

12th January 2009

PROVINCIAL AUTONOMY

Sine qua non for a

FEDERATION

By

Muttahida Quami Movement (MQM)

Draft Bill

For

Constitutional Amendments

For

Providing Complete Autonomy

To

Constituent Units

DRAFT

Bill No...., of 2009 The Constitution (Amendment) Bill 2009 A BILL

To amend the Constitution of the Islamic Republic of Pakistan for providing complete autonomy to the constituent units.

WHEREAS it is expedient to provide complete autonomy to the provinces by amending the Constitution of the Islamic Republic of Pakistan,

NOW THEREOF, in exercise of powers conferred by Article 238 read with Article 239 of the Constitution of the Islamic Republic of Pakistan, it is hereby enacted as follows:

1	(i) The Act may be called the Constitution of the Islamic Republic of Pakistan (Eighteen Amendment) Act 2009 (ii) It shall come into force at once.	
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A M E N D E D

O R I G I N A L

<p>2</p>	<p>Article 70 – Clause (3) and Clause (4) stand substituted as under:</p> <p>Clause (3): Where a bill is referred to the Mediation Committee under Clause(2), the Mediation Committee shall, within 30 days, formulate an agreed bill and request the President to summon a joint sitting of both Houses of Majlis-e-Shoora (Parliament), and the President shall summon the joint sitting, for placing the recommendations of the Mediation Committee before it. If the Bill is passed with or without amendment in the joint sitting, it shall be presented to the President for assent.</p> <p>Clause (4): a. In this Article and the succeeding provisions of the Constitution, “Federal Legislative List” means the Federal Legislative List in the Fourth Schedule.</p> <p>(b) The Fourth Schedule means the Revised Fourth Schedule. [Article 70(4)] Legislative List. Federal Legislative List.</p> <p>(c) The words “concurrent list” wherever occur in the Constitution stand omitted.</p>	<p>Article 70</p> <p>Clause [(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 Houses pass the Bill, it shall be presented to the President for assent].</p> <p>Clause (4): In this Article and the succeeding provisions of the Constitution, “Federal Legislative List” and “Concurrent Legislative List” means respectively the Federal Legislative List and the Concurrent Legislative List in the Fourth Schedule.</p>
<p>3</p>	<p>Fourth Schedule stand substituted as per Annexure A (Page-49-52)</p>	<p>Fourth Schedule [Article 70] Legislative Lists Federal Legislative List Part I, Part II and Concurrent List (Annexure B) Page 53-61</p>

4	<p>Article 71(1) stands substituted as under, “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 sixteen members, eight from each House having two from each province, as members of the mediation Committee.</p>	<p>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, nominated eight members each as members of a Mediation Committee.</p>
5	<p>Article 135 inserted as under: When the Chief Minister by reason of absence from Pakistan or any other case, is unable to perform his functions, the most senior Provincial Minister for the time being shall perform the functions of Chief Minister until the Chief Minister returns to Pakistan or as he case may be resume his functions.</p>	<p>New Article.</p>
6	<p>Article 141 is substituted as under, “Subject to the Constitution, [Majlis-e-Shoora (Parliament)] may make laws for the Federal territory and a Provincial Assembly may make laws for the Province or any part thereof.</p>	<p>Article 141: Subject to the Constitution [Majlis-e-Shoora (Parliament)] may make laws (including laws having extra-territorial operation) for the whole or any part of Pakistan, and a Provincial Assembly may make laws for the Province or any part thereof.</p>

7	<p>Article 142.</p> <p>Para (b) stands omitted.</p> <p>Para (c) stands substituted as under: “ a Provincial Assembly shall, and [Majlis-e- Shoorā (Parliament)] shall not have powers to make laws with respect to any matter not enumerated in the Federal Legislative List.</p> <p>Para (d) stands omitted</p>	<p>Para (b): [Majlis-e-Shoorā (Parliament)] and a Provincial Assembly also, shall have power to make laws with respect to any matter in the Concurrent Legislative List;</p> <p>Para (c): A Provincial Assembly shall, and [Majlis-e-Shoorā (Parliament)] shall not, have power to make laws with respect to any matter not enumerated in either the Federal Legislative List or the Concurrent Legislative List; and</p> <p>Para (d): [Majlis-e-Shoorā (Parliament)] shall have exclusive power to make laws with respect to matters not enumerated in either of the List for such areas in the Federation as are not included in any Province.</p>
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8	<p>Article 143. the word “concurrent” appearing in Article 143 stands substituted by the word “Federal”</p>	<p>Article 143: If any provision of an Act of a Provincial Assembly is repugnant to any provision of an Act of [Majlis-e-Shoora (Parliament)] which [Majlis-e-Shoora (Parliament)] is competent to enact, or to any provision of any existing law with respect to any of the matters enumerated in the Concurrent Legislative List, then the Act of [Majlis-e-Shoora (Parliament)], whether passed before or after the Act of the Provincial Assembly, or, as the case may be the existing law, shall prevail and the Act of the Provincial Assembly shall, to the extent of the repugnancy, be void.</p>
9	<p>Article 144 stands omitted</p>	<p>Article 144: If two or more Provincial Assemblies pass resolutions to the effect that [Majlis-e-Shoora (Parliament)] may be law regular any matter not enumerated in either List in the Fourth Schedule, it shall be lawful for [Majlis-e-Shoora (Parliament)] to pass an Act for regulating that matter accordingly, but any act so passed may as respect any Province to which it applies, be amended or repealed by Act of the Assembly of that Province.</p>

10	<p>Article 145. The words appearing after such functions, “relating to..... in the direction” stand omitted and substituted by the words, “as specified in the Federal Legislative list”</p>	<p>Article 145. The President may direct the governor of any Province to discharge as his Agent, either generally or in any particular matter, such functions relating to such areas in the Federation which are not included in any Province as may be specified in the direction.</p>
11	<p>Article 146. Clause (1). Words appearing in the fourth line, “or to its officers” stand omitted. Clause (2) stands omitted. Clause (3) the words in second line “been conferred” and “or officers or authorities thereof” stand deleted.</p>	<p>Article 146. Clause 1: Notwithstanding anything contained in the Constitution the Federal Government may, with the consent of the Government of a Province, entrusted either conditionally or unconditionally to that Government, or to its officers functions in relation to nay matter to which the executive authority of the Federation extends. Clause 2: An Act of [Majlis-e-Shoora (Parliament)] may, notwithstanding that it relates to a matter with respect to which a Provincial Assembly has no power to make laws, confer powers and impost duties upon a Provincial or officers and authorities thereof. Clause 3: Where by virtue of this Article powers and duties have been conferred or imposed upon a Province or officers or authorties, there shall be paid by the Federation to the Province such sum as may be agreed or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of Pakistan, in respect of any extra costs of administration incurred by the Province in connection with the exercise of those powers or the discharge of these duties.</p>

12	<p>Article 147. “The words Government of a Province” shall be substituted by the words “Provincial Assembly”</p>	<p>Article 147: Notwithstanding any thing contained in the Constitution, the Government of a Province may, with the consent of the Federal Government, entrust, either conditionally or unconditionally, to the Federal Government, or to its officers, functions in relation to any matter to which the executive authority of the Province extends.</p>
13	<p>Article 148. Clause 1, 2 and 3 are omitted and substituted as under, “It shall be the duty of the Federation to protect every Province against external aggression in accordance with the provision of the Constitution”</p>	<p>Article 148. Clause 1: The executive authority of every Province shall be so exercised as to secure compliance with Federal laws which apply in that Province.</p> <p>Clause 2: Without prejudice e to any other provision of this Chapter, in the exercise of the executive authority of the Federation in any Province regard shall be had to the interests of that Province.</p> <p>Clause 3: It shall be the duty of the Federation to protect every Province against external aggression and internal disturbances and to ensure that the Government of every Province is carried on in accordance with the provisions of the Constitution.</p>

