



SENATE SECRETARIAT

JOINT REPORT

**Senate Standing Committee on Law and Justice & National
Assemble Standing Committee on Law and Justice**

“THE CONSTITUTION (TWENTY-SEVENTH AMENDMENT) BILL, 2025”

PRESENTED BY

**Senator Farooq Hamid Naek
Chairman
Standing Committee on Law and Justice**

SENATE SECRETARIAT

Joint report of Senate Standing Committee on Law and Justice & National Assemble Standing Committee on Law and Justice ON "THE CONSTITUTION (TWENTY-SEVENTH AMENDMENT) BILL, 2025"

The Constitution (Twenty-Seventh Amendment) Bill, 2025 introduced by Senator Azam Nazeer Tarar, Minister for Law and Justice in the Senate sitting held on 8th November, 2025, was referred to the Standing Committee for consideration and report. Considering the significance of the proposed constitutional amendments and with a view to ensuring broader deliberations on the subject, the Hon'ble Chairman Senate directed the Committee to invite the Chairman and Members of the Standing Committee on Law and Justice of the National Assembly to participate in its proceedings and share their input on the Bill. Accordingly, the joint meetings were convened in pursuance of the Ruling of the Chairman Senate and with the permission granted by the Speaker National Assembly under the relevant rules.

2. The Bill was considered in the meetings held on 8th and 9th November, 2025, respectively under the was co-chairmanship of Senator Farooq H. Naek, Chairperson of the Senate Standing Committee on Law and Justice, and Chaudhry Mahmood Bashir Virk, MNA, Chairperson of the National Assembly Standing Committee on Law and Justice. The meeting dated 8th November was attended by following Members of Committees and Special invitees:-

3. The Bill was held in the meeting dated 8th November, 2025, which was attended by the following Hon'ble Members and special invitees:-

1. **Senator Farooq Hamid Naek(Chairman)**
2. Senator Shahadat Awan
3. Senator Zamir Hussain Ghumro
4. Senator Khalil Tahir
5. Senator Mohammad Abdul Qadir
6. Senator Kamran Murtaza
7. Senator Azam Nazeer Tarrar, Minister for Law and Justice
8. **Chaudhry Mahmood Bashir Virk, MNA(Chairman)**
9. Mr. Bilal Azhar Kayani, MNA
10. Syed Ali Qasim Gillani, MNA
11. Dr. Nafisa Shah, MNA
12. Syed Abrar Ali Shah, MNA (Via Zoom)

13. Syed Naveed Qamar, MNA
14. Mr. Hassaan Sabir, MNA
15. Syed Hafeezuddin, MNA
16. Ms. Kiran Haider, MNA
17. Ms. Aliya Kamran, MNA
18. Ms. Zahra Wadood Fatemi, MNA
19. Ms. Saira Tarar, MNA
20. Ms. Mah Jabeen Khan Abbasi, MNA

Special Invitees

1. Senator Manzoor Ahmed Kakar
2. Senator Umer Farooq
3. Ms. Munaza Hassan, MNA
4. Barrister Aqeel Malik, MNA, MOS Law and Justice
5. Mr. Muhammad Ijaz Ul Haq, MNA(Via Zoom)

4. Final consideration of the Bill was held in the meeting dated 9th November, 2025, which was attended by the following hon'ble Members and special invitees:-

1. **Senator Farooq Hamid Naek(Chairman)**
2. Senator Shahadat Awan
3. Senator Zamir Hussain Ghumro
4. Senator Muhammad Tallal Badar
5. Senator Khalil Tahir
6. Senator Ahad Khan Cheema
7. Senator Mohammad Abdul Qadir
8. Senator Azam Nazeer Tarrar, Minister for Law and Justice
9. **Chaudhry Mahmood Bashir Virk, MNA(Chairman)**
10. Mr. Bilal Azhar Kayani, MNA
11. Syed Ali Qasim Gillani, MNA
12. Dr. Nafisa Shah, MNA
13. Syed Abrar Ali Shah, MNA
14. Syed Naveed Qamar, MNA
15. Mr. Hassaan Sabir, MNA
16. Syed Hafeezuddin, MNA
17. Ms. Kiran Haider, MNA
18. Ms. Zahra Wadood Fatemi, MNA
19. Ms. Saira Tarar, MNA
20. Ms. Mah Jabeen Khan Abbasi, MNA

Special Invitees

1. Attorney General for Pakistan
2. Senator Manzoor Ahmed Kakar
3. Senator Danesh Kumar
4. Senator Hidayatullah Khan

5. Senator Kamil Ali Agha
6. Barrister Aqeel Malik, MNA, MOS Law and Justice
7. Mr. Muhammad Ijaz Ul Haq, MNA(Via Zoom)
8. Ms. Munaza Hassan, MNA
9. Mr. Muhammad Jawed Hanif Khan, MNA

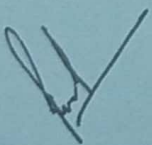
Meeting dated 8th November, 2025

5. At the outset, the Committees decided to conduct an extensive and clause-by-clause review of The Constitution (Twenty-Seventh Amendment) Bill, 2025, providing ample opportunity to Members and special invitees for deliberation. It was agreed that no voting on the clauses would take place during the first sitting, and that the Committees would focus solely on detailed examination of the clauses. It was further decided that other constitutional amendment proposals submitted by MQM and BAP would also be taken up for consideration in the next sitting.

6. Thereafter, Senator Azam Nazeer Tarar, Minister for Law and Justice, briefed the Committees on the salient features of the Bill. He informed Members that out of 49 clauses, nearly 40 relate to consequential amendments, while the remaining clauses propose substantive changes, including the creation of a Federal Constitutional Court, addressing the anomaly regarding the tenure of Members of the Senate arising from the delayed Senate elections in Khyber Pakhtunkhwa, provisions for transfer of judges, and amendments to Article 243 of the Constitution to improve procedural clarity and administrative efficiency relating to the armed forces.

7. During the initial proceedings, Senator Kamran Murtaza (JUI-F) expressed concern over the insufficient time provided for consideration of the Bill and staged a walkout in protest. Senator Farooq H. Naek, Chairperson of the Committee, reassured him that ample opportunity would be given for discussion and detailed examination of the Bill; however, Senator Murtaza chose not to return. Ms. Aliya Kamran, MNA (JUI-F), initially participated in the meeting and contributed to the proceedings; however, following directions from her party leadership, she also walked out, expressing concern that her party had not been adequately consulted during the consensus-building process.

8. Syed Hafeezuddin, MNA, and Mr. Hassaan Sabir, MNA (MQM), raised the issue of the proposed amendment to Article 140A regarding the establishment and functioning of local governments, emphasizing that this was a principled position of their



party. The Minister for Law and Justice informed the Committees that the Prime Minister had tasked him in the Cabinet meeting to develop consensus among all stakeholders on the said amendment.

9. Thereafter, the Committees commenced clause-by-clause consideration of the Bill. The Minister for Law and Justice gave a detailed briefing on each clause and responded to queries and observations raised by Members.

10. During deliberations on the composition of the proposed Federal Constitutional Court, Syed Naveed Qamar, MNA, pointed out that the earlier consensus was to ensure equal representation of judges from all provinces, whereas the proviso to clause (1) of proposed Article 175B uses the word "may" instead of "shall". The Minister for Law and Justice, while explaining the rationale for using "may", primarily to avoid non-functionality of the Court in case of vacancies, assured that he would submit a draft explanatory note or proviso in the next meeting to clarify the intent and address Members' concerns.

11. Similarly, Members objected to the phrase "appropriate application" used in the proviso to clause (3) of proposed Article 175E, terming it ambiguous. It was agreed that the proviso would be reworded for greater clarity. Furthermore, clause (5) of proposed Article 175A, being largely duplicative of proposed Article 186A, was proposed to be omitted.

