

# **THE CONSTITUTION (SECOND AMENDMENT) ORDER, 2007**

President's Order No. 6 of 2007

further to amend the Constitution

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

AND WHEREAS the Provisional Constitution Order provides that the President may from time to time amend the Constitution, as is deemed expedient;

AND WHEREAS it is expedient to amend the Constitution for the purposes hereinafter appearing;

NOW, THEREFORE, the President is pleased to make and promulgate the following Order :---

1. Short title and commencement.-(1) This Order may be called the Constitution (Second Amendment) Order, 2007.

(2) It shall come into force on and with effect from the 14th day of December, 2007.

2. Amendment of the Constitution and removal of difficulties.-(1) The Constitution of the Islamic Republic of Pakistan is hereby amend to the extent and in the manner specified in column 3 of the Schedule annexed to this Order.

(2) If any difficulty arises in giving effect to any of the provisions of this Order, the President may make such provisions and pass such orders as he may deem fit.

(3) The validity of any provision made or orders passed under-clause (1) and (2), shall not be called in question by or before any Court, including Supreme Court, Federal Shariat Court, a High Court, any forum or authority, on any ground whatsoever.

## **THE SCHEDULE [See Article 2(1)]**

<b>Sr. No.</b>	<b>Article/Chapter of the Constitution</b>	<b>Amendments made</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
1.	41.	In clause (3); the words, brackets and figure "to be elected after the expiration of the term specified in clause (7)" shall be omitted and shall be deemed to have been

		omitted with effect from the 17th day of August, 1988.
2.	<b>44.</b>	In clause (2), for the words "Subject to the Constitution" the words "Notwithstanding anything contained in the Constitution" shall be substituted.
3.	<b>193.</b>	(i) In clause (1), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely :--  "Provided that in case of appointment of a Judge of the High Court for Islamabad Capital Territory, consultation with the Governor shall not be required.  (ii) In clause (2), for the words "forty-five years" the words "forty years" shall be substituted.
4.	<b>194.</b>	In Article 194, for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely :  "Provided that in the case of the Chief Justice of the High Court for Islamabad capital Territory, the oath shall be made before the President or a person nominated by him.".
5.	<b>208.</b>	In Article 208, for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely :---  "Provided that in case of the High Court for Islamabad Capital Territory the rules may be made with the approval of the President.".
6.	<b>270C.</b>	Article 270C shall be re-numbered as clause (1) thereof and after clause (1) re-numbered as aforesaid, the following new clause shall be inserted, namely :---  "(2) Notwithstanding anything contained in the Constitution or any other law for the time being in force,--  (i) a Judge including the Chief Justice, of the Supreme Court, a High Court or Federal Shariat Court who had, not been given or taken oath under the Oath of Office (Judges) Order, 2007, has ceased to hold office on and with effect from the 3rd

		<p>day of November, 2007; and</p> <p>(ii) a Judge including the Chief Justice, of the Supreme Court, a High Court and Federal Shariat Court appointed and/or continued as such Judge or Chief Justice by virtue of the Oath of Office (Judges) Order, 2007, shall, on revival of the Constitution, take oath as set out in the Third Schedule and shall be deemed to have been appointed, and/or shall continue to hold office, under the Constitution."</p>
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PERVEZ MUSHARRAF,  
President.

MALIK HAKAM KHAN,  
Acting Secretary.