



THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN

NATIONAL ASSEMBLY OF PAKISTAN

CHAPTER 2. – THE ¹[MAJLIS-E-SHOORA (PARLIAMENT)]

Composition, Duration and Meetings of ¹[Majlis-e-Shoora (Parliament)]

Majlis-e-Shoora (Parliament)

² [50. There shall be a Majlis-e-Shoora (Parliament) of Pakistan consisting of the President and two Houses to be known respectively as the National Assembly and the Senate.]

National Assembly

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

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

¹ See footnote 6 on page 3 *supra*.

² Subs. by P.O. No. 14 of 1985, Art. 2 and Sch., for "Article 50".

³ Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 16 for ~~Article 51~~ and shall be deemed always to have been so subs. with effect from the 21st day of August, 2002.

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

(3) The seats in the National Assembly referred to in clause (1), except as provided in clause (4), shall be allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital as under:—

	General Seats	Women	Total
Balochistan	14	3	17
Khyber Pakhtunkhwa	35	8	43
Punjab	148	35	183
Sindh	61	14	75
Federally Administered Tribal Areas	12	-	12
Federal Capital	2	-	2
Total	272	60	332

(4) In addition to the number of seats referred to in clause (3), there shall be, in the National Assembly, ten seats reserved for non-Muslims.

(5) 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.

(6) 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

Provinces under clause (3);

- (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 (3) 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:

Provided that for the purpose of this paragraph 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; and

- (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 paragraph 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.]

Duration of National Assembly

52. The National Assembly shall, unless sooner dissolved, continue for a term of five years from the day of its first meeting and shall stand dissolved at the expiration of its term.

Speaker and Deputy Speaker of National Assembly

53. (1) After a general election, the National Assembly shall, at its first meeting and to the exclusion of any other business, elect from amongst its members a Speaker and a Deputy Speaker and, so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall elect another member as Speaker or, as the case may be, Deputy Speaker.

- (2) Before entering upon office, a member elected as Speaker

or Deputy Speaker shall make before the National Assembly oath in the form set out in the Third Schedule.

(3) When the office of Speaker is vacant, or the Speaker is absent or is unable to perform his functions due to any cause, the Deputy Speaker shall act as speaker, and if, at that time, the Deputy Speaker is also absent or is unable to act as Speaker due to any cause, such member as may be determined by the rules of procedure of the Assembly shall preside at the meeting of the Assembly.

(4) The Speaker or the Deputy Speaker shall not preside at a meeting of the Assembly when a resolution for his removal from office is being considered.

(5) The Speaker may, by writing under his hand addressed to the President, resign his office.

(6) The Deputy Speaker may, by writing under his hand addressed to the Speaker, resign his office.

(7) The office of Speaker or Deputy Speaker shall become vacant if—

- (a) he resigns his office;
- (b) he ceases to be a member of the Assembly; or
- (c) he is removed from office by a resolution of the Assembly, of which not less than seven days' notice has been given and which is passed by the votes of the majority of the total membership of the Assembly.

(8) When the National Assembly is dissolved, the Speaker shall continue in his office till the person elected to fill the office by the next Assembly enters upon his office.

Summoning and prorogation of Majlis-e-Shoora (Parliament)

¹54. (1) The President may, from time to time, summon either House or both Houses or ²[Majlis-e-Shoora (Parliament)] in joint sitting to meet at such time and place as he thinks fit and may also prorogue the same.

¹ Article 54, had, until the 31st day of December, 1973, effect as if the proviso to clause (2) thereof were omitted, *see* the Removal of Difficulties (Sittings of National Assembly) Order 1973 (P.O. No. 23 of 1973), Art. 2.

² See footnote 6 on page 3, *supra*.

(2) There shall be at least ¹[three] sessions of the National Assembly every year, and not more than one hundred and twenty days shall intervene between the last sitting of the Assembly in one session and the date appointed for its first sitting in the next session:

Provided that the National Assembly shall meet for not less than one hundred and ²[thirty] working days in each year.

³[*Explanation.*— In this clause, "working days" includes any day on which there is a joint sitting and any period, not exceeding two days, for which the National Assembly is adjourned].