<p>14</p>	<p>Article 149 Clause (1) stands substituted as under: “The executive authority of every Province shall be so exercised as not to impede the exercise of the executive authority of the Federation in preventing external aggression against Pakistan or any part thereof. Clause 2, 3 and 4 stand omitted.</p>	<p>Article 149 Clause 1: the executive authority of every Province shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation and the executive authority of the Federation shall extend to the giving of such directions to a Province as may appear to the Federal Government to be necessary for that purpose.</p> <p>Clause 2: The executive authority of the Federation shall also extend to the giving of directions to a Province as to the carrying into execution therein of any Federal law which relates to a matter specified in the Concurrent Legislative List and authorizes the giving of such directions.</p> <p>Clause 3: The executive authority of the Federation shall also extend to the giving of directions to a Province as to the construction and maintenance of means of communication declared in the direction to be of national or strategic importance.</p> <p>Clause 4: The executive e authority of the Federation shall also extend to the giving of directions to a Province as to the manner in which the executive authority thereof is to be exercised for the purpose of preventing any grave menace to the peace or tranquility or economic life of Pakistan or any part thereof.</p>
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<p>15</p>	<p>Article 151. Clause (1) stands substituted as under, “The trade, commerce and intercourse throughout Pakistan shall be free, Provided a Provincial Assembly may impose reasonable restriction in the interest of public health, morality or for the purpose of protecting animals, or plants from disease or preventing any serious shortage of any commodity in the province. Clause (2), (3) and (4) stand omitted.</p>	<p>Article 151. Clause 1: Subject to clause (2), trade, commerce and intercourse throughout Pakistan shall be free. Clause 2: [Majlis-e-Shoora (Parliament)] may by law impose such restrictions on the freedom of trade, commerce or intercourse between one Province and another or within any part of Pakistan as may be required in the public interest. Clause 3: A Provincial Assembly or a Provincial Government shall not have power to— (a) make any law, or take any executive action, prohibiting or restricting the entry into, or the export from, the Provincial of goods of any class or description, or (b) impose a tax which, as between goods manufactured or produced in the Province and similar goods not so manufactured or produced outside the Province discriminates between goods manufactured or produced in any area in Pakistan and similar goods manufactured or produced in any other area in Pakistan. Clause 4: An Act of a Provincial Assembly which imposes any reasonable restriction in the interest of public health, public order or morality, or for the purpose of protecting animals or plants from disease or preventing or alleviating any serious shortage in the Province of any essential commodity shall not, if it was made with the consent of the President, be invalid.</p>
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<p>16</p>	<p>Article 152. It stands substituted as under: “ The Federation may, with the consent of the Provincial Assembly or the District or City District Government, acquire any land situate in a province for any purpose connected with a matter with respect to which [Majlis-e-Shoora (Parliament)] has power to make laws, on such terms as may be agreed or in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of Pakistan.”</p>	<p>Article 152: The Federation may, if it deems necessary to acquire any land situate in a Province for any purpose connected with a matter with respect to which [Majlis-e-Shoora (Parliament)] has power to make laws, require the Province to acquire the land on behalf and at the expense, of the Federation or, if the land belongs to the Province , to transfer it to the Federation on such terms as may be agreed or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of Pakistan.</p>
<p>17</p>	<p>Article 153. Clause (2) and (3) stand substituted as under: (2) “The members of the Council shall be the Prime Minister and the Chief Ministers of the Provinces. (3) The Council shall be a permanent body and be deemed to be and always to have existed since the “commencing day”. New Clause (4) is inserted as under, “Any Member may convene the meeting to the Council on a weeks notice” The existing Clause (4) stands renumbered as Clause (5).</p>	<p>Article 153 Clause 2: the members of the Council shall be – (a) the Chief Ministers of the Provinces, and (b) an equal number of members from the Federal government to be nominated by the Prime Minister from time to time.</p> <p>Clause 3: The Prime Minister, if he is a member of the Council, shall be the chairman of the Council but, if at any time he is not a member, the President may nominate a Federal Minister who is a member of the Council to be its Chairman.</p> <p>Clause 4: The Council shall be responsible to [Majlis-e-Shoora (Parliament)].</p>

<p>18</p>	<p>Article 154. Clause (1) to (5) stands substituted as renumbered as under: (1) the Council shall formulate and regulate policies in relation to matter referred to by the Federal Government or the Provincial Government(s). (2) The decisions of the Council shall be expressed in terms of the opinion of the majority. (3) The Council may make its rules of procedure. (4) If the Federal Government or a Provincial Government is dissatisfied with a decision of the Council, it may refer the matter to [Majlis-e-Shoora (Parliament)] in a joint sitting which shall be convened by the President within ten days from the date of requisition. Whose decision in this behalf shall be final.</p>	<p>Article 154 Clause 1: The Council shall formulate and regulate policies in relation to matters in Part II of the Federal Legislative List and, in so far as it is in relation to the affairs of the Federation, the matter in entry 34 (electricity, in the Concurrent Legislative List and shall exercise supervision and control over related institution. Clause 2: the decisions of the Council shall be expressed in terms of the opinion of the majority. Clause 3: Until [Majlis-e-Shoora {Parliament}] makes provision by law in this behalf, the council may make its rules of procedure. Clause 4: [Majlis-e-Shoora (Parliament)] in joint sitting may from time to time by resolution issue directions through the Federal Government to the Council generally or in a particular matter to take action as [Majlis-e-Shoora (Parliament)] may deem just and proper and such directions shall be binding on the Council. Clause 5: If the Federal Government or a Provincial Government is dissatisfied with a decision of the Council, it may refer the matter to [Majlis-e-Shoora (Parliament)] in a joint sitting whose decision in this behalf shall be final.</p>
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<p>19</p>	<p>Article 155. The words appearing in Clause 1, “or the Federally Administered Tribal Areas” stand omitted.</p>	<p>Article 155 Clause 1: If the interests of a Province, the Federal Capital or the Federally Administered Tribal Areas, or any of the inhabitants thereof, in water from any natural source of supply have been or are likely to be affected prejudicially by---</p> <ul style="list-style-type: none"> (a) any executive act or legislation taken or passed or proposed to be taken or passed, or (b) the failure of any authority to exercise any of its powers with respect to the use and distribution or control of water from that source. <p>The Federal Government or the Provincial Government concerned may make a complaint in writing to the Council.</p>
	<p>Clause (7) stands inserted after Clause (6) as under: “The Council or the Commission appointed by the President shall decide the complaint lodged under Clause (2) within ninety days from the date of complaint”.</p>	<p>New Clause to Article 155</p>

<p>20</p>	<p>Article 155 A is inserted after Article 155 as under: Article 155 A. (1) There shall be an Inter Provincial Council, to be appointed by the President. (2) The members of the Inter Provincial Council shall be- (a) The Prime Minister and the Chief Ministers of the Provinces. (3) The Inter Provincial Council shall be responsible to [Majlis-e-Shoora (Parliament) and to the Provincial Assemblies (4) The Inter Provincial Council shall monitor, regulate and executer such plans and policies that are conducive to creating harmony between Federation and Provinces and amongst Provinces. (5) The Inter Provincial Council may request the [Majlis-e-Shoora (Parliament)] to legislate on such maters as resolved unanimously on aviation, railways, inter- provincial or national highways, sea navigation, national grid stations, power and gas transmission lines and on such matters that may be unanimously agreed to by the Provinces.</p>	<p>New Articles</p>
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<p>21</p>	<p>Article 156 and 157 stand omitted.</p>	<p>Article 156 and 157</p> <p>Article 156: (1). The President shall constitute a National Economic Council consisting of the Prime Minister, who shall be its Chairman, and such other members as the President may determine”</p> <p>Provided that the President shall nominate one member from each Province on the recommendation of the government of that Province.</p> <p>(2) the National Economic Council shall review the overall economic condition of the country and shall, for advising the Federal Government and the Provincial Governments, formulate plans in respect of financial, commercial, social and economic policies; and in formulating such plans, it shall be guided by the Principles of Policy set-out in chapter 2 of Part II.</p> <p>Article 157 (1): The Federal Government may in any Province construct or cause to be constructed hydro-electric or thermal power installations or grid stations for the generation of electricity and lay or cause to be laid inter-Provincial transmission lines.</p>
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		<p>(2) The Government of a Province may ---</p> <p>(a) to the extent electricity is supplied to the Province from the national grid, require supply to be made in bulk for transmission and distribution within the Province;</p> <p>(b) levy tax on consumption of electricity within the Province;</p> <p>(c) construct power houses and grid stations and lay transmission lines for use within the Province; and</p> <p>(d) determined the tariff for distribution of electricity within the Province.</p>
22	<p>Article 159 The word appearing in Clause (1), “unreasonable” stands omitted. The Proviso to Para (b) of Clause (1) stands omitted.</p>	<p>Article 159 Clause 1 and para (b): to regular, and impose fee in respect of, the construction and use of transmitters and the use of receiving apparatus in the Province.</p>

<p>23</p>	<p>Article 160. Clause (1) to (7) of Article 160 stand substituted and renumbered as under: Clause (1) Within six months of the commencing day and thereafter at intervals not exceeding five years or at such earlier time as the President considers necessary by order constitute a National Finance Commission. Clause (2). The Commission consists of five Members including one Chairman, all of whom shall neither be Government servants nor Public Servants. Clause (3). It shall be the duty of the National Finance Commission to make recommendations, within eighteen months from the date of its appointment, to the President as to— (a) the distribution between the Federation and the provinces, of the net proceeds of the taxes mentioned in Clause (4); (b) the making of grants-in-aids by the Federal Government to the Provinces and vice versa. Clause (4). The taxes referred to in paragraph (a) of Clause (3) are the following taxed raised under the authority of [Majlis-e-Shoora (Parliament)], namely:- (i) taxes on income, including corporation tax but not including taxes on income consisting of remuneration paid out of the Federal Consolidated Fund; (ii) taxes and duties on import and export of commodities as may be specified by the President.</p>	<p>Article 160 Clause 1: Within six months of the commencing day and thereafter at intervals not exceeding five years, the President shall constitute a National Finance Commission consisting of the Minister of Finance of the Federal Government, the Ministers of Finance of the Provincial Governments, and such other persons as may be appointed by the President after consultation with the Governors of the Provinces. Clause 2: It shall be the duty of the National Finance Commission to make recommendations to the President as to---- (a) the distribution between the Federation and the Provinces of the net proceeds of the taxes mentioned in clause (3); (b) the making of grants-in-aid by the Federal Government to the Provincial Governments; (c) The exercise by the Federal Government and the Provincial Governments of the borrowing powers conferred by the Constitution; and (d) Any other matter relating to finance referred to the Commission by the President.</p>
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Clause (5) As soon as may be after receiving the recommendations of the National Finance Commission, the President shall by Order specify in accordance with the recommendations of the Commission under paragraph (a) of Clause (3), the share of the net proceeds of the taxes mentioned in Clause (4) which is to be allocated to each Province and that share shall be paid to the Government of the Province concerned, and, notwithstanding the provisions of Article 78 shall not form part of the Federal Consolidated Fund.