12. Senator Farooq H. Naek, Chairperson of the Committee, pointed out the omission of the nominating authority in the proposed paragraph (viii) of Article 175A. The Minister for Law and Justice acknowledged the observation and assured the Committee that the anomaly/omission would be appropriately addressed in the revised draft.

13. The Committees completed consideration up to clause 23 of the Bill. It was decided that the discussion will resume from clause 24 in the next sitting scheduled for the following day (9th November, 2025).

Meeting dated 9th November, 2025

14. The further consideration of the Bill commenced during the next sitting of the Joint Meeting.

15. The Minister for Law and Justice briefed the Committee that, in line with the discussions held during the previous sitting, necessary improvements, amendments, and corrections had been incorporated in the draft Bill. He further apprised the Committee that the consequential amendments had been duly clubbed, in accordance with established drafting practices. The Attorney General for Pakistan also attended the proceedings and comprehensively addressed the constitutional and legal queries raised by the Members.

16. The Members, assisted by the Minister for Law and Justice and the Attorney General for Pakistan, engaged in in-depth discussions to ensure clarity, balance, and constitutional coherence in the proposed changes.

17. The Committees considered the composition of the Judicial Commission of Pakistan. It was observed that, in the original draft, representation of women and non-Muslims had been omitted. After discussion, the Committees restored inclusivity by providing for the inclusion of "a woman or non-Muslim or a technocrat, other than a member of Majlis-e-Shoora (Parliament), who is qualified to be a member of the Majlis-e-Shoora (Parliament), to be appointed by the Speaker of the National Assembly." This amendment was unanimously supported, as it ensured the participation of marginalized and professional groups in the judicial appointment process.

18. The Committees also deliberated upon the procedure for appointment of High Court Judges. In order to enhance transparency and merit-based selection, it was agreed that the appointment of Judges of the High Courts shall be made after interviews conducted by the Judicial Commission. This measure was seen as a step toward institutionalizing accountability and ensuring a more objective selection process.

19. With regard to the composition of the proposed Federal Constitutional Court, Members emphasized the importance of equitable representation for all federating units. To remove any ambiguity, the word "may" was substituted with "shall", thereby making it mandatory for the Court to have equal representation from all four provinces and at least one Judge from the Islamabad Capital Territory. This change was welcomed as a reflection of the federal spirit of the Constitution.

20. The Committees further examined the qualification criteria for appointment of Judges to the Federal Constitutional Court. It was agreed that the

required period of service as a Judge of a High Court should be reduced from seven years to five years. The Committees noted that this amendment would expand the pool of qualified and experienced Judges and facilitate the effective functioning of the new Court.

21. To address concerns regarding seniority, the Committees decided to safeguard the existing inter se seniority of Judges of the Supreme Court. It was therefore provided that, notwithstanding the date of appointment under the new law, a Judge of the Supreme Court holding office at the commencement of the Twenty-seventh Amendment shall retain his inter se seniority among the Judges, other than the Chief Justice of the Federal Constitutional Court. This was aimed at ensuring continuity and stability within the judicial hierarchy.

22. A major area of discussion revolved around the exercise of suo motu jurisdiction by the Federal Constitutional Court. Members noted that the earlier draft used the term "appropriate application," which lacked clarity. The Committees agreed to replace it with more precise language to the effect that "the jurisdiction shall only be exercised if an application is filed by a person in that Court and subject to the satisfaction of the Federal Constitutional Court." This amendment introduced procedural safeguards and ensured that the exercise of suo motu powers would remain judicious and transparent.

23. The Committees also examined the appellate jurisdiction of the Supreme Court under Article 185 and related provisions. It was observed that no appeal lay against judgments of the High Courts under Article 199 in rent and family cases. After deliberation, the Committees decided to create an exception for guardianship matters, keeping in view Pakistan's international obligations under the Convention on the Rights of the Child and the need to safeguard children's welfare.

24. In order to discourage prolonged interim orders, the Committees further inserted a provision stipulating that interim orders may be extended only once, for a maximum period of six months, and only for reasons to be recorded. This was seen as a necessary measure to promote judicial discipline and procedural efficiency.

25. The Committees also revisited the provision concerning transfer of Judges of the High Courts. The earlier draft deemed a Judge to have retired upon refusal of transfer. After discussion, Members considered this to be harsh and inconsistent with

judicial independence. The Committees therefore replaced the clause, providing instead that such matters shall be referred to the Supreme Judicial Council, which shall proceed in accordance with Article 209 of the Constitution. This amendment ensured fairness, transparency, and due process in matters involving judicial transfers. Consequential amendments in Article 209 were also proposed and adopted.

26. The Committee also considered the proposed amendment to Article 248 of the Constitution, whereby lifelong immunity was to be granted to the President. After detailed deliberations, the Committee introduced a caveat to ensure that such immunity does not extend to any period during which a former President holds a public office.

26. In addition to the substantial amendments, the Committees also discussed and adopted the consequential amendments necessitated by the establishment of the Federal Constitutional Court.

26. Senators Muhammad Azam Khan Swati and Fawzia Arshad from PTI had submitted amendments which were later withdrawn before they could be taken up by the Committee.

27. Senator Khalid Tahir and Senator Anusha Rahman Ahmad Khan proposed an amendment to Article 248 of the Constitution of Pakistan to include the "Prime Minister" within its ambit. However, Senator Khalid Tahir subsequently withdrew the proposed amendment. During the discussion on the said clause, the Committee also deliberated on the possible inclusion of the Chairman Senate and the Speaker National Assembly in the said Article for purposes of immunity. The Hon'ble Speaker conveyed a message to the Committee expressing his desire to withdraw himself from the proposed immunity. Consequently, the clause was passed without any amendment.

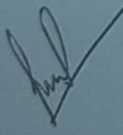
28. Senator Hidayatullah Khan of ANP proposed an amendment in Article 1 of the Constitution of Pakistan, seeking to omit the word "Khyber" occurring before the word "Pakhtunkhwa". The Senator gave a detailed briefing on the background and rationale of the proposal, explaining that it reflected the aspirations of the people of the province. The Committee held extensive discussions on the matter, recognizing its fundamental nature and the political sensitivities involved. It was decided that same will be taken up after the political consensus on the same.

29. Senator Manzoor Ahmed proposed an increase in the number of seats in the Provincial Assembly of Balochistan. He also referred to the Bill earlier introduced by himself and members of his party on the same subject, which had already been cleared by the Standing Committee on Law and Justice for passage by the House. The Committee discussed the matter at length and agreed in principle to the proposal, emphasizing that such a constitutional amendment should be pursued after developing broad political consensus among all parties. It was agreed that this process of consultation would be undertaken in the coming days.

30. Senator Abdul Qadir proposed an amendment to Article 175 of the Constitution. The Minister for Law and Justice assured the Committee that the rules governing the Judicial Commission already carry the same force and that such technical matters are preferably not included in the Constitution itself, as it becomes difficult to amend them later. (Amendment annexed as "A")

31. Senator Danesh Kumar and Senator Manzoor Ahmed proposed an amendment to Article 130 of the Constitution to enhance the limit of provincial cabinet members from eleven percent to thirteen percent of the total strength of the Provincial Assembly. He also proposed ensuring inclusion of at least one non-Muslim and one woman member in every provincial cabinet to promote inclusive and equitable governance, and to update clause (11) to allow up to seven advisers to the Chief Minister. The Committee principally supported the proposal but decided to keep it pending for further consultation and development of political consensus. ((Amendment annexed as "B")

32. Mr. Muhammad Jawed Hanif Khan, MNA, belonging to MQM, tabled amendments aimed at ensuring uniformity, continuity, and certainty in the functioning of Local Government institutions. The proposed amendments included the substitution of Article 140A and the insertion of new Articles 140B, 140C, and 140D, along with the addition of a Sixth Schedule to the Constitution. Mr. Hassaan Sabir, MNA, and Syed Hafeezuddin, MNA, also from MQM, elaborated on the rationale and necessity of these amendments, emphasizing the importance of a constitutionally protected and stable local government system across all provinces. (Amendment annexed as "C")



33. Senator Zamir Hussain Ghumro and Dr. Nafisa Shah, MNA, while supporting the spirit and intent of the proposal, observed that all political parties should engage in collective deliberations on such a significant matter. She stressed that the amendment should not be undertaken in haste and that the local government framework should remain within the purview of the provincial governments in accordance with the constitutional scheme.