(3) On a requisition signed by not less than one-fourth of the total membership of the National Assembly, the Speaker shall summon the National Assembly to meet, at such time and place as he thinks fit, within fourteen days of the receipt of the requisition; and when the Speaker has summoned the Assembly only he may prorogue it.

Voting in Assembly and quorum

55. (1) Subject to the Constitution, all decisions of the National Assembly shall be taken by majority of the members present and voting, but the person presiding shall not vote except in the case of equality of votes.

(2) If at any time during a sitting of the National Assembly the attention of the person presiding is drawn to the fact that less than one-fourth of the total membership of the Assembly is present, he shall either adjourn the Assembly or suspend the meeting until at least one-fourth of such membership is present.

Address by President

56. ⁴[(1)] The President may address either House or both Houses assembled together and may for that purpose require the attendance of the members.

⁴[(2)] The President may send messages to either House, whether with respect to a Bill then pending in the Majlis-e-Shoora (Parliament) or otherwise, and a House to which any message is so sent shall with all convenient despatch consider any matter required by the message to be taken into consideration.

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

²Subs. by the Constitution (Tenth Amdt.) Act, 1987 (1 of 1987), s. 2. for "sixty" which was previously amended by P.O. No.14 of 1985, Art. 2 and Sch.

³Explanation added by the Constitution (Fourth Amdt.) Act, 1975 (71 of 1975), s. 6 (*w.e.f.* the 21st November, 1975).

⁴Re-numbered and added by P. O. No. 14 of 1985, Art. 2 and Sch.,

¹[(3) At the commencement of the first session after each general election to the National Assembly and at the commencement of the first session of each year the President shall address both Houses assembled together and inform the Majlis-e-Shoora (Parliament) of the causes of its summons.]

(4) Provision shall be made in the rules for regulating the procedure of a House and the conduct of its business for the allotment of time for discussion of the matters referred to in the address of the President.]

Right to speak in ²[Majlis-e-Shoora (Parliament)]

57. The Prime Minister, a Federal Minister, a Minister of State and the Attorney General shall have the right to speak and otherwise take part in the proceedings of either House, or a joint sitting or any committee thereof, of which he may be named a member, but shall not by virtue of this Article be entitled to vote.

Dissolution of National Assembly

³**[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, a vote of no-confidence having been passed against the Prime Minister, no other member of the National Assembly 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.]

¹ Subs. by the Constitution (Eighth Amdt.) Act, 1985, (18 of 1985), s. 4, for "clause (3)."

² See footnote 6 on page 3, *supra*.

³ Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 17, for –Article 58ll.

The Senate

¹[59. (1) The Senate shall consist of one hundred and four 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; and
- (f) four non-Muslims, one from each Province, shall be elected by the members of each Provincial Assembly:

Provided that paragraph (f) shall be effective from the next Senate election after the commencement of the Constitution (Eighteenth Amendment) Act, 2010.

(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;

¹ Subs. *ibid.*, s. 18, for –Article 59I.

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

Provided that the Election Commission for the first term of seats for non-Muslims shall draw a lot as to which two members shall retire after the first three years.

- (4) The term of office of a person elected to fill a casual vacancy shall be the unexpired term of the member whose vacancy he has filled.]

Chairman and Deputy Chairman

60. (1) After the Senate has been duly constituted, it shall, at its first meeting and to the exclusion of any other business, elect from amongst its members a Chairman and a Deputy Chairman and, so often as the Office of Chairman or Deputy Chairman becomes vacant, the Senate shall elect another member as Chairman or, as the case may be, Deputy Chairman.

(2) The term of office of the Chairman or Deputy Chairman shall be¹ [three] years from the day on which he enters upon his office.