Clause (6). The recommendations of the National Finance Commission, together with an explanatory memorandum as to the action taken thereon, shall be laid before the both Houses and the Provincial Assemblies.

Clause (7). The President may, by Order, make grants in aid of the revenues to the provinces in need of assistance and such grants shall be charged upon the Federal Consolidated Fund.

Clause 3: The taxes referred to in paragraph (a) of clause (2) are the following taxes raised under the authority of [Majlis-e-Shoora (Parliament)], namely :-

- (a) taxes on income, including corporation tax but not including taxes on income consisting of remuneration paid out of the Federal Consolidated Fund;
- (b) taxes on the sales and purchase of goods imported exported, produced, manufactured or consumed;
- (c) export duties on cotton, and such other export duties as may be specified by the President;
- (d) such duties of excise as may be specified by the President; and
- (e) such other taxes as may be specified by the President.

Clause 4: As soon as may be after receiving the recommendations of the National Finance Commission, the President shall, by Order specify, in accordance with the recommendations of the Commission under paragraph (a) of clause (2), the share of the net proceeds of the taxes mentioned in clause (3) which is to be allocated to

each Province, and that share shall be paid to be Government of the Province concerned, and, notwithstanding the provision of Article 78 shall not form part of the Federal Consolidated Fund.

Clause 5: The recommendations of the National Finance Commission, together with an explanatory memorandum as to the action taken thereon, shall be laid before both House and the Provincial Assemblies.

Clause 6: At any time before an Order under clause (4) is made, the President may, by Order, make such amendments or modifications in the law relating to the distribution of revenues between the Federal Government and the Provincial Governments as he may deem necessary or expedient.

Clause 7: The President may, by Order, make grants-in-aid of the revenues of the Provinces in need of assistance and such grants shall be charged upon the Federal Consolidated Fund.

<p>24</p>	<p>Article 161, 162 and 163 stand omitted.</p>	<p>Article 161 (1): Notwithstanding the provisions of Article 78 the net proceeds of the Federal duty of excise on natural gas levied at well-head and collected by the Federal Government, and of the royalty collected by the Federal Government, shall not form part of the Federal Consolidated Fund and shall be paid to the Province in which the well-head of natural gas is situated.</p> <p>(2) The net profits earned by the Federal government, or any undertaking established or administered by the Federal Government from the bulk generation of power at a hydro-electric station shall be paid to the Province in which the hydro-electric station is situated.</p> <p>Article 162: No Bill or amendment which imposes or varies a tax or duty the whole or part of the net proceeds whereof is assigned to any Province, or which varies the meaning of the expression “agricultural income” as defined for the purposes of the enactments relating to income-tax, or which affects the principles on which under any of the foregoing provisions of this Chapter moneys are or may be distributable to Provinces, shall be introduced or moved in the National Assembly except with the previous sanction of the President.</p>
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		<p>Article 163: A Provincial Assembly may be Act impose taxes, not exceeding such limits as may from time to time be fixed by Act of [Majlis-e-Shoora (Parliament)], on persons engaged in professions, trades, callings or employments, and no such Act of the Assembly shall be regarded as imposing a tax on income.</p>
25	<p>Article 164 stand substituted as under: Clause (1). “Federation may make grants or loans to a Province out of Federal Consolidated Fund and a Province may make grants or loans to another province out of the Provincial Consolidated Fund for any purpose on such terms as may be agreed mutually.</p>	<p>Article 164: The Federation or a Province may make grants for any purpose, notwithstanding that the purpose is not one with respect to which [Majlis-e-Shoora (Parliament)] or, as the case may be, a Provincial Assembly may make laws.</p>
26	<p>Article 165. Words appearing in Clause (2), “under Act of [Majlis-e-Shoora (Parliament)] or” stand omitted. Clause (3) of the Article 165 stands omitted.</p>	<p>Article 165 Clause 2: If a trade or business of any kind is carried on by or on behalf of the Government of a Province outsider that Province, that Government may, in respect of any property used in connection with that trade or business or any income arising from that trade or business, be taxed under Act of [Majlis-e-Shoora (Parliament)] or under Act of the Provincial Assembly of the Province in which that trade or business is carried on.</p> <p>Clause 3: Nothing in this Article shall prevent the imposition of fees for services rendered.</p>

27	<p>Article 165. A Words appearing in Clause (1) “or a Provincial Law”, “or an existing law” and or a “Provincial Government” stand omitted.</p>	<p>Clause 1 of Article 165 A: For the removal of doubt, it is hereby declared that [Majlis-e-Shoora (Parliament)] has, and shall be deemed always to have had, the power to make a law to provide for the levy and recovery of a tax on the income of a corporation, company or other body or institution established by or under a Federal law or a Provincial law or an existing law or a corporation, company or other body or institution owned or controlled, either directly or indirectly, by the Federal Government or a Provincial Government, regardless of the ultimate destination of such income.</p>
28	<p>Article 167. Clause (3) of Article 167 stand substituted as under, “A Province may not, without the consent of the Federal Government, raise any loan if the province has defaulted in repayment of the due installment of such loan as made to the Province by the Federal Government, Provided such loan may be raised by a Province for the payment to the Federal Government of the said defaulted amount of the loan”.</p>	<p>Article 167 Clause (3): A Province may not, without the consent of the Federal Government, raise any loan if there is still outstanding any part of a loan made to the Province by the Federal Government, or in respect of which guarantee has been given by the Federal Government; and consent under this clause may be granted subject to such conditions, if any, as the Federal Government may think fit to impose.</p>

29	<p>Article 169. Para (a) and (b) stand substituted as under: (a) the accounts of the Federation and (b) the accounts of any authority or body established by the Federation.</p>	<p>Article 169 (a):the accounts of the Federation and of the Provinces; and (b) the accounts of any authority or body established by the Federation or a Province.</p>
30	<p>Article 170. The words, “and of the Provinces” stand omitted.</p>	<p>Article 170: The accounts of the Federation and of the Provinces shall be kept in such form and in accordance with such principles and methods as the Auditor-General may, with the approval of the President, prescribe.</p>
31	<p>Article 171 stand substituted as under: “The Report of the Auditor General relating to the accounts of the Federation shall be submitted to the President who shall cause them to be laid before the National Assembly”.</p>	<p>Article 171: The reports of the Auditor-General relating to the accounts of the Federation shall be submitted to the President, who shall cause them to be laid before the National Assembly and the reports of the Auditor-General relating to the accounts of a Province shall be submitted to the Governor of the Province, who shall cause them to be laid before the Provincial Assembly.</p>
32	<p>Article 171 A stands added after Article 170 as under: Clause (1). There shall be a Provincial Auditor – General who shall be appointed by the Governor of the Province and make before the Chief Justice of the High Court oath in the form set out in the Third –A Schedule. Clause (2). The terms and conditions of service, including the term of office, of the Provincial Auditor General shall be determined by Act of Provincial Assembly and, until so</p>	

	<p>determined, by Order of the Governor.</p> <p>Clause (3). The Provincial Auditor General shall in relation to –</p> <p>(a) the accounts of a Province</p> <p>(b) the accounts of any authority or body established by a Province, perform such functions and exercise such powers as may be determined, by the Order of the Governor.</p> <p>Clause (4). The reports of the Provincial Auditor General relating to the accounts of a Province shall be submitted to the Governor of the province, who shall cause them to be laid before the Provincial Assembly.</p>	
33	<p>Article 186 A stands omitted.</p>	<p>Article 186 (1): If, at any time, the President considers that it is desirable to obtain the opinion of the Supreme Court on any question of law which he consider of public importance, he may refer the question to the Supreme Court for consideration.</p> <p>(2) The Supreme Court shall consider a question so referred and report its opinion on the question to the President.</p>
34	<p>Article 192 Clause (1) The word “President” appearing in the last line of this clause stands substituted by the work “Governor”</p> <p>Clause (2) and (3) stand omitted.</p>	<p>Article 192 (1): A High Court shall consist of a Chief Justice and so many other Judges as may be determined by law or, until so determined, as may be fixed by the President.</p> <p>(2) The Sindh and Baluchistan High Court shall cease to function as a common High Court for the</p>

		<p>Provinces of Baluchistan and Sind. Clause (3): The President shall, by Order, establish a High Court for each of the Provinces of Baluchistan and Sindh and may make such provision in the Order for the principal seats of the two High Courts, transfer of the Judges of the common High Court, transfer of cases pending in the common High Courts and, generally, for matters consequential or ancillary to the common High Court ceasing to function and the establishment of the two High courts as he may deem it.</p>
35	<p>Article 193 stands substituted as under: Clause (1). A Judge of a High Court shall be appointed by the Governor after consultation with the Chief Justice of the High Court, Clause (2). The senior most Judge shall be appointed as Chief Justice of High Court by the Governor in consultation with the Chief Justice of Pakistan. Existing Clause (2) of Article 193 stands renumbered as Clause (3).</p>	<p>Article 193 (1): A Judge of a High Court shall be appointed by the President after consultation--- (a) with the Chief Justice of Pakistan; (b) with the Governor concerned; and (c) except where the appointment it that of Chief Justice, with the Chief Justice of the High Court.</p> <p>Clause (2): A person shall not be appointed a Judge of a High Court unless he is a citizen of Pakistan, is not less than [forty-five years] of age, and---- (a) he has for a period of, or for periods aggregating, not less than ten years been an advocate of a High Court (including a</p>