34. Senator Azam Nazeer Tarar, Minister for Law and Justice endorsed the need for political consensus, noting that it would be more prudent to first build broad agreement among political stakeholders. He stated that putting the proposal to vote in the House without adequate support might not send a positive message. In principle, there is no opposition to the idea of strengthening the local government system; however, certain concerns have been raised regarding the drafting, structure, and constitutional placement of the proposed provisions. The Committees also took note of the Resolution adopted by the Provincial Assembly of Punjab on the subject.

35. The Committee deliberated upon the amendment submitted by Senator Kamil Ali Agha, on behalf of his party leader, proposing changes to Clause 48 of the Constitution (Twenty-Seventh) Amendment Bill, 2025, through amendment in the Fourth Schedule of the Constitution. The proposed amendment sought to include new entries relating to the regulation and facilitation of international agencies and global health bodies in the health sector, research and development in health, and "curriculum and syllabus." (Amendment annexed as "D")

36. During the discussion, Senator Zamir Hussain Ghumro pointed out that some of the proposed subjects were already covered under the Federal Legislative List Part-II, and cautioned that the proposed inclusion might infringe upon the provincial autonomy granted under the Constitution. Ms. Saira Afza Tarar, MNA, while acknowledging the spirit of the proposal, observed that certain provisions of the 18th Amendment were drafted in haste and that there is a need to revisit them through research-based and innovative reforms. She emphasized the importance of coordination between the federation and the provinces, noting the absence of a structured mechanism in areas such as health and education. She further highlighted the necessity of establishing a federal-level forum to interact effectively with international partners and agencies. Mr. Bilal Azhar Kayani, MNA, emphasized that only those amendments enjoying

political consensus should be considered for inclusion in the final draft, so as to maintain parliamentary harmony and avoid partisan divisions. Syed Ali Qasim Gillani, MNA, inquired from the Minister for Law and Justice whether the proposed provisions were the same as those included in the earlier draft of the Bill. The Minister for Law and Justice clarified that while some elements of the proposal were indeed reflective of earlier discussions, the intent of the amendments was progressive and aligned with emerging national needs.

37. The Senator Farooq H Naek, Chairman Committee acknowledged that promoting research, innovation, and international collaboration are essential for national development, particularly in the health and education sectors. He, however, concurred that such amendments should be finalized only after broader political consensus is developed, to ensure uniformity, clarity, and provincial endorsement.

38. Senator Kamran Murtaza had proposed amendments primarily seeking the omission of various clauses; however, as he was not present during the meeting, the amendments were taken up in his absence, put to vote, and subsequently rejected by the Committee. (Amendment annexed as "E")

39. After detailed deliberations, the Committee, with consensus, adopted following amendments:

In the Constitution (Twenty-Seventh) Amendment Bill, 2025,-

- (i) After clause 1, the following new clauses shall be inserted and thereafter remaining clauses shall be renumbered accordingly,-

"2. Amendment of Article 10 of the Constitution.- In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 10, in clause (4), in "Explanation I", in clause (1), after the word "of", occurring for the second time, the words "Supreme Court of" shall be inserted.

3. Amendment of Article 17 of the Constitution.- In the Constitution, in Article 17, in clause (2), for the word "Supreme", the words "Federal Constitutional" shall be substituted.



4. Amendment of Article 42 of the Constitution.- In the Constitution, in Article 42, for the word "Pakistan", the words "the Federal Constitutional Court" shall be substituted."

- (ii) After clause 9, renumbered as 11, the following new clause shall be inserted and remaining clauses shall be renumbered accordingly,-

"12. Amendment of Article 105 of the Constitution.- In the Constitution, Article 105, in clause (3), in paragraph (b), after the word "Cabinet", the expression "in accordance with the provisions of Article 224 or, as the case may be, Article 224A" shall be inserted.

- (iii) After clause 11, renumbered as 14, the following new clauses shall be inserted and remaining clauses shall be renumbered accordingly,-

"15 Amendment of Article 146 of the Constitution.— In the Constitution, in Article 146, in clause (3), for the word "Pakistan", the words "Federal Constitutional Court" shall be substituted.

16. Amendment of Article 152 of the Constitution.— In the Constitution, in Article 152, for the word "Pakistan", the words "Federal Constitutional Court" shall be substituted.

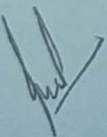
17. Amendment of Article 159 of the Constitution.— In the Constitution, in Article 159, in clause (4), for the word "Pakistan", the words "Federal Constitutional Court" shall be substituted.

- (iv) After clause 12, renumbered as 18, the following new clauses shall be inserted and remaining clauses shall be renumbered accordingly,-

19. Amendment of Article 168 of the Constitution.— In the Constitution, in Article 168, in clause (2), after the word "of", the words "Supreme Court of" shall be inserted.

- (v) For clause 13, renumbered as clause 20, the following shall be substituted namely,-

"20. Amendment of Article 175 of the Constitution.- In the Constitution, in Article 175, in clause (1), after the word "be", occurring for the first time, the words and comma "a Federal Constitutional Court of Pakistan, hereinafter referred to as the Federal Constitutional Court" and after the word "Pakistan",



the words "hereinafter referred to as the Supreme Court" shall respectively be inserted."

(vi) In clause 14, renumbered accordingly,

a. In paragraph (c), in sub-paragraph (iii), the proposed clause (viii) shall be substituted with the following namely,-

"(viii) a woman or non-Muslim or a technocrat, other than a member of *Majlis-e-Shoora* (Parliament), who is qualified to be member of the *Majlis-e-Shoora* (Parliament), to be appointed by the Speaker of the National Assembly"

b. in sub-clause (iv), for paragraph (f), the following shall be substituted, namely,-

"(f) in clause (4), for the word "may", the word "shall" shall be substituted and after the word and comma "assessment," , the word and comma "interview," shall be inserted; ."

c. In paragraph (d), the proposed first proviso shall be substituted with the following namely;-

"Provided that if the nominee under this clause declines to become the Chief Justice, he shall be deemed to have retired and the three next most senior Judges shall be considered and so on till the appointment of the Chief Justice."

(vii) In clause 15, renumbered as 22,

a. in the proposed Article 175B,-

i. in clause (1), the word 'as' occurring before the word 'many' shall be substituted with the word 'so'

ii. in clause (1), the proviso may be amended as under and thereafter following second proviso and explanation shall be added namely,-

"Provided that the Federal Constitutional Court shall have equal number of Judges from each Province and at least one judge from the Islamabad High Court :

Explanation: In no case number of judges from the Islamabad High Court shall exceed the number of judges from a Province.

Provided further that nothing contained in the first proviso shall effect the functioning of the Court.

- b. in the proposed Article 175C,
 - i. in clause (2), in paragraph (b), the 'word 'seven' shall be substituted with the word 'five'.
 - ii. For clause (3), the following shall be substituted, namely,-

"(3) The inter se seniority of Judges appointed under this Article shall be reckoned from the date they enter upon the office and in case that date is same then on the basis of their age:

Provided that a Judge of the Supreme Court, who holds the said office on the commencement of the Constitution (Twenty-seventh Amendment) Act, 2025, shall retain his inter se seniority among Judges other than the Chief Justice of the Federal Constitutional Court."