Other provisions relating to Senate

61. The provisions of clauses (2) to (7) of Article 53, clauses (2) and (3) of Article 54 and Article 55 shall apply to the Senate as they apply to the National Assembly and, in their application to the Senate, shall have effect as if references therein to the National Assembly, Speaker and Deputy Speaker were references, respectively, to the Senate Chairman and Deputy Chairman² [and as if, in the proviso to the said clause (2) of Article 54, for the words³ [one hundred and thirty] the words⁴ [one hundred and ten] were substituted].

provisions as to Members of⁵ [Majlis-e-Shoora (Parliament)]

Qualifications for membership of Majlis-e-Shoora (Parliament)

⁶[**62.** (1) 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 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 she seeks membership for election to a seat reserved for women.
- (c) he is, in the case of the 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;

¹ Subs. by the Constitution (Eighth Amdt.) Act, 1985 (18 of 1985), s. 7, for ~~two~~.

² Added by the Constitution (First Amdt.) Act, 1974 (33 of 1974), s. 5 (w.e.f. the 14th May, 1974).

³ Subs. by the Constitution (Tenth Amdt.) Act, 1987 (1 of 1987), s. 3, which was previously amended by P. O. No. 24 of 1985. Art. 2.

⁴ Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 19, for ~~ninety~~.

⁵ See footnote 6 on page 3 *supra*.

⁶ Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 20, for ~~Article 62~~.

- (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, non-profligate, honest and ameen, there being no declaration to the contrary by a court of law; and
- (g) he has not, after the establishment of Pakistan, worked against the integrity of the country or opposed the ideology of Pakistan.

(2) 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.]

Disqualifications for membership of Majlis-e-Shoora (Parliament)

¹[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 undischarged 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 or 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

¹ Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 21, for –Article 63].

Jammu and Kashmir from being elected as a member of the Legislative Assembly of Azad Jammu and Kashmir; or

- (g) he has been convicted by a court of competent jurisdiction for propagating any opinion, or acting in any manner, prejudicial to the ideology of Pakistan, or the sovereignty, integrity or security of Pakistan, 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, unless a period of five years has lapsed since his release; or
- (h) he has been, on conviction for any offence involving 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 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, 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 or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a Local Government 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, 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 shareholder 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;

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; or

- (m) 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
- (n) 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

- (o) 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
- (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.

Explanation.— For the purposes of this paragraph ~~law~~ shall not include an Ordinance promulgated under Article 89 or Article 128.

(2) If any question arises whether a member of the Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker or, as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and if he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission.

(3) The Election Commission shall decide the question within ninety days from its receipt or deemed to have been received and if it is of the opinion that the member has become disqualified, he shall cease to be a member and his seat shall become vacant.]

Disqualification on grounds of defection, etc.

¹[63A. (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 relation 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 or a Constitution (Amendment) Bill;

¹ Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s.22, for ~~Article 63A~~.

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

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

Explanation.— ~~Party Head~~ means any person, by whatever name called, declared as such by the Party.

(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, and in case he fails to do so it shall be deemed that he has referred, 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 ninety days 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.

(8) Article 63A substituted as aforesaid shall come into effect from the next general elections to be held after the commencement of the Constitution (Eighteenth Amendment) Act, 2010:

Provided that till Article 63A substituted as aforesaid comes into effect the provisions of existing Article 63A shall remain operative].

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Vacation of seats

64. (1) A member of ²[Majlis-e-Shoora (Parliament)] may, by writing under his hand addressed to the Speaker or, as the case may be, the Chairman resign his seat, and thereupon his seat shall become vacant.

(2) A House may declare the seat of a member vacant if, without leave of the House, he remains absent for forty consecutive days of its sittings.

Oath of Members

65. A person elected to a House shall not sit or vote until he has made before the House oath in the form set out in the Third Schedule.

Privileges of members, etc.

66. (1) Subject to the Constitution and to the rules of procedure of ²[Majlis-e-Shoora (Parliament)], there shall be freedom of speech in ²[Majlis-e-Shoora (Parliament)] and no member shall be liable to any proceedings in any court in respect of anything said or any vote given by him in ²[Majlis-e-Shoora (Parliament)], and no person shall be so liable in respect of the publication by or under the authority of ²[Majlis-e-Shoora (Parliament)] of any report, paper, votes or proceedings.

(2) In other respects, the powers, immunities and privileges of ²[Majlis-e-Shoora (Parliament)], and the immunities and privileges of the members of ²[Majlis-e-Shoora (Parliament)], shall be such as may from time to time be defined by law and, until so defined, shall be such as were,

¹For existing Article 63A *see* Addendum at p. 220.