		<p>High Court which existed in Pakistan at any time before the commencing day); or</p> <p>(b) he is, and has for a period of not less than ten years been, a member of a civil service prescribed by law for the purposes of this paragraph, and has, for a period of not less than three years, served as or exercised the functions of a District Judge in Pakistan; or</p> <p>(c) he has, for a period of not less than ten years, held a judicial office in Pakistan.</p> <p>Clause (3): In this Article, “District Judge” means Judge of a principal civil court of original jurisdiction.</p>
36	<p>Article 196. The word, “President” appearing in paragraph (b) stands substituted by the word “Governor” and the words “or may request one of the Judges of the Supreme Court” stand omitted.</p>	<p>Article 196. At any time when-----</p> <p>(a) the office of Chief Justice of a High Court is vacant, or</p> <p>(b) the Chief Justice of a High Court is absent or is unable to perform the functions of his office due to any other cause,</p> <p>the President shall appoint [one of the other Judges of the High Court, or may request one of the Judges of the Supreme Court] to act as Chief Justice.</p>

37	<p>Article 197. The word, “President” appearing in (c) substituted by the word, “Governor”.</p>	<p>Article 197 (c): for any reason it is necessary to increase the number of Judges of a High Court, the President may, in the manner provided in clause (1) of Article 193, appoint a person qualified for appointment as a Judge of the High Court to be Additional Judge of the Court for such period as the President may determine, being a period not exceeding such period, if any, as may be prescribed by law.</p>
38	<p>Article 200. The word Chief Justice of Pakistan appearing under the proviso to Clause (3) stands omitted. Clause (4) stands omitted.</p>	<p>Article 200 (1): The President may transfer a Judge of a High Court from one High Court to another High Court, but no Judge shall be so transferred except with his consent and after consultation by the President with the Chief Justice of Pakistan and the Chief Justice of both High Courts[:] [Provided that such consent, or consultation with the Chief Justice of the High Courts, shall not be necessary if such transfer is for a period not exceeding [two years]at a time.</p> <p>Clause (2): [Where a Judge is so transferred or is appointed to an office other than that a Judge at a place other than the principal seat of the High Court, he shall, during the period for which he serves as a Judge of the High Court to which he is</p>

		<p>transferred, or holds such other office, be entitled to such allowances and privileges, in addition to his salary, as the President may, by Order, determined]</p> <p>Clause (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 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 attend the sittings of the High Court, the Judges shall have the same power and jurisdiction as a Judge of that High Court.</p>
39	Article 203A to 203 J stand substituted by the following:	

CHAPTER 3-A. SHARIAT BENCHES OF SUPERIOR COURTS

	<p>203-A The provisions of the chapter shall have effect notwithstanding any thing contained in the Constitution.</p>	<p>Article 203-A: The provisions of this Chapter shall have effect notwithstanding anything contained in the Constitution.</p>
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203-B Conferment of jurisdiction on High Court:-

Clause (1) A High court may, on the petition of a citizen of Pakistan or the Federal Government or Provincial Government, examine and decide the Question whether or not any law or provisions of law is repugnant to the injunctions of Islam as laid down in the Holy Quran and the Sunnah of the Holy Prophet, hereinafter in this Chapter referred to as the injunctions of Islam.

Explanation:- In this chapter, “Law” includes any custom or usage having the force of law but does not include the Constitution, Muslim Personal law, any fiscal law relating to the collection of taxes and fees.

Clause (2). If the High Court decides that any law or provision of law is repugnant to Islam it shall set out in its decision the extent to which such law or provision of law is so repugnant; and specify the day on which the decision shall take effect.

Clause (3). If any law or provision of law is held by the High Court to be repugnant to the Injunctions of Islam;-

(a) the President in the case of a law in respect to a matter in the Federal Legislative List or the Governor in the case of law with respect to a matter not enumerated in the Federal Legislative List shall, provided it is not set aside by the Supreme Court, take steps to amend the law so as to bring such law or provision of law into conformity with the Injunctions of Islam and

Article 203-B: In this Chapter, unless there is anything repugnant in the subject or context.----

- (a) “Chief Justice” Means Chief Justice of the Court;]
- (b) “Court” means the Federal Shariat Court constituted in pursuance of Article 203C;
- (bb) “Judge” means Jude of the Court;]
- (c) “Law” includes any custom or usage having the force of law but does not include the Constitution, Muslim personal law, any law relating to the procedure of any court or tribunal or, until the expiration of [ten] years from the commencement of this Chapter, any fiscal law or any law relating to the levy and collection of taxes and fees or banking or insurance practice and procedure; and

<p>(b) such law or provision shall to the extent to which it is held to be repugnant, cease to have effect on the day on which the decision of the High Court takes effect, if upheld by the Supreme Court.</p> <p>Clause (4). Besides a legal practitioner representing a party to the proceedings, the High Court may invite any person in Pakistan or abroad whom the High Court considers to be well-versed in Islamic law to appear before it and render such assistance as may be required of him</p> <p>Clause (5). For the purposes of the exercise of the jurisdiction conferred by this Article, there shall be constituted in each High Court a Bench consisting of three judges, at least two of whom should be Muslims judges of the High Court, to be called the Shariat Bench; and reference in the preceding clauses to the high court shall be construed as a reference to the Shariat Bench.</p>	
<p>203-C Appeal to the Supreme Court: (1). For the purpose of the exercise of the jurisdiction conferred by this Article, there shall be constituted in Supreme Court a Bench consisting of three Judges of whom at least two should be Muslim judges to be called the Shariat Appellate Bench and a reference including an appeal to the Supreme Court shall be construed as a reference or appeal to the Shariat Appellate Bench.</p> <p>Clause (2) Any party in any proceedings before the High Court under Article 203-B aggrieved by the final decision of the High court in such proceedings may, within sixty days</p>	<p>Article 203C: (1). There shall be constituted for the purposes of this Chapter a Court to be called the Federal Shariat Court.</p> <p>[(2) the Court shall consist of not more than eight Muslim [Judges], including the [Chief Justice], to be appointed by the President.]</p>

	<p>of such decision, prefer an appeal to the Supreme Court.</p>	
	<p>203-D The Supreme Court, in consultation with the High Courts, may by notification make rules for carrying out the purposes of this Chapter.</p>	<p>Article 203D (1) The Court may, [either of its own motion or] on the petition of a citizen of Pakistan or the Federal Government or a Provincial Government, examine and decide the question whether or not any law or provision of law is repugnant to the Injunctions of Islam, as laid down in the holy Quran and the Sunnah of the Holy Prophet, hereinafter referred to as the Injunctions of Islam.</p> <p>(2) If the Court decides that any law or provision of law is repugnant to the Injunctions of Islam, it shall set out in its decision:-</p> <p>(a) the reasons for its holding that opinion; and</p> <p>(b) the extent to which such law or provision is so repugnant;</p> <p>And specify the day on which the decision shall take effect [:]</p> <p>[provided that no such decision shall be deemed to take effect before the expiration of the period within which an appeal therefrom may be preferred to the Supreme Court or, where an appeal has been so preferred, before the disposal of such appeal.]</p> <p>(3) If any law or provision of law is held by the</p>

		<p>Court to be repugnant to the Injunctions of Islam- (a) the President in the case of a law with respect to a matter in the Federal Legislative List or the Concurrent Legislative List, or the Governor in the case of a law with respect to a matter not enumerated in either, of those Lists, shall take steps to amend the law so as to bring such law or provision into conformity with the Injunctions of Islam; and (b) such law or provision shall, to the extent to which it is held to be so repugnant, cease to have effect on the day on which the decision of the Court takes effect.</p>
40	<p>Article 206. Insert the words “or Governor as the case may be” after the last word “President” in Clause (1) Clause (2) of Article 206 stands omitted.</p>	<p>Article 206 (1) A Judge of the Supreme Court or of a High Court may resign his office by writing under his hand addressed to the President.</p> <p>[(2) A Judge of a High Court who does not accept appointment as a Judge of the Supreme Court 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]</p>

41	Article 207. Paragraph (c) of Clause (3) of Article 207 stands omitted.	Article 207 (3): A person who has held office as a permanent Judge----- (c). of the High Court of West Pakistan as it existed immediately before the coming into force of the Province of West Pakistan (Dissolution) Order, 1970, shall not plead or act in any court or before any authority within the jurisdiction of the principal seat of that High Court or, as the case may be, the permanent bench of that High Court to which he was assigned.
42	Article 208. The words appearing “Federal Shariat Court” within bracket stand omitted.	Article 208: The Supreme Court [and the Federal Shariat Court], with the approval of the President and a High Court, with the approval of the Governor concerned, may make rules providing for the appointment by the Court of officers and servants of the Court and for their terms and conditions of employment.
43	Article 209. Sub Clause (c) Clause (1) of Article 209 stands omitted.	Article 209 (1): there shall be a Supreme Judicial Council of Pakistan 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 Justice of High Court.