- c. In the proposed Article 175 E,-
 - i. In clause (3), the proviso shall be substituted with the following, namely,-
 "Provided that, subject to the satisfaction of the Federal Constitutional Court, the jurisdiction under this clause shall only be exercised if an application is filed by a person in that Court."
 - ii. Clause (5) shall be omitted.
- d. In the proposed Article 175F, in clause (1), in paragraph (c), the proviso shall be substituted with the following namely,-

"Provided that no appeal shall lie against a judgment or an order of a High Court made under Article 199, in a case which relates to rent and family except guardianship and such other matters as may be determined by law."

- (viii) For clause 16 as renumbered as 23, the following shall be substituted namely,-
23. Amendment of Article 176 of the Constitution.- In the Constitution, in Article 176, after the word "Justice", occurring for the second time, the words "of Supreme Court" shall be substituted.

- (ix) For clause 26, renumbered as 33, the following shall be substituted, namely,-



"33. Omission of Article 186A of the Constitution.- In the Constitution, Article 186A shall be omitted."

(x) In clause 34, paragraph (a) shall be substituted with the following namely,-

(a) for the proviso, the following shall be substituted, namely:-

"Provided that, for reasons to be recorded, an interim order may be extended only for a period upto six months."

(xi) For clause 26 renumbered as 34, the following shall be substituted, namely,-

"34. Omission of Article 186A of the Constitution.- In the Constitution, Article 186A shall be omitted."

(xii) In clause 35, in the proposed Article 200,-

a. In clause (1), the following second proviso shall be inserted, namely,-

"Provided further that the Judicial Commission of Pakistan before making recommendation under this clause may hear the Judge."

b. clause (4) shall be substituted with the following namely,-

"(4) A Judge of a High Court who does not accept a transfer under this Article shall be proceeded against under Article 209 within a period of thirty days. Such Judge shall not perform his function till such time the Council under Article 209 renders its decision."

(xiii) In clause 42, renumbered as clause 49,-

a. for paragraph (c), the following shall be substituted, namely,-

"in clause (5)-

(i) After the figure "175A", occurring twice, the word and "and Article 200" shall be inserted;

(ii) after the word "Judge", the words "of the Federal Constitutional Court or" shall be inserted; and

(iii) after the word and comma "misconduct," the word "or" shall be inserted and thereafter the following new clause shall be inserted, namely:-

"(iv) does not accept a transfer under Article 200.";

b. After paragraph (c), the following paragraph (d) shall be inserted and thereafter existing paragraph (d) and remaining paragraphs shall be renumbered accordingly:-

"(d) in clause (6)-

- (i) after the word "months" the words "and within thirty day in case where paragraph (d) applies" shall be inserted; and
- (ii) in paragraph (a), after the word "misconduct", the words "or does not accept transfer under Article 200" shall be inserted;"

(xiv) For clause 43 as renumbered as 50 the following shall be substituted namely,-

51. Amendment of Article 214 of the Constitution.— In the Constitution, in Article 214, for the word "Pakistan", the words "Federal Constitutional Court" shall be substituted.

52. Amendment of Article 239 of the Constitution.- In the Constitution, in Article 239, for clause (5), following shall be substituted, namely:-

"(5) Notwithstanding anything contained in the Constitution and any judgment of any court, no court shall have jurisdiction to call in question any amendment to the Constitution on any ground whatsoever."

(xv) In clause 45, renumbered as 54, in paragraph (c), in the proposed clause (3), the full stop occurring at the end shall be substituted with a colon and thereafter following proviso shall be inserted, namely,-

"Provided that the provisions of clauses (2) and (3) shall not apply during the period the President holds a public office after he ceases to be the President."

(xvi) after clause 45 as renumbered as 54 the following shall be substituted namely

"55. Amendment of Article 255 of the Constitution.— In the Constitution, in Article 255, in clause (2), for the word "Pakistan", the words "Federal Constitutional Court" shall be substituted."

(xvii) In clause 46 as renumbered as 56, for sub-clause (b), the following shall be substituted, namely:-

"(b) in the definition of the "Judge",-

(i) after the word "the", occurring for the first time, the words "Federal Constitutional Court or the " shall be inserted; and

(ii) after the word and hyphen "includes-", the following new paragraphs shall be inserted, namely:-

"(a) in relation to the Federal Constitutional Court, a person who is acting as a Judge of the Court;" and

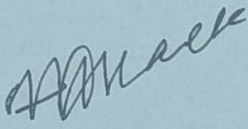
(b) the existing paragraphs (a) and (b) shall be renumbered as paragraphs (b) and (c); and".

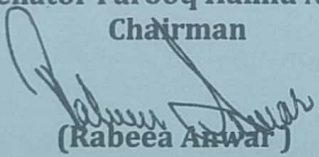
(xviii) In clause 46, renumbered as 56, after paragraph (b), the following paragraph (c) shall be inserted and existing paragraph (c) shall be renumbered accordingly:-

"(c) in the definition of "service of Pakistan", after the word "as", the word "President" shall be inserted; and"

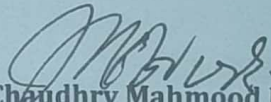
40. All clauses, both original and as amended, were put to the vote of the Committee and adopted unanimously after clause-by-clause consideration.

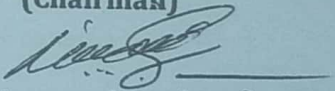
41. Accordingly, the Committee recommended that "The Constitution (Twenty-Seventh Amendment) Bill, 2025", as reported by the Committee may be passed by the Senate of Pakistan. (Copy of Bill as reported by the Committee is annexed as "I" and the Bill as introduced in the Senate is annexed as "II")


(Senator Farooq Hamid Naek)
Chairman


(Rabee'a Anwar)

Additional Secretary/ Secretary Committee


Chaudhry Mahmood Bashir Virk, MNA
(Chairman)


(Muhammad Mushtaq)

Advisor Legislation/Secretary Committee

SUBSTITUTION OF CLAUSE 13

Annex-"A"

For clause 13, the following shall be substituted, namely:-

"13. Amendment of Article 175 of the Constitution.- In the Constitution, in Article 175,-

(a) in clause (1), after the word "be", occurring for the first time, the words and comma "a Federal Constitutional Court of Pakistan," shall be inserted; and

(b) after clause (3), the following shall be added, namely:-

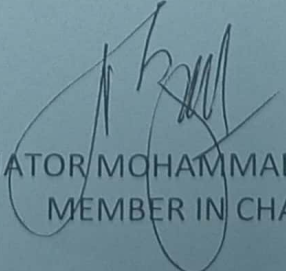
"(4) Notwithstanding anything contained in this Chapter, there shall be appointed, by promotion, to each High Court, a number of Judges not exceeding twenty-five percent of the total number of Judges of that Court.

(5) The appointments under clause (4) shall be made from amongst the District and Sessions Judges who—

(a) have served in the District Judiciary for a period of not less than fifteen years; and

(b) possess, to the satisfaction of the Judicial Commission of Pakistan, a record of integrity, competence, and judicial performance.

(6) The manner, procedure, and conditions for such promotion shall be prescribed by rules framed by the Judicial Commission of Pakistan."


SENATOR MOHAMMAD ABDUL QADIR
MEMBER IN CHARGE

Proposed Constitutional Amendment – Article 130

The Constitution (Amendment) Act, 2025

A Bill further to amend the Constitution of the Islamic Republic of Pakistan.

Preamble:

Whereas it is expedient further to amend the Constitution of the Islamic Republic of Pakistan to ensure inclusive representation in the Provincial Cabinets and to rationalize the size thereof; It is hereby enacted as follows:

1. Short title and commencement

- (1) This Act may be called the Constitution (Amendment) Act, 2025.
- (2) It shall come into force at once.

