (3), after the word “President” at the end, the words and comma “and shall be entitled to such salary, allowances and privileges as the President may determine” shall be added.

7. Amendment of Article 127 of the Constitution.—In the Constitution, in Article 127,—

- (a) in paragraph (e), the word “and” at the end shall be omitted ;
 (b) in paragraph (f), for the full stop at the end the semi-colon and word “; and” shall be substituted ; and
 (c) after paragraph (f) amended as aforesaid, the following new paragraph shall be added, namely :—

“(g) the said clause (2) of Article 54 shall have effect as if, in the proviso thereto, for the words “one hundred and thirty” the word “seventy” were substituted.”

8. Amendment of Article 193 of the Constitution.—In the Constitution, in Article 193, in clause (2), after paragraph (c), the following Explanation shall be added, namely :—

“*Explanation.*—In computing the period during which a person has been an advocate of a High Court or held judicial office, there shall be included any period during which he has held judicial office after he became an advocate or, as the case may be, the period during which he has been an advocate after having held judicial office.”

9. **Amendment of Article 199 of the Constitution.**—In the Constitution, in Article 199, for clause (3) the following shall be substituted, namely :—

“(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.”.

10. **Amendment of Article 200 of the Constitution.**—In the Constitution, in Article 200, after clause (2), the following new clause shall be added, namely :—

“(3) If at any time it is necessary for any reason to increase temporarily the number of Judges of a High Court, the Chief Justice of that High Court may require a Judge of any other High Court to attend sittings of the former High Court for such period as may be necessary and, while so attending the sittings of the High Court, the Judge shall have the same power and jurisdiction as a Judge of that High Court :

Provided that a Judge shall not be so required except with his consent and the approval of the President and after consultation with the Chief Justice of Pakistan and the Chief Justice of the High Court of which he is a Judge.”.

11. **Amendment of Article 209 of the Constitution.**—In the Constitution, in Article 209, in clause (2), in the Explanation, after the words “Chief Justice”, the words “otherwise than as acting Chief Justice” shall be inserted.

12. **Amendment of Article 212 of the Constitution.**—In the Constitution, in Article 212,—

(a) in clause (1)—

(i) for the word “establish” the words “provide for the establishment of” shall be substituted and shall be deemed always to have been so substituted; and

(ii) in paragraph (a), after the word “persons”, the words “who are or have been” shall be inserted and shall be deemed always to have been so inserted; and

(b) in clause (2) after the words “Tribunal extends”, the following words shall be inserted and shall be deemed always to have been so inserted, namely :—

“and all proceedings in respect of any such matter which may be pending before such other court immediately before the establishment of the Administrative Court or Tribunal shall abate on such establishment”.

13. **Amendment of Article 250 of the Constitution.**—In the Constitution, in Article 250, in clauses (1) and (2), the words and comma “a Governor,”, wherever occurring, shall be omitted.

14. Amendment of Article 259 of the Constitution.—In the Constitution, in Article 259,—

- (a) in clause (2), after the word “gallantry”, the comma and words “, meritorious service in the Armed Forces” shall be inserted; and
- (b) in clause (3), after the word “gallantry”, the comma and words “, meritorious service in the Armed Forces” shall be inserted and shall be deemed always to have been so inserted.

15. Amendment of Article 260 of the Constitution.—In the Constitution, in Article 260, in clause (1),—

- (a) after the definition of “Chairman”, the following new definition shall be inserted, namely :—

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

- (b) in the definition of “service of Pakistan”, after the words “Provincial Minister”, the commas and words “, Attorney-General, Parliamentary Secretary” shall be inserted.

16. Amendment of Article 272 of the Constitution.—In the Constitution, in Article 272, in the marginal heading, after the word “First”, the words “constitution of” shall be inserted.

17. Amendment of First Schedule to the Constitution.—In the Constitution, in the First Schedule, for Part IV the following shall be substituted, namely :—

“ IV. FEDERAL ACTS

1. The Censorship of Films Act, 1963 (XVIII of 1963).
2. The Land Reforms (Amendment) Act, 1974.”

MUHAMMAD ILYAS,
Joint Secretary.