<p>44</p>	<p>Article 209-A. stands inserted after Article 209 as under:</p> <p>Clause (1). There shall be a Provincial Judicial Council in this Chapter referred to as Provincial Council.</p> <p>Clause (2). The Provincial Council shall consist of-</p> <p>(a) the Chief Justice of High Court</p> <p>(b) the two most senior Judges of the High Court.</p> <p>Clause (3). If on information from any source, the Provincial Council or the Governor is of the opinion that the Chief Justice or a judge of the High Court –</p> <p>(a) may be incapable of properly performing the duties of his office by reason of physical or mental incapacity or</p> <p>(b) may have been guilty of misconduct, the governor shall direct the Provincial Council or the Provincial Council may, on its own motion, inquire into the matter.</p> <p>Clause (4) If after inquiring into the matter, the Provincial Council reports to the Governor that it is of the opinion –</p> <p>(a) that the Chief Justice or a Judge is incapable of performing the duties of his office or has been guilty of misconduct, and</p> <p>(b) that he should be removed from service, the Governor may remove the chief Justice or a Judge from the office.</p> <p>Clause (5). The Chief justice or a Judge of the High court shall not preside or sit on the Provincial Council, if his case is under consideration by the Provincial; Council under</p>	<p>Article 209 (1): there shall be a Supreme Judicial Council of Pakistan this Chapter referred to as the Council.</p> <p>(2) the Council shall consist of-----</p> <p>(a) the Chief Justice of Pakistan;</p> <p>(b) the two next most senior Judges of the Supreme Court; and</p> <p>(c) the two most senior Chief Justice of High Court.</p> <p>Clause (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-----</p> <p>(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</p> <p>(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,</p> <p>shall act as member of the Council in his place.</p> <p>Clause (4). If, upon any matter inquired into by the Council, there is a difference of opinion</p>
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Clause (3) of this Article. In case the Chief Justice is under enquiry the most senior judge will preside, and if a Judge is under enquiry, the next most senior judge will replace him.
Clause (6) A Chief Justice or a Judge of the High Court shall not be removed from office except as provided by this Article.
Clause (7). The Provincial Council shall issue a code of conduct to be observed by the Judges.

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.
Clause (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-
(a) may be incapable of properly performing the duties of his office by reason of physical or mental incapacity;
or
(b) may have been guilty of misconduct, the President shall direct the Council to [or the Council may, on its own motion] inquire into the matter.
Clause (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.
Clause (7): A Judge of the Supreme Court or of a High Court shall not be removed from office except as provided by this Article.
Clause (8): The Council shall issue a code of

		conduct to be observed by Judges of the Supreme Court and of the High Courts.
45	Article 210. After the word “Council” appearing in the Article the word “Provincial Council” will be added.	<p>Article 210 (1): For the purpose of inquiring into any matter, the Council shall have the same power as the Supreme Court has to issue directions or orders for securing the attendance of any person or the discovery or production of any document; and any such direction or order shall be enforceable as if it had been issued by the Supreme Court.</p> <p>Clause (2). The provisions of Article 204 shall apply to the Council as they apply to the Supreme Court and a High Court.</p>
46	Article 211. After the word, “Council” words “Provincial Council” and after the word, “President” words, “or the Governor as the case may be” stand inserted. The figure (6) stands substituted by figure (4).	Article 211. The proceedings before the Council, its report to the President and the removal of a Judge under clause (6) of Article 209 shall not be called in question in any court.
47	Article 212. Proviso to Clause (2) of Article 212 stands omitted.	Article 212 (2). Notwithstanding anything hereinbefore contained where any Administrative Court or Tribunal is established under clause(1), no other court shall grant an injunction, make any order or entertain any proceedings in respect of any matter to which the jurisdiction of such

		<p>Administrative Court or Tribunal extends [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 [; other than an appeal pending before the Supreme Court,] shall abate on such establishment]:</p> <p>Providing that the provisions of this clause shall not apply to an Administrative Court or Tribunal established under an Act of a Provincial Assembly unless, at the request of that Assembly made in the form of a resolution, [Majlis-e-Shoora (Parliament)] by law extends the provisions to such a Court or Tribunal.</p>
48	<p>Article 213. The words, “ in his direction” appearing in Clause (1) stand substituted by the words as under, “in consultation with the Chief Justice of Pakistan”</p>	<p>Article 213 (1). There shall be a Chief Election Commissioner (in this Part referred to as the Commissioner), who shall be appointed by the President [in his discretion].</p>
49	<p>Article 215. the word, “National Assembly” in the proviso to Clause (1) stand substituted by the words, “Senate”</p>	<p>Article 215(1). The Commissioner shall, subject to this Article, hold office for a term of three years from the day he enters upon his office:</p> <p>Provided that the National Assembly may by resolution extend the term of the Commission by a period not exceeding one year.</p>

50	<p>Article 225. Insert the following after the words [Majlis-e-Shoora (Parliament), “provided the decision on Election Petition shall not be delayed beyond 90 days from the date of presenting of the petition.”</p>	<p>Article 225. No election to a House or a Provincial Assembly shall be called in question except by an election petition presented to such tribunal and in such manner as may be determined by Act of [Majlis-e-Shoora (Parliament)].</p>
51	<p>The Article 232 stands substituted as under:</p> <p>Clause (1). There shall be a National Emergency Council, in this Chapter referred to as the Emergency Council, to be appointed by the [Majlis-e-Shoora (Parliament)].</p> <p>Clause (2). The members of the Emergency Council shall be-</p> <p>(a). The Prime Minister, the Defence Minister and the Chief Ministers of the Provinces</p> <p>(b) Three Members of Federal Cabinet</p> <p>(c) One senior most Minister from each Province.</p> <p>Clause (3). The Prime Minister shall be Chairman of the Emergency Council, but if at any time he is unable to preside or discharge his functions, the Defence Minister shall be its chairman.</p> <p>Clause (4). If the President is satisfied that a grave emergency exists in which the security of Pakistan or any part thereof is threatened by war or external aggression, he may issue a Proclamation of Emergency in Pakistan or any part thereof:</p> <p>Provided the Proclamation or a Proclamation varying such Proclamation, shall not be issued unless the decision of the</p>	<p>Article 232 (1): If the President is satisfied that a grave emergency exists in which the security of Pakistan, or any part thereof, is threatened by war or external aggression, or by internal disturbance beyond the power of a Provincial Government to control, he may issue a Proclamation of Emergency.</p> <p>(2) Notwithstanding anything in the Constitution, while a Proclamation of Emergency is in force----</p> <p>[a) Majlis-e-Shoora (Parliament) shall have power to make laws for a Province, or any part thereof, with respect to any matter not enumerated in the Federal Legislative List or the Concurrent Legislative List;]</p> <p>(b) the executive authority of the Federation shall extend to the giving of directions to a Province as to the manner in which the executive authority of the Province is to be exercised; and</p> <p>(c) the Federal Government may by Order assume to itself, or direct the Governor of a</p>

Emergency Council, that such a Proclamation may be issued, has been communicated to the President in writing.

Clause (5). Every Proclamation issued under this Article shall be laid before the [Majlis-e-Shoora (Parliament)] and shall, except where it is a Proclamation revoking a Proclamation, cease to operate at the expiration of one month unless before the expiration of that period it has been approved for a further period of not more than two months by a resolution of [Majlis-e-Shoora (Parliament)]

Clause (6). A Proclamation of Emergency shall cease to be in force at the expiration of the third month unless before the expiration of that period it has been approved for another one month by the votes of two third of the total membership of the two Houses in joint sitting.

Clause (7). Notwithstanding anything contained in Clauses (5) and (6), the Proclamation of Emergency shall remain in force till cessation of external aggression.

Clause (8). Notwithstanding anything contained in Article 52 and Clause (1) and Clause (2) (b) of Article 58, the National Assembly shall not stand dissolved while a Proclamation of Emergency is in force.

Province to assume on behalf of the Federal Government, all or any of the functions of the Government of the Province, and all or any of the powers vested in, or exercisable by, any body or authority in the Province other than the Provincial Assembly, and make such incidental and consequential provisions as appear to the Federal Government to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending, in whole or in part, the operation of any provisions of the Constitution relating to any body or authority in the Province:

Provided that nothing in paragraph (c) shall authorize the Federal Government to assume to itself, or direct the Governor of the Province to assume on its behalf, any of the powers vested in or exercisable by a High Court, or to suspend either in whole or in part the operation of any provisions of the Constitution relating to high Court.

(3) The power of [Majlis-e-Shoora (Parliament)] to make laws for a Province with respect to any matter shall include power to make laws conferring powers and imposing duties, or authorizing the conferring of powers and the

imposition of duties upon the Federation, or officers and authorities of the Federation. As respects that matter.

(4) Nothing in this Article shall restrict the power of a Provincial Assembly to make any law which under the Constitution it has power to make, but if any provision of an Act of [Majlis-e-Shoora (Parliament)], which [Majlis-e-Shoora (Parliament) has under this Article power to make, the Act of [Majlis-e-Shoora (Parliament)], whether passed before or after the Provincial law, shall prevail and the Provincial law shall, to the extent of the repugnancy, but so long only as the Act of [Majlis-e-Shoora (Parliament)] continues to have effect, be void.