2. Amendment of Article 130 of the Constitution

In the Constitution of the Islamic Republic of Pakistan, in Article 130, —

(a) in clause (6), —

- (i) for the word "fifteen", the word "seventeen" shall be substituted;
- (ii) for the word "eleven", the word "thirteen" shall be substituted;
- (iii) for the colon at the end, a full stop shall be substituted; and
- (iv) the existing proviso shall be omitted;

After clause (6), the following new proviso shall be added, namely:—

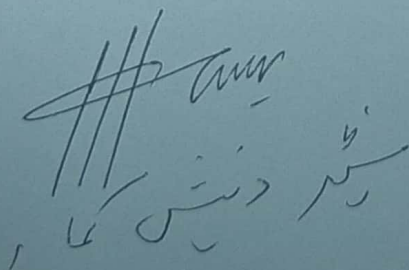
"Provided that at least one member of the Provincial Cabinet shall be a non-Muslim and at least one member shall be a woman."

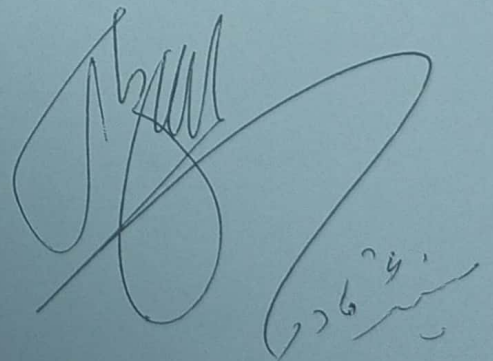
(b) in clause (11), for the word "five", the word "seven" shall be substituted.

3. Statement of Objects and Reasons

The purpose of this amendment is to enhance the limit of provincial cabinet members from eleven percent to thirteen percent of the total strength of the Provincial Assembly; to increase the minimum size of the cabinet from fifteen to seventeen members; to ensure the inclusion of at least one non-Muslim and one woman member in every Provincial Cabinet to promote inclusive and equitable governance; and to update clause (11) to allow up to seven advisers to the Chief Minister.

■■■■ ■■■■:


Minister of Law and Justice


Minister of Provincial Governance and Local Administration

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

further to amend the Constitution of the Islamic Republic of Pakistan, 1973

WHEREAS it is expedient to further amend the Constitution of the Islamic Republic of Pakistan for the purposes appearing hereinafter, appearing;

AND WHEREAS in Article 7 of the Islamic Republic of Pakistan, the State has been defined as composed of Federal Government, Provincial Government and Local Authorities; State;

AND WHEREAS Article 1 declares that Pakistan is a Federal Republic;

AND WHEREAS Federalism entails distribution of responsibility and authority to all three tiers of State;

AND WHEREAS 18th Constitutional Amendment by virtue of its design and intent envisages devolution of responsibility and authority to three tier of State;

AND WHEREAS Article 140 A failed to fulfil the command of the Constitution to establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the Local Governments;

AND WHEREAS to realize in the intent of the Constitution, it's imperative to define clearly, the role, functions, responsibility and authority of the local governments in the Constitution, and Matters Connected therewith or incidental thereto;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Bill may be called the Constitution (Amendment) Bill, 2024.

(2) These amendments shall have overriding effect and shall be applicable notwithstanding anything contained in the Constitution or any law, judgment or order of the Court.

(3) It shall come in to force at once.

2. Amendment of Article 140A of the Constitution.- In the Constitution of the Islamic Republic of the Pakistan, hereinafter referred to as the Constitution, for Article 140A, the following shall be substituted namely: -

"140 A. Local Governments.- (1) The Federal Government shall, by law, establish a local government system throughout the country, whereby political, administrative and financial

responsibility and authority shall be devolved to the elected representatives of the local governments.

Explanation. In this Article "law" shall mean the law passed by the Majlis-e-Shoora (Parliament) or an Ordinance promulgated by the President.

(2) The following shall be the local governments institutions: -

- (i) (a) Islamabad Metropolitan City Government, for Islamabad Capital Territory;
(b) Peshawar Metropolitan City Government, for Peshawar District;
(c) Lahore Metropolitan City Government, for Lahore District;
(d) Karachi Metropolitan City Government, for Karachi Division; and
(e) Quetta Metropolitan City Government, for Quetta District.
- (ii) In addition to above, Metropolitan City Government, shall be constituted for every other city having more than five million population;
- (iii) Municipal City Government, for every city having population from one million to five million;
- (iv) Municipal Government, for every city having population from five lacs to one million;
- (v) Town Government for every town having population from 1 lac to 5 five lacs;
- (vi) District Government, for all rural Districts;
- (vii) Town Committee for every town having population from fifty thousand to one lac;
- (viii) Union Committee in urban areas;
- (ix) Union Council in rural areas;
- (x) Ward in every Union Committee/Council; and
- (xi) Village Committee (Panchayat) in every village.

(3) Elections to the local governments shall be held by the Election Commission of Pakistan.

(4) The Election Commission of Pakistan shall determine number of constituent unit of local governments by whatever name they are known and shall demarcate, delimit and notify by law.

(5) While determining number, demarcating and delimiting constituting units under sub-Article (4), the Election Commission of Pakistan shall ensure parity of population.

(6) Subject to sub-clause (5), the law shall prescribe further standards of delimitation.

(7) local governments, other than specified in sub-clause (2)(i), of the Article, shall be demarcated and delimited in such a way that each city or urban area shall constitute an independent local government and an urban area shall not be amalgamated with rural area.

(8) Every local government shall continue for five years from the date of its first meeting and shall stand dissolved on the completion of this period.

(9) The Mayor or the Chairman as the case, shall be elected directly.

(10) The mayor shall coordinate and shall exercise supervisory control on all institutions providing municipal services within the local limits of local government.

(11) Elections shall be held one month before the expiry of the term of the local governments.

(12) In case of premature dissolution, for whatever reason, election to the local government shall be held within two months from the date of such dissolution.

140 B. Responsibility, Power and Authority of the Local Governments.- (1) The Federal and Provincial Governments may, as deem fit, devolve to the local governments at the appropriate level, responsibilities, powers and authorities, in addition to those listed in Sixth Schedule.

(2) The Federal and Provincial Governments may, as deem fit, devolve to local governments at appropriate level, powers and authority to levy, collect and appropriate taxes, duties, toll, cess, rate and fees in addition to those listed in Sixth schedule.

(3) Subjects listed in the Sixth Schedule shall be in the exclusive domain of the Local Governments and shall be devolved to appropriate level of Local Governments in accordance with the principle of subsidiarity.

140 C. Local Government Finance. - (1) The vertical distribution of resources between Provincial and local governments and horizontal distribution among local governments shall be determined in accordance with prevalent NFC formula, distributing resources between Federal Government and Provincial Governments and among Provincial Governments.

Explanation (I).- In this Article, "vertical distribution" means the vertical distribution of federal divisible revenues between Federal and Provincial Government, which is in accordance with current NFC award is in proportion of 42.5:57.5, so the vertical distribution of provincial revenues between Provincial and Local governments in each province shall be in proportion of 42.5:57.5 during the prevalence of current NFC Award.

Explanation (II).- In this Article "horizontal distribution" means the horizontal distribution of provincial share in federal divisible revenues among the provinces, which in accordance with current NFC formula is based on population (82%), backwardness (10.3%), inverse population (2.7%) and revenue generation (5%), same formula shall be applied for the distribution of provincial revenues among local governments in each province during the prevalence of current NFC Award.

(2) Share of each local government shall be transferred directly by the Federal Government to the respective Local Governments.

(3) The Federal and Provincial Governments may provide the local governments grant-in-aid from their respective Consolidated Funds.

(4) Federal Government shall make provision for Islamabad Metropolitan City Government out of its share.

140 D.- Schedule of Establishment of Local Governments.- (1) Each Local Government shall maintain its own schedule of establishment for managing its affairs.