²See footnote 6 on page 3, *supra*.

immediately before the commencing day, enjoyed by the National Assembly of Pakistan and the committees thereof and its members.

(3) Provision may be made by law for the punishment, by a House, of persons who refuse to give evidence or produce documents before a committee of the House when duly required by the chairman of the committee so to do :

Provided that any such law—

- (a) may empower a court to punish a person who refuses to give evidence or produce documents; and
- (b) shall have effect subject to such Order for safeguarding confidential matters from disclosure as may be made by the President.

(4) The provisions of this Article shall apply to persons who have the right to speak in, and otherwise to take part in the proceedings of, ¹[Majlis-e-Shoora (Parliament)] as they apply to members.

(5) In this Article. ¹[Majlis-e-Shoora (Parliament)] means either House or a joint sitting, or a committee thereof.

Procedure Generally

Rules of procedure, etc.

67. (1) Subject to the Constitution, a House may make ²rules for regulating its procedure and the conduct of its business, and shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the House shall not be invalid on the ground that some persons who were not entitled to do so sat, voted or otherwise took part in the proceedings.

(2) Until rules are made under clause (1), the procedure and conduct of business in a House shall be regulated by the rules of procedure made by the President.

¹ See footnote 6 on page 3, supra.

² For the rules of Procedure and Conduct of business in the Senate. see Gaz. of Pak. 1973. Ext., Pt. II. pp. 1543-1620.

For the Rules of Procedure and Conduct of Business in the National Assembly. 1973. see Gaz. of Pak., 1973, Ext., Pt. II, pp. 1897-1957.

Restriction on discussion in Majlis-e-Shoora (Parliament)

68. No discussion shall take place in ¹[Majlis-e-Shoora (Parliament)] with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties.

Courts not to inquire into proceedings of Majlis-e-Shoora (Parliament)

69. (1) The validity of any proceedings in ¹[Majlis-e-Shoora (Parliament)] shall not be called in question on the ground of any irregularity of procedure.

(2) No officer or member of ¹[Majlis-e-Shoora Parliament)] in whom powers are vested by or under the Constitution for regulating procedure or the conduct of business, or for maintaining order in ¹[Majlis-e-Shoora (Parliament)], shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

(3) In this Article, ¹[Majlis-e-Shoora (Parliament)] has the same meaning as in Article 66.

Legislative Procedure

Introduction and passing of Bills

²[**70.** (1) A Bill with respect to any matter in the Federal 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 passed with amendments it shall be sent back to the House in which it originated and if that House passes the Bill with those amendments it shall be presented to the President for assent.

(3) If a Bill transmitted to a House under clause (1) is rejected or is not passed within ninety days of its laying in the House or a Bill sent to a House under clause (2) with amendments is not passed by that House with such amendments, the Bill, at the request of the House in which it originated, shall be considered in a joint sitting and if passed by the votes of the majority of the members present and voting in the joint sitting it shall be presented to the President for assent.

¹ See footnote 6 on page 3, supra.

² Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 23, for –Article 70ll.

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

Mediation Committee

71. [Mediation Committee] omitted by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 24 as amended by various enactments.

Procedure at joint sittings

72. (1) The President, after consultation with the Speaker of the National Assembly and the Chairman, may make ¹rules as to the procedure with respect to the joint sittings of, and communications between, the two Houses.

(2) At a joint sitting, the Speaker of the National Assembly or, in his absence, such person as may be determined by the rules made under clause (1), shall preside.

(3) The rules made under clause (1) shall be laid before a joint sitting and may be added to, varied, amended or replaced at a joint sitting.

(4) Subject to the Constitution, all decisions at a joint sitting shall be taken by the votes of the majority of the members present and voting.

Procedure with respect to Money Bills

73. ²[(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 fourteen days, make recommendations thereon to the National Assembly.]

³[(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.]

⁴* * * * *

¹For the Parliament (Joint Sitting), Rules 1973, *see* Gaz. of Pak. 1973, Ext. Pt. 11, pp. 1657-1672.

² Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 25, for ~~clause (1)~~.

³New clause (1) ins., *ibid.*

⁴Existing clause (1A) stands omitted as consequence of the (Eighteenth Amdt.) Act, 2010 (10 of 2010), *see* section 2.

(2) For the purposes 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 licence 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.

Federal Government's consent required for financial measures

74. A Money Bill, or a Bill or amendment which if enacted and brought into operation would involve expenditure from the Federal Consolidated Fund or withdrawal from the Public Account of the Federation or affect the coinage or currency of Pakistan or the constitution or functions of the State Bank of Pakistan shall not be introduced or moved in ¹[Majlis-e-Shoora (Parliament)] except by or with the consent of the Federal Government.

President's assent to Bills

²[75. (1) When a Bill is presented to the President for assent, the President shall, within ³[ten] 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.

⁴[(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 give his assent within ten days, failing which such assent shall be deemed to have been given.]

(3) When the President has assented ⁵[or is deemed to have 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.]

¹ See footnote 6 on page 3. *supra*.

² Subs. by P. O. No. 14 of 1985, Art. 2 and Sch., for "Article 75".

³ Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 26, for "thirty".

⁴ Subs. *ibid.*, for clause (2).

⁵ Ins. *ibid.*

Bill not to lapse on prorogation, etc.

76. (1) A Bill pending in either House shall not lapse by reason of the prorogation of the House.

(2) A Bill pending in the Senate which has not been passed by the National Assembly shall not lapse on the dissolution of the National Assembly.

(3) A Bill pending in the National Assembly, or a Bill which having been passed by the National Assembly is pending in the Senate, shall lapse on the dissolution of the National Assembly.

Tax to be levied by law only

77. No tax shall be levied for the purposes of the Federation except by or under the authority of Act of ¹[Majlis-e-Shoora (Parliament)].

Financial Procedure

Federal Consolidated Fund and Public Account

78. (1) All revenues received by the Federal Government, all loans raised by that Government, and all moneys received by it in repayment of any loan, shall form part of a consolidated fund, to be known as the Federal Consolidated Fund.

(2) All other moneys—

(a) received by or on behalf of the Federal Government; or

(b) received by or deposited with the Supreme Court or any other court established under the authority of the Federation;

shall be credited to the Public Account of the Federation.

Custody, etc., of Federal Consolidated Fund and Public Account

79. The custody of the Federal Consolidated Fund, the payment of moneys into that Fund, the withdrawal of moneys therefrom, the custody of other moneys received by or on behalf of the Federal Government, their payment into, and withdrawal from, the Public Account of the Federation,

¹See footnote 6 on page 3. *supra*.

and all matters connected with or ancillary to the matters aforesaid shall be regulated by Act of ¹[Majlis-e-Shoora (Parliament)] or, until provision in that behalf is so made, by rules made by the President.

Annual Budget Statement

80. (1) The Federal Government shall, in respect of every financial year, cause to be laid before the National Assembly a statement of the estimated receipt and expenditure of the Federal Government for that year, in this Part, referred to as the Annual Budget Statement.

(2) The Annual Budget Statement shall show separately—

- (a) the sums required to meet expenditure described by the Constitution as expenditure charged upon the Federal Consolidated Fund; and
- (b) the sums required to meet other expenditure proposed to be made from the Federal Consolidated Fund;

and shall distinguish expenditure on revenue account from other expenditure.

Expenditure charged upon Federal Consolidated Fund

81. The following expenditure shall be expenditure charged upon the Federal Consolidated Fund: —

- (a) the remuneration payable to the President and other expenditure relating to his office, and the remuneration payable to-
 - (i) the Judges of the Supreme Court ²[and the Islamabad High Court];
 - (ii) the Chief Election Commissioner;
 - (iii) the Chairman and the Deputy Chairman;
 - (iv) the Speaker and the Deputy Speaker of the National Assembly;
 - (v) the Auditor-General;

¹ See footnote 6 on page 3, *supra*.

² Added by the Constitution (Nineteenth Amendment) Act, 2011 (1 of 2011) s. 2.