(5) A law made by [Majlis-e-Shoora (Parliament)] which [Majlis-e-Shoora (Parliament)] would not but for the issue of a Proclamation of Emergency have been competent to make, shall, to the extent of the incompetency, cease to have effect on the expiration of a period of six months after the Proclamation of Emergency has ceased to be in force the expiration of the said period.

(6) While a Proclamation of emergency is in force, [Majlis-e-Shoora (Parliament)] may be law extend the term of the National Assembly for a period not exceeding one year and not extending in any

case beyond a period of six months after the Proclamation has ceased to be in force.

(7) A Proclamation of Emergency shall be laid before a joint sitting which shall be summoned by the President to meet within thirty days of the Proclamation being issued and-----

(a) shall cease to be in force at the expiration of two months unless before the expiration of that period it has been approved by a resolution of the joint sitting; and

(b) shall, subject to the provisions of paragraph (a), cease to be in force upon a resolution disapproving the proclamation being passed by the votes of the majority of the total membership of the two Houses in joint sitting.]

(8) Notwithstanding any thing contained in clause (7), if the National Assembly stands dissolved at the time when a Proclamation of Emergency is issued, the Proclamation shall continue in force for a period of four months but, if a general election to the Assembly is not held before the expiration of that period; it shall cease to be in force at the expiration of that period unless it has earlier been approved by a resolution of the Senate.

<p>52</p>	<p>Article 233 is substituted as under:</p> <p>Clause (1). Notwithstanding anything in the Constitution, while the Proclamation of Emergency is in force –</p> <p>(a) Majlis-e-Shoora (Parliament) with the concurrence of the Emergency Council may make laws for a Province or any part thereof, with respect to any matter not enumerated in the Federal Legislative List</p> <p>(b) the Federal Government with the concurrence of Emergency Council, may by Order direct the Governor of a Province to assume on behalf of the Federal Government, all or any functions of the Government of the Province, and all or any of the powers vested in, or exercisable, by any body or authority in the province other than the Provincial Assembly and High Court, and make such incidental and consequential provisions as appear to the Federal Government to be necessary or desirable for giving effect to the objects of the Proclamation</p> <p>(c) Nothing contained in Articles 15,16,17 and 19 shall, while a Proclamation of Emergency is in force, subject to concurrence by the Emergency Council, restrict the power of the State as defined in Article 7 to make any law or take any executive action which it would be effect and shall be deemed to have been repealed at the time the Proclamation is revoked or has ceased to be in force.</p> <p>Clause (2) Nothing in this Article shall restrict the power of</p>	<p>Article 233 (1). Nothing contained in Articles 15, 16, 17, 18, 19 and 24 shall, while a Proclamation of Emergency is in force, restrict the power of the State as defined in article 7 to make any law or to take any executive action which it would, but for the provisions in the said Articles, be competent to make or to take, but any law so made shall, to the extent of the incompetency, at the time when the Proclamation is revoked or has ceased to be in force.</p> <p>Clause (2). While a Proclamation of Emergency is in force, the President may, by Order, declare that the right to move any court for the enforcement of such of the Fundamental Rights conferred by Chapter I of Part II as may be specified in the Order, and any proceeding in any court which is for the enforcement, or involves the determination of any question as to the infringement, of any of the Rights so specified, shall remain suspended for the period during which the Proclamation is in force, and any such Order may be made in respect of the whole or any part of Pakistan.</p>
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	<p>a Provincial Assembly to make any law under the Constitution it has power to make, provided it is not a contravention of the Order issued or enactments made by the Federal Government or by the [Majlis-e-Shoora (Parliament)] under this Article.</p>	
53	<p>Article 234 is substituted as under: Clause (1). If the President, on receipt of report from the Governor of a Province, is satisfied that a situation has arisen in which the Government of the Province can not be carried in accordance with the provisions of the Constitution, the President may, subject to the concurrence of the Emergency Council, by Proclamation, (a) direct the Governor of the Province to assume to himself all or any of the functions of the Government of the Province, and all or any body of the powers vested in, or exercisable by, any body or authority in the Province, other than the Provincial Assembly; (b) make such incidental and consequential provisions as appear to the Governor to necessary, subject to the concurrence of the Emergency Council, for giving effect to the objects of the Proclamation: Provided the Governor shall not assume any of the powers vested in or exercisable by, a High Court or to suspend either in whole or in part the operation of any provision of the Constitution relating to High Courts. Clause (2). The provisions of Article 105 shall not apply to the discharge by the Governor of his functions under</p>	<p>Article 234 (1). If the President, on receipt of report from the Governor of a Province or otherwise, is satisfied that a situation has arisen in which the Government of the Province can not be carried on in accordance with the provisions of the Constitution, the President may, of if a resolution in this behalf is passed at a joint sitting shall, by Proclamation, (a) assume to himself , or direct the Governor of the Province to assume on behalf of the President, all or any of the functions of the Government of the Province, and all or any of the powers vested in, or exercisable by, any body or authority in the Province, other than the Provincial Assembly; (b) declare that the powers of the Provincial Assembly shall exercisable by, or under the authority of, [Majlis-e-Shoora (Parliament)]; and (c) make such incidental and consequential provisions as appear to the President to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation</p>

	<p>Clause (1).</p> <p>Clause (3). A Proclamation issued under this Article shall be laid before a joint sitting and shall cease to be in force at the expiration of one month, unless before the expiration of that period it has been approved by a resolution of the joint sitting and may by like resolution be extended for a further period not exceeding one month at a time, but no such Proclamation shall in any case remain in force for than three months.</p> <p>Clause (4). The Provincial Assembly, while Proclamation remains in force under Clause (1), shall not enact a bill that contravenes the order passed or provisions made by the Governor under Clause (1) (a) and (b).</p>	<p>of any provisions of the Constitution relating to any body or authority in the Province:</p> <p>Clause (3). A Proclamation issued under this Article shall be laid before a joint sitting and shall cease to be in force at the expiration of two months, unless before the expiration of that period it has been approved by resolution of the joint sitting and may by like resolution be extended for a further period not exceeding two months at a time; but no such Proclamation shall in any case remain in force for more than six months.</p> <p>Clause (4). Notwithstanding anything contained in clause (3), if the National Assembly stands dissolved at the time when a Proclamation is issued under this Article, the Proclamation shall continue in force for a period of three months but, if a general election to be Assembly is not held before the expiration of that period unless it has earlier been approved by a resolution of the Senate.</p>
54	Article 235, 236 and 237 stand omitted.	Article 235 (1). If the President is satisfied that a situation has arisen whereby the economic life, financial stability or credit of Pakistan, or any part thereof, is threatened, he may, after

consultation with the Governors of the Provinces or, as the case may be, the Governor of the Province concerned, by Proclamation make a declaration to that effect, and, while such a Proclamation is in force, the executive authority of the Federation shall extend to the giving of directions to any Province to observe such principles of financial propriety as may be specified in the directions, and to the giving of such other directions as the President may deem necessary in the interest of the economic life, financial stability or credit of Pakistan or any part thereof.

(2) Notwithstanding anything in the Constitution, any such directions may include a provision requiring a reduction of the salary and allowances of all or any class of persons serving in connection with the affairs of a Province.

(3) While a Proclamation issued under this Article is in force the President may issue directions for the reduction of the salaries and allowances of all or any class of persons serving in connection with the affairs of the Federation.

(4) The provisions of clauses (3) and (4) Article 234 shall apply to a Proclamation issued under this Article as they apply to a Proclamation issued under that Article.

		<p>Article 236 (1). A Proclamation issued under this Part may be varied or revoked by a subsequent Proclamation.</p> <p>(2) The validity of any Proclamation issued or Order made under this part shall not be called in question in any court.</p> <p>Article 237. Nothing in the Constitution shall prevent [Majlis-e-Shoora (Parliament)] from making any law indemnifying any person in the service of the Federal Government or a Provincial Government, or any other person, in respect of any act done in connection with the maintenance or restoration of order in any area in Pakistan.</p>
55	<p>Article 245. The words appearing “and subject to law act in aid of civil power when called upon to do so” under Clause (1) shall omitted.</p> <p>Clause (2), (3) and (4) stand omitted.</p>	<p>Article 245 (1). The Armed Forces shall, under the directions of the Federal Government defend Pakistan against external aggression or threat of war, and subject to law, act in aid of civil power when called upon to do so.</p> <p>(2) the validity of any direction issued by the Federal Government under clause (1) shall not be called in question in any court.</p> <p>(3) A High Court shall not exercise any jurisdiction under Article 199 in relation to any area in which the Armed Forces of Pakistan are, for the time being, acting in aid of civil power in</p>

pursuance of Article 245.

Provided that this clause shall not be deemed to affect the jurisdiction of the High Court in respect of any proceeding pending immediately before the day on which the Armed Forces start acting in aid of civil power.

Clause (4). Any proceeding in relation to an area referred to in clause (3) instituted on or after the day the Armed Forces start acting in aid of civil power and pending in any High Court shall remain suspended for the period during which the Armed Forces are so acting.]