(2) Each local government shall, as far as possible, recruit and employ human resource permanently residing within the local limits of that Local Government.

3. Addition of Sixth Schedule to the Constitution.- in the Constitution, after the Fifth Schedule, the following sixth schedule shall be added, namely:-

"Sixth Schedule

[Article 140B]

List of Subject of the Local Governments

1. Planning and working for overall socio-economic and cultural development of the community.
2. Master plan; Urban design and physical planning; Housing and Town planning.
3. Land control; Land development, disposal, management and regulation; Land use regulation, zoning and classification.
4. Regulation, management and control of building construction.
5. Improvement and upgradation of Katchi Abadies.
6. Development of infrastructure including roads, bridges and under passes.
7. Public transport; Mass transit; Traffic regulation and management.
8. Local policing including traffic police.
9. Magistracy and enforcement of local laws.
10. School and college education; Technical education and vocational training.
11. Health; Hospitals and allied medical facilities; Medical education.
12. Population welfare.
13. Social security and public welfare.
14. Administration and management of Zakat.

15. Food control.
16. Promotion of Information technology.
17. Provision of entertainment, promotion of sports and culture.
18. Museums, art galleries, libraries, community and cultural centers; conservation of historical and cultural heritage.
19. Cooperatives.
20. Water supply and sewerage disposal.
21. Public health, sanitation, conservancy and solid waste management.
22. Flood control, development and maintenance of storm water disposal system.
23. Disaster Management.
24. Fire services and civil defense.
25. Provision and maintenance of amenities such as parks, playgrounds, streetlights, parking lots, bus stops and other public conveniences.
26. Protection of environment; Forestry.
27. Establishment, management and maintenance of industrial estates; Small and medium enterprises; Cottage industries.
28. Management and regulation of trade and businesses.
29. Management of Cattle colonies; Cattle ponds; Prevention of cruelty to animals.
30. Livestock; Animal husbandry, fisheries, dairy and poultry farming.
31. Regulation of slaughterhouses.
32. Registration of marriages, birth and death.
33. Burial and burial grounds; Cremation grounds.
34. Management of markets and commercial centers.
35. Agriculture including agriculture extension.
36. Rural development.
37. On-farm water management.
38. Recruitment, management and administration of human resource employed for smooth functioning of the Local Governments.
39. Land Revenue; Cotton Fees; Property Tax; Tax on transfer of property; Capital Value Tax on Immoveable Property; Tax on Profession; Motor Vehicles Tax; Entertainment tax; Stamp Duties; Sales Tax (50%) on Services; Octroi; Zilla Tax; Environment Tax; Infrastructure Development and Maintenance Tax; User Fees.
40. Taxes, Toll, Rent, Fees, Service charges, Cess, Duties and Rate or Levies, Local Governments are authorized to collect by law on the commencing day of the Constitution (Twenty Sixth Amendment).
41. Rules and regulation to conduct business of Local Governments.
42. Administrative, financial and legal matters relating to subjects enumerated in this schedule."

STATEMENT OF OBJECTS AND REASONS

Local Governments in Pakistan have a chequered history, marked by periods of varied fortune, having a consistent pattern of dubious existence under Dictatorial regimes and of outright non-existence under Democratic dispensations. Dictator used them to acquire legitimacy while Democracies considered them as rivals.

There has never been a uniform pattern of Local Governments in the country, every Province has its own design creating a lot of confusion in operation and institutional development of these institutions. Elections are irregular, often held only when there is an intervention from the Superior Courts, there is an obstinate reluctance on part of the Provincial Governments to devolve political, administrative and financial responsibility and authority to the Local Governments, and there are frequent dismissal and supersession of Local Governments by Provincial governments at will.

Article 32 of the Constitution of Islamic Republic of Pakistan makes it obligatory that the State shall encourage Local Government institutions and Article 140A makes it mandatory that every Provincial Government shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the Local Governments.

But there was no clarity on structure, role, functions, responsibility and authority of the Local Governments leaving the entire system at the whim of the hostile Provincial Governments.

Keeping in view, the historical experience and dictates of the Constitution, it is imperative to provide in the Constitution certain provisions which can ensure uniformity, continuity and certainty of the Local Government institutions, and further ensure a certain level of devolution of political, administrative and financial responsibility and authority to make these institutions, viable and effective tools of Local Governance in line with the aspirations of the people of Pakistan.

The Bill seeks to achieve above objectives.

Sd/-
MUHAMMAD JAWED HANIF KHAN

Members, National Assembly

**PROPOSED AMENDMENTS BY SENATOR KAMIL ALI AGHA IN THE CONSTITUTION
(TWENTY-SEVENTH AMENDMENT) BILL, 2025,
ON BEHALF OF CHAUDHRY SHUJAAT HUSSAIN, PRESIDENT PML (Q)**

1. Substitution of Clause 48, the Constitution (Twenty-Seventh Amendment Bill, 2025). — In the Constitution (Twenty-Seventh Amendment) Bill, 2025, for clause 48, the following shall be substituted, namely:—

"48. Amendment of the Fourth Schedule of the Constitution.— In the Constitution, in the Fourth Schedule,—

(a) in Part I,—

(i) after entry 32, the following new entry shall be inserted, namely:—

"32A. Regulation and facilitation of international agencies and global health bodies in health sector, foreign collaboration for medical research and public health initiatives, and protocols for international research partnership.";

(ii) in entry 55, for the expression "Supreme Court", occurring twice, the words "Federal Constitutional Court and the Supreme Court" shall be substituted; and

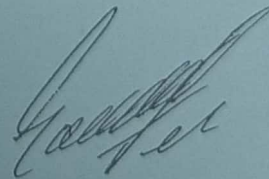
(b) in Part II,—

(i) after entry 11, the following new entry shall be inserted, namely:—

"11A. Research and development in the health sector, the regulation, promotion, funding, coordination and oversight of health and biomedical research, medical sciences innovations, national health data system, establishment of health research institutions and laboratories, standards and criteria for medical profession and specialisations in medical profession, the accreditation of medical education and research institutions."; and

(ii) after entry 12, the following new entry shall be inserted, namely:—

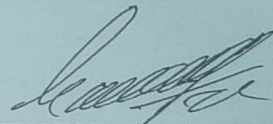
"12A. Curriculum and syllabus."



STATEMENT OF OBJECTS AND REASONS

The health and medical research sectors in Pakistan have long suffered from fragmentation, duplication of efforts, and uneven development across the provinces. The absence of a unified federal framework for health research, biomedical innovation, and medical education standards has deepened the sense of deprivation among smaller provinces and less developed regions, where institutional capacity, funding, and coordination mechanisms are weak. This amendment seeks to address these disparities by empowering the Federation to play a coordinating and standard-setting role, while ensuring equitable participation of all provinces in national health progress.

2. Education plays a fundamental role in shaping the character, values, and unity of a nation. The absence of a uniform national curriculum and educational standards has led to disparities in learning outcomes, regional variations in content, and a lack of shared national identity among the youth. To strengthen national integration, cultural cohesion, and unity as one nation, it is essential to provide all children of Pakistan with education based on common values, shared history, and equal learning opportunities, while ensuring quality and consistency across all regions.