- ¹[(b) the administrative expenses, including the remuneration payable to officers and servants, of the Supreme Court, the Islamabad High Court, the department of the Auditor-General, the Office of the Chief Election Commissioner and of the Election Commission and the Secretariats of the Senate and the National Assembly;]
- (c) all debt charges for which the Federal Government is liable, including interest, sinking fund charges, the repayment or amortisation of capital, and other expenditure in connection with the raising of loans, and the service and redemption of debt on the security of the Federal Consolidated Fund;
- (d) any sums required to satisfy any judgement, decree or award against Pakistan by any court or tribunal; and
- (e) any other sums declared by the Constitution or by Act of ²[Majlis-e-Shoora (Parliament)] to be so charged.

Procedure relating to Annual Budget Statement

82. (1) So much of the Annual Budget Statement as relates to expenditure charged upon the Federal Consolidated Fund may be discussed in, but shall not be submitted to the vote of, the National Assembly.

(2) So much of the Annual Budget Statement as relates to other expenditure shall be submitted to the National Assembly in the form of demands for grants, and the Assembly shall have power to assent to, or to refuse to assent to, any demand, or to assent to any demand subject to a reduction of the amount specified therein:

Provided that, for a period of ten years from the commencing day or the holding of the second general election to the National Assembly, whichever occurs later, a demand shall be deemed to have been assented to without any reduction of the amount specified therein, unless, by the votes of a majority of the total membership of the Assembly, it is refused or assented to subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the Federal Government.

¹ Substituted by the Constitution (Nineteenth Amendment) Act, 2011 (1 of 2011) s. 2.

² See footnote 6 on page 3, *supra*.

Authentication of schedule of authorized expenditure

83. (1) The Prime Minister shall authenticate by his signature a schedule specifying—

- (a) the grants made or deemed to have been made by the National Assembly under Article 82, and
- (b) the several sums required to meet the expenditure charged upon the Federal Consolidated Fund but not exceeding, in the case of any sum, the sum shown in the statement previously laid before the National Assembly.

(2) The schedule so authenticated shall be laid before the National Assembly, but shall not be open to discussion or vote thereon.

(3) Subject to the Constitution, no expenditure from the Federal Consolidated Fund shall be deemed to be duly authorised unless it is specified in the schedule so authenticated and such schedule is laid before the National Assembly as required by clause (2).

Supplementary and excess grants

84. If in respect of any financial year it is found—

- (a) that the amount authorized to be expended for a particular service for the current financial year is insufficient, or that a need has arisen for expenditure upon some new service not included in the Annual Budget Statement for that year; or
- (b) that any money has been spent on any service during a financial year in excess of the amount granted for that service for that year;

the Federal Government shall have power to authorize expenditure from the Federal Consolidated Fund, whether the expenditure is charged by the Constitution upon that Fund or not, and shall cause to be laid before the National Assembly Supplementary Budget Statement or, as the case may be, an Excess Budget Statement, setting out the amount of that expenditure, and the provisions of Articles 80 to 83 shall apply to those statements as they apply to the Annual Budget Statement.

Votes on account

85. Notwithstanding anything contained in the foregoing provisions relating to financial matters, the National Assembly shall have power to

make any grant in advance in respect of the estimated expenditure for a part of any financial year, not exceeding four months, pending completion of the procedure prescribed in Article 82 for the voting of such grant and the authentication of the schedule of authorized expenditure in accordance with the provisions of Article 83 in relation to the expenditure.

Power to authorize expenditure when Assembly stands dissolved

86. Notwithstanding anything contained in the foregoing provisions relating to financial matters, at any time when the National Assembly stands dissolved, the Federal Government may authorize expenditure from the Federal Consolidated Fund in respect of the estimated expenditure for a period not exceeding four months in any financial year, pending completion of the procedure prescribed in Article 82 for the voting of grants and the authentication of the schedule of authorized expenditure in accordance with the provisions of Article 83 in relation to the expenditure.

Secretariats of Majlis-e-Shoora (Parliament)

87. (1) Each House shall have a separate Secretariat:

Provided that nothing in this clause shall be construed as preventing the creation of posts common to both Houses.