REVISED FORTH SCHEDULE

[Article 70 (4)]

LEGISLATIVE LIST

Federal Legislative List

- 1. The defence of the Federation or any part thereof in peace or war; the military, naval and air forces of the Federation and any other armed forces raised or maintained by the Federation; any armed forces which are not forces of the Federation but are attached to or operating with any of the Armed forces of the Federation including civil Armed Forces; Federal Intelligence Bureau; external affairs, or the security of Pakistan or any part thereof; persons subjected to such detention; industries declared by Federal law to be necessary for the purpose of Defence or for the prosecution war.**
- 2. Military, naval and air force works;**
- 3. External affairs; the implementing of treaties and agreements, including educational and cultural pacts and agreements, with other countries; extradition, including the surrender of criminal and accused persons to Governments outside Pakistan.**
- 4. Nationality, citizenship and naturalization.**
- 5. Admission into, and emigration and expulsion from, Pakistan, including in relation thereto the regulation of the movements in Pakistan of persons not domiciled in Pakistan, pilgrimages to places beyond Pakistan.**
- 6. Currency, coinage and legal tender.**

- 7. Foreign exchange.**
- 8. Public debt of the Federation, including the borrowing of money on the security of the Federal Consolidated Funds; foreign loans and foreign aid for Federation.**
- 9. Federal Public Services and Federal Public Service Commission.**
- 10. Federal pensions, that is to say pensions payable by the Federation or out of the Federal Consolidated Fund**
- 11. Federal Ombudsman.**
- 12. Administrative Courts and Tribunal for Federal subjects.**
- 13. Education as respects Pakistani students in foreign countries and foreign students in Pakistan.**
- 14. Nuclear energy, including –**
 - (a) mineral resources necessary for the generation of nuclear energy;**
 - (b) the production of nuclear fuels and the generation and use of nuclear energy; and**
 - (c) ionizing radiations.**
- 15. Copyright, inventions, designs, trade-marks and merchandise marks.**
- 16. Import and export across customs frontiers and defined by the Federal Government. Trade and commerce with foreign countries.**

- 17. State Bank of Pakistan; banking, that is to say, the conduct of banking business by corporations other than corporations owned or controlled by a Province and carrying on business only within that Province.**
- 18. The law of insurance, except as respects insurance undertaken by a Province, and the regulation of the conduct of insurance business, except as respects business undertaken by a Province; Government insurance, except so far as undertaken by a Province by virtue of any matter within the legislative competence of the Provincial Assembly.**
- 19. Stock exchanges and futures markets with objects and business not confined to one Province.**
- 20. Corporations, that is to say, the incorporation, regulation and winding-up of trading corporations, including banking, insurance and financial corporations, but not including corporations owned or controlled by a Province, or cooperative societies, and of corporations, whether trading or not, with objects not confined to a Province.**
- 21. Federal meteorological organizations, but not including Provincial Meteorological Organizations.**
- 22. Fishing and fisheries beyond territorial waters.**
- 23. Works, land and buildings vested in, or in the possessions of Government for the purposes of the Federation (not being military, naval or air force works), but as regards property situate in a Province, subject always to Provincial legislation.**
- 24. Census.**
- 25. Extension of the powers and jurisdiction of members of a police force belonging to any Province to any area in another Province, but not so as to enable the police of one Province to exercise powers and jurisdiction in another Province; extension of the powers and jurisdiction of members of a police force belonging to any Province to railway areas outside the Province.**

- 26. Elections to the office of President, to the National Assembly, the Senate and the Provincial Assemblies; Chief Election Commissioner and Election Commission.**
- 27. The salaries, allowances and privileges of the President, Speaker and Deputy Speaker of the National Assembly, chairman and Deputy Chairman of the Senate, Prime Minister, Federal Ministers, Ministers of State, the salaries, allowances and privileges of the members of the Senate and the National Assembly; and the punishment of persons who refuse to give evidence or produce documents before committees thereof.**
- 28. Duties of customs including export duties.**
- 29. Corporate Income Tax other than personal and agricultural income.**
- 30. Taxes on mineral oil, natural gas and minerals for use in generation of nuclear energy.**
- 31. Jurisdiction and powers of the Supreme Court, with respect to any of the matters in this List and, to such extent as is expressly authorized by or under the Constitution, the enlargement of the jurisdiction of the Supreme Court, and the conferring thereon of supplemental powers.**
- 32. Offences against laws with respect to any of the matters in this List.**
- 33. Inquiries and statistics for the purposes of any of the matters in this List.**
- 34. Matters which under the Constitution are within the legislative competence of [Maglis-e-Shoora (Parliament)] or relate to the Federation.**
- 35. Matters incidental or ancillary to any matter enumerated in this List.**

FOURTH SCHEDULE
[Article 70 (4)]
LEGISLATIVE LISTS
Federal Legislative List

PART I

- 1. The defence of the Federation or any part thereof in peace or war; the Military, Naval and Air Forces of the Federation and any other armed forces raised or maintained by the Federation; any armed forces which are not forces of the Federation but are attached to or operating with any of the Armed Forces of the Federation including civil armed forces; Federal Intelligence Bureau; preventive detention for reasons of State connected with defence, external affairs, or the security of Pakistan or any part thereof; persons subjected to such detention; industries declared by Federal law to be necessary for the purpose of defence or for the prosecution of war.**
- 2. Military, naval and air force works; local self-government in cantonment areas, the Constitution and powers within such areas of cantonment authorities, the regulation of house accommodation in such areas, and the delimitation of such areas.**
- 3. External affairs; the implementing of treaties and agreements, including educational and cultural pacts and agreements, with other countries; extraditing, including the surrender of criminals and accused persons to Governments outside Pakistan.**
- 4. Nationality, citizenship and naturalization.**
- 5. Migration from or into, or settlement in, a Province or the Federal Capital.**

- 6. Admission into, an emigration and expulsion fro, Pakistan, including in relation thereto the regulation of the movements in Pakistan of persons not domiciled in Pakistan; pilgrimages to places beyond Pakistan.**
- 7. Posts and telegraphs, including telephones, wireless, broadcasting and other like forms of communications; Post Office Savings Bank.**
- 8. Currency, coinage and legal tender.**
- 9. Foreign exchange; cheques, bills of exchange, promissory notes and other like instruments.**
- 10. Public debt of the Federation, including the borrowing of money on the security of the Federal Consolidated Fund; foreign loans and foreign aid.**
- 11. Federal Public Service and Federal Public Service Commission.**
- 12. Federal Pensions, that is to say, pension payable by the Federation or out of the Federal Consolidated Fund.**
- 13. Federal Ombudsman.**
- 14. Administrative Courts and Tribunals for Federal subjects.**
- 15. Libraries, museums, and similar institutions controlled or financed by the Federation.**
- 16. Federal agencies and institutes for the following purposes, that is to say, for research, for professional or technical training, or the promotion of special studies.**
- 17. Education as respects Pakistani students in foreign countries and foreign students in Pakistan.**

- 18. Nuclear energy, including-----
 - (a) mineral resources necessary for the generation of nuclear energy;**
 - (b) the production of nuclear fuels and the generation and use of nuclear energy; and**
 - (c) ionizing radiations.****
- 19. Port quarantine, seamen's and marine hospitals and hospitals connected with port quarantine.**
- 20. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.**
- 21. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of port authorities therein.**
- 22. Aircraft and air navigation; the provision of aerodromes; regulation and organization of air traffic and of aerodromes.**
- 23. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.**
- 24. Carriage of passengers and goods by sea or by air.**
- 25. Copyright, inventions, designs, trade-marks and merchandise marks.**
- 26. Opium so far as regards sale of export.**
- 27. Import and export across customs frontiers and defined by the Federal Government, inter-provincial trade and commerce, trade and commerce with foreign countries; standard of quality of goods to be exported out of Pakistan.**
- 28. State Bank of Pakistan; banking, that is to say, the conduct of banking business by corporations other than corporations owned or controlled by a Province and carrying on business only within that Province.**

- 29. The law of insurance, except as respect insurance undertaken by a Province, and the regulation of the conduct of insurance business, except as respects business undertaken by a Province; Government insurance, except so far as undertaken by a Province by virtue of any matter within the legislative competence of the Provincial Assembly.**
- 30. Stock exchange and futures market with objects and business not confined to one Province.**
- 31. Corporations, that is to say, the incorporation, regulation and winding-up of trading corporations, including, insurance and financial corporations, but not including corporations owned or controlled by a Province and carrying on business only within that Province, or co-operative societies, and of corporations, whether trading or not, with objects not confined to a Province, but not including universities.**
- 32. National planning and national economic co-ordination including planning and co-ordination of scientific and technological research.**
- 33. State lotteries.**
- 34. National highways and strategic roads.**
- 35. Federal surveys including geological surveys and Federal Meteorological organizations.**
- 36. Fishing and fisheries beyond territorial waters.**
- 37. Works, lands and building vested in, or in the possession of Government for the purposes of the Federation (not being military, naval or air force works), but as regards property situate in a Province, subject always to provincial legislation, save insofar as Federal law otherwise provides.**
- 38. Census.**
- 39. Establishment of standards of weights and measures.**

