

Provisional Constitution Order No. 1 of 2007

Issued November 3, 2007

Amended November 15, 2007

In pursuance of the Proclamation of the 3rd day of November, 2007, and in exercise of all powers enabling him in that behalf, the Chief of Army Staff under the Proclamation of Emergency of the 3rd day of November, 2007, is pleased to make and promulgate the following Order:-

1. (1) This Order may be called the Provisional Constitution Order No. 1 of 2007.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. (1) Notwithstanding the abeyance of the provisions of the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, Pakistan shall, subject to this Order and any other Order made by the President be governed, as nearly as may be, in accordance with the Constitution:

Provided that the President may, from time to time, by Order amend the Constitution and amend or repeal this Order, as is deemed expedient;

Provided further that the Fundamental Rights under Articles 9, 10, 15,16,17,19 and 25 shall remain suspended.

(2) Notwithstanding anything contained in the Proclamation of the 3rd day of November, 2007, or this Order or any other law for the time being in force all provisions of the Constitution of the Islamic Republic of Pakistan embodying Islamic injunctions including Articles 2, 2A, 31, 203A to 203J, 227 to 231 and 260 (3) (a) and (b) shall continue to be in force.

(3) Subject to clause (1) above and the Oath of Office (Judges) Order, 2007, all courts in existence immediately before the commencement of this Order shall continue to function and to exercise their respective powers and jurisdiction.

Provided that the Supreme Court or a High Court and any other court shall not have the power to make any order against the President or the Prime Minister or any person exercising powers or jurisdiction under their authority.

(4) All persons who immediately before the commencement of this Order were in office as judges of the Supreme Court, the Federal Shariat Court or a High Court, shall be governed by and be subject to the Oath of Office (Judges) Order, 2007, and such further Orders as the President may pass.

(5) Subject to clause (1) above, the Majlis-e-Shoora (Parliament) and the Provincial Assemblies shall continue to function.

(6) All persons who, immediately before the commencement of this Order, were holding any service, post or office in connection with the affairs of the Federation or of a Province, including an All Pakistan Service, Service in the Armed Forces and any other Service declared to be a Service of Pakistan by or under Act of Majlis-e-Shoora (Parliament) or of a Provincial Assembly, or Chief Election Commissioner or Auditor General shall continue in the said service on the same terms and conditions and shall enjoy the same privileges, if any, unless these are changed under Orders of the President.

3. (1) No court including the Supreme Court, the Federal Shariat Court, and the High Courts, and any tribunal or other authority shall call or permit to be called in question this Order, the Proclamation of Emergency of the 3rd day of November, 5007, the Oath of Office (Judges) Order, 2007 or any Order made in pursuance thereof.

(2) No judgment, decree, writ, order or process whatsoever shall be made or issued by any court or tribunal against the President or the Prime Minister or any authority designated by the President.

4. Notwithstanding the abeyance of the provisions of the Constitution, but subject to the Orders of the President, all laws other than the Constitution, all Ordinances, Orders, Rules, Bye-laws, Regulations, Notifications and other legal Instruments in force in any part of Pakistan, whether made by the President or the Governor of a Province, shall continue in force until altered, amended or repealed by the President or any authority designated by him.

5. (1) An Ordinance promulgated by the President or by the Governor of a Province shall not be subject to any limitations as to duration prescribed in the Constitution.

(2) The provisions of clause (1) shall also apply to an Ordinance issued by the President or by a Governor which was in force immediately before the commencement of the Proclamation of Emergency of the 3rd day of November, 2007.

6. The President may revoke the Proclamation of Emergency of the 3rd day of November, 2007 on such day as he may deem fit.