(2) ¹[Majlis-e-Shoora (Parliament)] may by law regulate the recruitment and the conditions of service of persons appointed to the secretarial staff of either House.

(3) Until provision is made by ¹[Majlis-e-Shoora (Parliament)] under clause (2), the Speaker or, as the case may be, the Chairman may, with the approval of the President, make rules² regulating the recruitment, and the conditions of service, of persons appointed to the secretarial staff of the National Assembly or the Senate.

Finance Committees

88. (1) The expenditure of the National Assembly and the Senate within authorised appropriations shall be controlled by the National Assembly or, as the case may be, the Senate acting on the advice of its Finance Committee.

¹ See footnote 6 on page 3, *supra*.

² For the National Assembly Secretariat (Recruitment) Rules, 1973, see Gaz. of Pak.. 1973, Ext., Part-II. pp. 2279-2286.

For the Senate Secretariat (Recruitment) Rules. 1973, see *ibid.*. pp. 2301-2307.

(2) The Finance Committee shall consist of the Speaker or, as the case may be, the Chairman, the Minister of Finance and such other members as may be elected thereto by the National Assembly or, as the case may be, the Senate.

(3) The Finance Committee may make rules¹ for regulating its procedure.

Ordinances

Power of President to promulgate Ordinances

89. (1) The President may, except when the ²[Senate or] National Assembly is in session, if satisfied that circumstances exist which render it necessary to take immediate action, make and promulgate an Ordinance as the circumstances may require.

(2) An Ordinance promulgated under this Article shall have the same force and effect as an Act of ³[Majlis-e-Shoora (Parliament)] and shall be subject to like restrictions as the power of ³[Majlis-e-Shoora (Parliament)] to make law, but every such Ordinance—

(a) shall be laid—

(i) before the National Assembly if it ⁴[contains provisions dealing with all or any of the matters specified in clause (2) of Article 73], and shall stand repealed at the expiration of ⁵[one hundred and twenty days] from its promulgation or, if before the expiration of that period a resolution disapproving it is passed by the Assembly, upon the passing of that resolution ⁶[:]

⁷[Provided that the National Assembly may by a resolution extend the Ordinance for a further period of one hundred and twenty days and it shall stand repealed at the expiration of the extended period, or if before the expiration of that period a resolution disapproving it is passed by the Assembly, upon the passing of that resolution:

¹For the National Assembly (Finance Committee) Rules, 1973, see Gaz. of Pak., 1973. Ext., Part II, pp. 2451-2454.

For the Senate (Finance Committee) Rules, 1973, see *ibid.*, pp. 2479-2482.

²Ins. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 27.

³See footnote 6 on page 3, *supra*.

⁴Subs. by the Constitution (Second Amdt.) Order, 1985 (P. O. No. 20 of 1985), Art. 2, for certain words.

⁵Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 27, for ~~four months~~.

⁶Subs. *ibid.*, for the semi-colon.

⁷New Provisos ins. *ibid.*

Provided further that extension for further period may be made only once.]

- (ii) before both Houses if it ¹[does not contain provisions dealing with any of the matters referred to in sub-paragraph (i)], and shall stand repealed at the expiration of ²[one hundred and twenty days] from its promulgation or, if before the expiration of that period a resolution disapproving it is passed by either House, upon the passing of that resolution ³[:]

⁴[Provided that either House may by a resolution extend it for a further period of one hundred and twenty days and it shall stand repealed at the expiration of the extended period, or if before the expiration of that period a resolution disapproving it is passed by a House, upon the passing of that resolution:

Provided further that extension for a further period may be made only once; and]

- (b) may be withdrawn at any time by the President.
- ⁵[(3) without prejudice to the provisions of clause (2),—
- (a) an Ordinance laid before the National Assembly under sub-paragraph (i) of paragraph (a) of clause (2) shall be deemed to be a Bill introduced in the National Assembly; and
 - (b) an Ordinance laid before both Houses under sub-paragraph (ii) of paragraph (a) of clause (2) shall be deemed to be a Bill introduced in the House where it was first laid.]