SENATOR KAMIL ALI AGHA
Member-in-Charge

[Notice of Amendments]

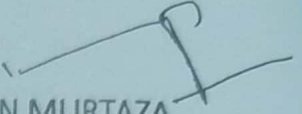
I hereby move the following amendments in The Constitution (Twenty-seventh Amendment) Bill, 2025:-

1. **Amendment of clause 7.-** In the said Act, in section 7(1), the words "Chairperson and two additional Members" shall be substituted with "four, one should be from each Province".
2. **Amendment of clause 42.-** In the said Act, section 42 shall be omitted.
3. **Amendment of clause s 63A, 68, 78, 81, 93, 100, 114, 130, 165A, 175, 175(A)(B)(C)(D)(E)(F)(G)(H)(I)(J)(K)(L).** - In the said Act, sections 63A, 68, 78, 81, 93, 100, 114, 130, 165A, 175, 175(A)(B)(C)(D)(E)(F)(G)(H)(I)(J)(K) & (L) shall be omitted.
3. **Amendment of clause s 176, 177, 178, 179 & 180.-** In the said Act, sections 176, 177, 178, 179 & 180 shall be omitted.
4. **Amedment of clauses 185, 186, 186A, 187, 189 & 190.-** In the said Act, Sections 185, 186, 186A, 187, 189 & 190 shall be omitted.
5. **Amedment of clauses 199 & 200.-** In the said Act, Sections 199 & 200 shall be omitted.
6. **Amedment of clauses 202A, 204, 205, 206, 207, 208, 209 & 210.-** In the said Act, Sections 202A, 204, 205, 206, 207, 208, 209 & 210 shall be omitted.
8. **Amedment of Third, Fourth and Fifth Schedule of the Constitution.-** In the said Act, Third, Fourth and Fifth Schedule of the Constitution shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Constitution (Twenty-seventh Amendment) Bill, 2025 has been enacted which is against the original Constitution of Pakistan, 1973 and fundamental rights of the people of Pakistan, as the same is directly involved with the people of Pakistan, therefore, it is suggested that the same may be circulated amongst the general public through print and electronic media throughout the country. Furthermore, it is suggested that the same be referred to the Select Committee of both the Houses, where representatives of the people of Pakistan will discuss the same on length. Moreover, the Bill may be sent to Islamic Ideologic Council

for threadbare consideration, as some of the amendments also hitting the²
Fundamental Rights given by the Islam to the general public.


SENATOR KAMRAN MURTAZA
MEMBER IN CHARGE

[AS REPORTED BY THE JOINT STANDING COMMITTEES OF THE SENATE AND
THE NATIONAL ASSEMBLY)

A

Bill

further to amend the Constitution of the Islamic Republic of Pakistan

WHEREAS, it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act shall be called the Constitution (Twenty-seventh Amendment) Act, 2025.

(2) This Act shall come into force at once.

2. **Amendment of Article 10 of the Constitution.**- In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 10, in clause (4), in "Explanation I", in clause (1), after the word "of", occurring for the second time, the words "Supreme Court of" shall be inserted.

3. **Amendment of Article 17 of the Constitution.**- In the Constitution, in Article 17, in clause (2), for the word "Supreme", the words "Federal Constitutional Court of Pakistan" shall be substituted.

4. **Amendment of Article 42 of the Constitution.**- In the Constitution, in Article 42, for the word "Pakistan", the words "the Federal Constitutional Court" shall be substituted.

5. **Amendment of Article 59 of the Constitution.**- In the Constitution, in Article 59, after clause (3), the following new explanation shall be added, namely:-

"Explanation.- The term of a member, notwithstanding the date of his election, shall expire on the eleventh day of March of the year of the completion of term for which he is elected."

6. **Amendment of Article 63A of the Constitution.**- In the Constitution, in Article 63A, in clause (5), for the word "Supreme", the words "Federal Constitutional" shall be substituted.

7. **Amendment of Article 68 of the Constitution.**- In the Constitution, in Article 68, after the word "of", occurring for the second time, the words and comma "the Federal Constitutional Court," shall be inserted.

8. **Amendment of Article 78 of the Constitution.**- In the Constitution, in Article 78, in clause (2), in paragraph (b), after the word "with", the words and comma "the Federal Constitutional Court," shall be inserted.

9. **Amendment of Article 81 of the Constitution.**- In the Constitution, in Article 81,-

- (a) in paragraph (a), in sub-paragraph (i), after the word "of", the words and comma "the Federal Constitutional Court," shall be inserted; and
- (b) in paragraph (b), after the word "of", occurring for the first time, the words and comma "the Federal Constitutional Court," shall be inserted.

10. **Amendment of Article 93 of the Constitution.**- In the Constitution, in Article 93, in clause (1), for the word "five", the word "seven" shall be substituted.

11. **Amendment of Article 100 of the Constitution.**- In the Constitution, in Article 100, in clause (1), for the the word "Supreme" the words "Federal Constitutional" shall be substituted.

12. **Amendment of Article 105 of the Constitution.**- In the Constitution, in Article 105, in clause (3), in paragraph (b), after the word "Cabinet", the expression "in accordance with the provisions of Article 224 or, as the case may be, Article 224A" shall be inserted.

13. **Amendment of Article 114 of the Constitution.** In the Constitution, in Article 114, after the word "of", occurring for the second time, the words and comma "the Federal Constitutional Court," shall be inserted.

14. **Amendment of Article 130 of the Constitution.-** In the Constitution, in Article 130,-

- (a) in clause (6), for the word "fifteen", the word "seventeen", for the word "eleven", the word "thirteen" and for the colon at the end, a full stop shall respectively be substituted and thereafter the proviso shall be omitted; and
- (b) in clause (11), for the word "five", the word "seven" shall be substituted.

15. **Amendment of Article 146 of the Constitution.—** In the Constitution, in Article 146, in clause (3), for the word "Pakistan", the words "Federal Constitutional Court" shall be substituted.

16. **Amendment of Article 152 of the Constitution.—** In the Constitution, in Article 152, for the word "Pakistan", the words "Federal Constitutional Court" shall be substituted.

17. **Amendment of Article 159 of the Constitution.—** In the Constitution, in Article 159, in clause (4), for the word "Pakistan", the words "Federal Constitutional Court" shall be substituted.

18. **Amendment of Article 165A of the Constitution.-** In the Constitution, in Article 165A,-

- (a) in clause (2), after the word "including", occurring for the second time, the words and comma "the Federal Constitutional Court," shall be inserted; and
- (b) in clause (3), after the word "including", the words and comma "the Federal Constitutional Court," shall be inserted.

19. **Amendment of Article 168 of the Constitution.**— In the Constitution, in Article 168, in clause (2), after the word “of”, the words “Supreme Court of” shall be inserted.

20. **Amendment of Article 175 of the Constitution.**— In the Constitution, in Article 175, in clause (1), after the word “be”, occurring for the first time, the words and comma “a Federal Constitutional Court of Pakistan, hereinafter referred to as the Federal Constitutional Court” and after the word “Pakistan”, the words “hereinafter referred to as the Supreme Court” shall respectively be inserted.

21. **Amendment of Article 175A of the Constitution.**— In the Constitution, in Article 175A,—

- (a) In the marginal note, after the word “to”, the words and comma “the Federal Constitutional Court,” shall be inserted;
- (b) in clause (1), after the word “of”, occurring for the second time, the words and comma “the Federal Constitutional Court,” shall be inserted;
- (c) in clause (2),—
 - (i) after the word “of”, occurring for the second time, the words and comma “the Federal Constitutional Court and” shall be inserted;
 - (ii) for paragraphs, (i), (ii) and (iii), the following shall be substituted, namely:—
 - (i) Chief Justice of the Federal Constitutional Court;
 - (ii) Chief Justice of the Supreme Court;
 - (iii) one next most senior Judge each of the Federal Constitutional Court and the Supreme Court; *Members*
 - (iiia) a Judge of the Federal Constitutional Court or the Supreme Court jointly *Member;” and*

nominated by the Chief Justice of the Federal Constitutional Court and the Chief Justice of the Supreme Court, for a period of two years;”;

(iii) for clause (viii), the following shall be substituted, namely:-

“(viii) a woman or non Muslim or a *Member* technocrat, other than a member of *Majlis-e-Shoora* (Parliament), who is qualified to be member of the *Majlis-e-Shoora* (Parliament), to be appointed by the Speaker of the National Assembly;”;

(iv) for the explanation, the following shall be substituted, namely:-

“Explanation I.- The senior amongst the Chief Justice of the Federal Constitutional Court and the Chief Justice of the Supreme Court shall be the Chairperson of the Commission. Their *inter se* seniority shall be determined with reference to their dates of appointment as the Chief Justice of the Federal Constitutional Court and the Chief Justice of the Supreme Court otherwise than as Acting Chief Justice and in case the dates of such appointment are the same, with reference to their dates of appointment as Judges of the High Courts.