- 40. Extension of the powers and jurisdiction of members of a police force belonging to any Province to any area in another Province, but not so as to enable the police of one Province to exercise powers and jurisdiction in another Province without the consent of the Government of that Province; extension of the powers and jurisdiction of members of a police force belonging to any Province to railway areas outside that Province.**
- 41. Elections to the office of President, to the National Assembly, the Senate and the Provincial Assemblies; Chief Election Commissioner and Election Commissions.**
- 42. The salaries, allowances and privileges of the President, Speaker and Deputy Speaker of the National Assembly, Chairman and Deputy Chairman of the Senate, Prime Minister, Federal Ministers, Ministers of State, the salaries, allowances and privileges of the members of the Senate and the National Assembly; and the punishment of persons who refuse to give evidence or produce documents before committees thereof.**
- 43. Duties of customs, including export duties.**
- 44. Duties of excise, including duties on salt, but not including duties on alcoholic liquors, opium and other narcotics.**
- 45. Duties in respect of succession to property.**
- 46. Estate duty in respect of property.**
- 47. Taxes on income other than agricultural income.**
- 48. Taxes on corporations.**
- [49. Taxes on the sales and purchase of goods imported, exported, produced, manufactured or consumed.]**
- 50. Taxes on the capital value of the assets, not including taxes on capital gains on immovable property.**

- 51. Taxes on mineral oil, natural gas and minerals for use in generation of nuclear energy.**
- 52. Taxes and duties on the production capacity of any plant, machinery, undertaking, establishment or installation in lieu of the taxes and duties specified in entries 44,47,48 and 49 or in lieu of any once or more of them.**
- 53. Terminal taxes on goods or passengers carried by railways, sea or air; taxes on their fares and freights.**
- 54. Fees in respect of any of the matters in this Part, but not including fees taken in any Court.**
- 55. Jurisdiction and powers of all Courts, except the Supreme Court, with respect to any of the matters in this List and, to such extent as is expressly authorized by or under the Constitution, the enlargement of the jurisdiction of the Supreme Court, and the conferring thereon of supplemental powers.**
- 56. Offences against law with respect to any of the matters in this Part.**
- 57. Inquiries and statistics for the purposes of any of the matters in this Part.**
- 58. Matters which under the Constitution are within the legislative competence of [Majlis-e-Shoora (Parliament)] or relate to the Federation.**
- 59. Matters incidental or ancillary to any matter enumerated in this Part.**

PART II

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

- 3. Development of industries, where development under Federal control is declared by Federal law to be expedient in the public interest; institutions, establishments, bodies and corporations administered or managed by the Federal Government immediately before the commencing day, including the [Pakistan Water and Power Development Authority and the Pakistan Industrial Development Corporation]; all undertakings, projects and schemes of such institutions, establishments, bodies and corporations, industries, project and undertakings owned wholly or partially by the Federation or by a corporation set up by the Federation.**
- 4. Council of Common Interests.**
- 5. Fees in respect of any of the matters in this Part but not including fees taken in any Court.**
- 6. Offences against laws with respect to any of the matters in this Part.**
- 7. Inquiries and statistics for the purposes of any of the matters in this Part.**
- 8. Matters incidental or ancillary to any matter enumerated in this Part.**

CONCURRENT LEGISLATIVE LIST

- 1. Criminal law, including all matters included in the Pakistan Penal Code on the commencing day, but excluding offences against law as with respect to any of the matters specified in the Federal Legislative List and excluding the use of naval, military and air forces in aid of civil power.**
- 2. Criminal procedure, including all matters included in the Code of Criminal Procedure, on the commencing day.**

- 3. Civil procedure, including the law of limitation and all matters included in the Code of Civil Procedure on the commencing day; the recovery in province or the Federal Capital of claims in respect of taxes and other public demands, including arrears of land revenue and sums recoverable as such, arising outside that Province.**
- 4. Evidence and oath; recognition of law, public acts and records and judicial proceedings.**
- 5. Marriage and divorce; infants and minors; adoption.**
- 6. Wills, intestacy and succession, save as regards agricultural land.**
- 7. Bankruptcy and insolvency, administrators-general and official trustees.**
- 8. Arbitration.**
- 9. Contracts, including partnership, agency, contracts of carriage, and other special forms of contracts, but not including contracts relating to agricultural land.**
- 10. trust and trustees.**
- 11. Transfer of property other than agricultural land, registration of deeds and documents.**
- 12. Actionable wrongs, save insofar as included in laws with respect to any of the matters specified in the Federal Legislative List.**
- 13. Removal of prisoners and accused persons from one Province to another Province.**
- 14. Preventive detention for reasons connected with the maintenance of public order, or the maintenance of supplies and services essential to the community; persons subject to such detention.**

- 15. Persons subjected to preventive detention under Federal Authority.**
- 16. Measures to combat certain offences committed in connection with matters concerning the Federal and Provincial Governments and the establishment of a police force for that purpose.**
- 17. Arms, fire-arms and ammunition.**
- 18. Explosives.**
- 19. Opium, so far as regards cultivation and manufacture.**
- 20. Drugs and medicines.**
- 21. Poisons and dangerous drugs.**
- 22. Prevention of the extension from one Province to another of infectious or contagious diseases or pests affecting men, animals or plants.**
- 23. Mental illness and mental retardation, including places for the reception or treatment of the mentally ill and mentally retarded.**
- 24. Environmental pollution and ecology.**
- 25. Population planning and social welfare.**
- 26. Welfare of labour; conditions of labour, provident funds; employees' liability and workmen's compensation, health insurance including invalidity pensions, old age pensions.**

- 27. Trade unions; industrial and labour disputes.**
- 28. The setting up and carrying on of labour exchanges, employment information bureaus and training establishments.**
- 29. Boilers.**
- 30. Regulation of labour and safety in mines, factories and oil-fields.**
- 31. Unemployment insurance.**
- 32. Shipping and navigation on inland waterways as regards mechanically propelled vessels, and the rule of the road on such waterways; carriage of passengers and goods on inland waterways.**
- 33. Mechanically propelled vehicles.**
- 34. Electricity.**
- 35. Newspapers, books and printing presses.**
- 36. Evacuee property.**
- 37. Ancient and historical monuments, archaeological sites and remains.**
- 38. Curriculum, syllabus, planning, policy, centers of excellence and standards of education.**
- 39. Islamic education.**
- 40. Zakat.**

41. Production, censorship and exhibition of cinematograph films.

42. Tourism

43. Legal, medical and other professions.

[43-A. Auqaf]

44. Fees in respect of any of the matters in this List, but not including fees taken in any Court.

45. Inquiries and statistics for the purpose of any of the matters in this List.

46. Offences against laws with respect to any of the matters in this List; jurisdiction and powers of all Courts except the Supreme Court, with respect to any of the matters in this List.

47. Matters incidental or ancillary to any matter enumerated in this List.

The Statement of Objects and Reasons

The political principles that animate federal systems emphasize the primacy of bargaining and negotiated coordination among several power centers. Certain characteristics and principles common to all truly federal systems in the world are:

Written Constitution; Non-centralization and spatial division of power i.e. territorial democracy.

Realizing the importance of a federal system in a democracy, the founding fathers resolved right from 1924 to 1946 that provincial autonomy was a sine qua non for the envisaged federation of Pakistan. Some of these decisions/resolutions in this context are reproduced below:

- **“The existing provinces of India shall all be united under a common government on a federal basis, so that each province shall have full and complete autonomy,...” All India Muslim League, 15th Annual Session, 25th May 1924, Lahore.**
- **“The only form of government suitable to Indian conditions is a federal system with complete autonomy and residuary powers vesting in the constituent states, the Central Government having control of only such matters of common interest as may be specifically entrusted to it by the Constitution:. All Parties Conference, 1st January 1929, Delhi.**
- **“... the areas in which the Muslims are numerically in a majority as in North Western and Eastern Zones of India should be grouped to constitute “independent states” in which the constituent units should be autonomous and sovereign”. All India Muslim League, 27th Session on 24th March 1940, Lahore.**
- **“The North Western and the Eastern Zones of India shall be grouped together to constitute independent states as Muslim Free National Homelands in which the Constituent Units shall be autonomous and sovereign”. Annual Session of All India Muslim League, April, 1941, Madras.**

- **“ the Muslim fear that if provinces are not free and autonomous, there will always be danger of undue and unwarranted interference from the Centre”. The Punjab Legislative Assembly, 11th March 1941.**
- **“The federated units of the National Government would have all the autonomy that you will find in the constitutions of the U.S.A., Canada and Australia. But certain vital powers will remain vested in the Central Government such as the monetary system, national defence and other federation responsibilities”. Quaid-e-Azam M.A. Jinnah, 8th November 1945.**
- **“Recommendations of the Cabinet Mission for a united India having only four subjects – Defence, Foreign Affairs, Currency and Communication to remain with the Centre, while the residual powers would remain with the provinces are accepted, in the hope that it would ultimately result in the establishment of a complete sovereign Pakistan”. Council of the All India Muslim League, 6th 1946, Delhi.**

One of the major reasons for the failure of the federal system has been a lack of harmony and balance among the constituent polities. It is, therefore, necessary that provinces in a Federation like Pakistan should have complete autonomy as in vogue all over the world and as envisaged by the founding fathers.

By:

Leader of the Parliamentary Party of Muttahida Quami Movement (MQM) in National Assembly.