

Oath of Office (Judges) Order, 2007

November 3, 2007

Whereas in pursuance of the Proclamation of Emergency of the 3rd day of November, 2007, and the Provisional Constitutional Order No. 1 of 2007, the Constitution of the Islamic Republic of Pakistan has been held in abeyance;

Whereas Pakistan is to be governed, as nearly as may be, in accordance with the Constitution and the President has, and shall be deemed always to have had the power to amend the Constitution;

Whereas all Courts in existence immediately before the commencement of this Order will continue to function and to exercise their respective powers and jurisdiction subject to the Proclamation of Emergency and the Provisional Constitutional Order No. 1 of 2007;

And Whereas to enable the Judges of the Superior Courts to discharge their functions, it is necessary that they take Oath of their office;

Now, Therefore, in pursuance of the aforesaid Proclamation and the Provisional Constitutional Order No. 1 of 2007, and in exercise of all other powers enabling him in that behalf, the President is pleased to make and promulgate the following order:-

1. Short title and commencement.

- (1) This Order may be called the Oath of Office (Judges) Order, 2007.
- (2) It shall come into force at once.

2. Interpretation.

In this Order, 'Superior Court' means the Supreme Court of Pakistan, the Federal Shariat Court or a High Court, and 'Judge' includes Chief Justice.

3. Oath of Judges.

- (1) A person holding office immediately before this Order as Judge of the Supreme Court, the Federal Shariat Court, or a High Court shall cease to hold that office with immediate effect:
Provided that a person who is given and does make, Oath in the form set out in the Schedule, before the expiration of such time from such commencement as the President may determine or within such further time as may be allowed by the President shall be deemed to continue to hold the office of a Judge of the Supreme Court, the Federal Shariat Court or a High Court, as the case may be.
- (2) A Judge of the Supreme Court appointed after the commencement of this Order shall, before entering upon office, make Oath in the form set out in the

Schedule.

- (3) A person referred to clause (1) and (2) who has made Oath as required by these clauses shall be bound by the provisions of this Order, the Proclamation of Emergency of the 3rd day of November, 2007, the Provisional Constitutional Order No. 1 of 2007, and notwithstanding any judgment of any court, shall not call in question or permit to be called in question the validity of any of the provisions thereof.
- (4) A Judge of the Supreme Court or the Federal Shariat Court shall make oath before the President or a person nominated by him, and a Judge of the High Court shall make oath before the Governor or a person nominated by him.

THE SCHEDULE

CHIEF JUSTICE OF PAKISTAN, THE FEDERAL SHARIAT COURT OR A HIGH COURT OR JUDGES OF SUPREME COURT, THE FEDERAL SHARIAT COURT OR A HIGH COURT

(In the name of Allah, the most Beneficent, the most Merciful)

I _____ do solemnly swear that I will bear true faith and allegiance to Pakistan:

That, as Chief Justice of Pakistan or a Judge of the Supreme Court of Pakistan, the Chief Justice of the Federal Shariat Court or a Judge of the Federal Shariat Court, or the Chief Justice or Judge of the High Court for the Province of _____, I will discharge my duties and perform my functions honestly and to the best of my ability and liability in accordance with the Proclamation of Emergency of the 3rd day of November, 2007, the Provisional Constitutional Order No. 1 of 2007, and the law.

That I will abide by the provisions of the Proclamation of Emergency of the 3rd day of November, 2007, the Provisional Constitutional Order No. 1 of 2007 and the Code of Conduct issued by the Supreme Judicial Council.

That I will not allow my personal interest to influence my official conduct or my official decision.

And that, in all circumstances, I will do right to all people, according to law, without fear or favour, affection or ill-will.

May Allah Almighty help and guide me (Amen).