Explanation II.- If a Judge may not be nominated under paragraph (iia), one nominee each of the respective Chief Justices shall be placed before the Commission which shall,

by the majority of its total membership, nominate a Judge under paragraph (iia) from amongst the nominees.

Explanation III.- If the Chief Justice of the Supreme Court or a Judge mentioned in paragraph (iii) is to be nominated for appointment as a Judge of the Federal Constitutional Court, the next most senior Judge, as the case may be, shall act as a member of the Commission in his place.

Explanation IV.- If a Judge appointed under paragraph (iia) is a Judge of the Supreme Court and is to be nominated for appointment as a Judge of the Federal Constitutional Court, another Judge of the Federal Constitutional Court or the Supreme Court shall be nominated under clause (iia) or Explanation II, as the case may be, to act as a member of the Commission in his place.”;

(d) in clause (3),-

(i) for the words “the Chief Justice of Pakistan”, the words “the Chief Justice of the Federal Constitutional Court and the Chief Justice of the Supreme Court” and for the words “the Supreme Court”, the words and comma “the Federal Constitutional Court or the Supreme Court, as the case may be” shall respectively be substituted and thereafter the first proviso shall be omitted; and

(ii) for the second proviso, the following shall be substituted, namely:-

“Provided that if the nominee under this clause declines to become the Chief Justice, he shall be deemed to have retired and the three next most senior Judges shall be considered and so on till the appointment of the Chief Justice

of the Federal Constitutional Court or the Chief Justice of the Supreme Court, as the case may be:

Provided further that notwithstanding anything contained in the Constitution, the President shall, on advice of the Prime Minister, appoint the first Chief Justice of the Federal Constitutional Court from amongst the Judges of the Supreme Court:

Provided also and notwithstanding anything contained in the Constitution, the appointment of the first batch of Judges of the Federal Constitutional Court, shall be made by the President, on advice of the Prime Minister in consultation with the Chief Justice of the Federal Constitutional Court:

Provided also that the second, third and this proviso shall stand omitted on the appointment of the first Chief Justice and the Judges under the above said provisos.";

- (e) in clause (3C), for the word and comma "Pakistan," the words and comma "the Federal Constitutional Court or the Chief Justice of the Supreme Court, as the case may be" and for the colon, at the end, a full stop shall respectively be substituted and thereafter, the proviso shall be omitted;
- (f) in clause (4), for the word "may", the word "shall" shall be substituted and after the word and comma "assessment," , the word and comma "interview," shall be inserted;
- (g) in clause (5), for the third proviso, the following shall be substituted, namely:-

"Provided also that if Article 202A has not come into force for a High Court, the most senior Judge of such High Court shall be a member of the Commission under paragraph (ii).";

- (h) in clause (6), in the second proviso, after the words "Justice", the words "and the Judges" shall be inserted;
- (i) in clause (8), after the word "in", the words and comma "the Federal Constitutional Court," shall be inserted;
- (j) for clause (20), the following shall be substituted, namely:-

"(20) The Commission shall make rules for the purposes of clauses (18) and (19) within sixty days of commencement of the Constitution (Twenty-seventh Amendment) Act, 2025."; and

- (k) in clause (23), after the word "in", the words and comma "the Federal Constitutional Court," shall be inserted.

22. **Insertion of new Chapter in the Constitution.**- In the Constitution, in Part VII, after CHAPTER 1, the following new CHAPTER 1A, shall be inserted, namely:-

"CHAPTER 1A.- THE FEDERAL CONSTITUTIONAL COURT

175B. Constitution of Federal Constitutional Court.- (1) The Federal Constitutional Court shall consist of a Chief Justice to be known as the Chief Justice of the Federal Constitutional Court of Pakistan hereinafter referred to as the Chief Justice of the Federal Constitutional Court and as many other Judges as may be determined by Act of Majlis-e-Shoora (Parliament) or, until so determined, as may be fixed by the President:

Provided that the Federal Constitutional Court shall have equal number of Judges from each Province and at least one Judge from Islamabad High Court.

Exlanantion.- In no case the number of Judges from the Islamabad High Court shall exceed the numbers of Judges from a Province:

Provided further that nothing contained in the first proviso shall effect the functioning of the Federal Constitutional Court.

(2) The President may, by Order, make necessary provisions for the matters consequential or ancillary to the establishment and functioning of the Federal Constitutional Court.

175C. Appointment of Federal Constitutional Court Judges.- (1)

The Chief Justice of the Federal Constitutional Court and each of the other Judges thereof shall be appointed by the President in accordance with Article 175A.

(2) A person shall not be appointed as Judge of the Federal Constitutional Court unless he is a citizen of Pakistan and-

- (a) is or has been a Judge of the Supreme Court; or
- (b) has, for a period of not less than five years, been a Judge of a High Court; or
- (c) has, for a period of not less than twenty years, been an advocate of a High Court and is an advocate of the Supreme Court.

(3) The *inter se* seniority of Judges appointed under this Article shall be reckoned from the date they enter upon the office and in case that date is same then on the basis of their age:

Provided that a Judge of the Supreme Court, who holds the said office on the commencement of the Constitution (Twenty-seventh Amendment) Act, 2025, shall retain his *inter se* seniority among Judges other than the Chief Justice of the Federal Constitutional Court.

175D. Oath of Office of the Chief Justice and other Judges of the Federal Constitutional Court.- Before entering upon office, the Chief Justice of the Federal Constitutional Court shall make before the President, and any other Judge of the Federal Constitutional Court shall make before the Chief Justice, oath in the form set out in the Third Schedule.

175E. Original jurisdiction of Federal Constitutional Court.- ¹⁰ (1)

The Federal Constitutional Court shall, to the exclusion of every other court, have original jurisdiction in any dispute between any two or more Governments.

Explanation.- In this clause, "Governments" means the Federal Government and the Provincial Governments.

(2) In the exercise of the jurisdiction conferred on it by clause (1), the Federal Constitutional Court shall pronounce declaratory judgments only.

(3) Without prejudice to the provisions of Article 199, the Federal Constitutional Court shall, if it considers that a question of public importance with reference to the enforcement of any of the Fundamental Rights conferred by Chapter 1 of Part II is involved, have the power to make an order of the nature mentioned in the said Article:

Provided that, subject to the satisfaction of the Federal Constitutional Court, the jurisdiction under this clause shall only be exercised if an application is filed by a person in that Court.

(4) All petitions which fall under this Article and appeals or review applications against judgments rendered or orders passed under this Article, pending or filed before the Supreme Court or its Constitutional Benches, prior to commencement of the Constitution (Twenty-seventh Amendment) Act, 2025, shall forthwith stand transferred to the Federal Constitutional Court and shall only be heard and decided by the Federal Constitutional Court.

(5) The Federal Constitutional Court may, on its own motion or otherwise, if it considers that the case involves a substantial question of law as to the interpretation of the Constitution, call for the record of any

case pending before any court and make such order in the case as it thinks fit.

175F. Appellate jurisdiction of the Federal Constitutional Court.-

(1) The Federal Constitutional Court shall have jurisdiction to hear and determine appeals from judgments, decrees, final orders or sentences of a High Court as provided herein below –

- (a) where an Act of Majlis-e-Shoora (Parliament) so provides;
- (b) if the High Court certifies that the case involves a substantial question of law as to the interpretation of the Constitution; or
- (c) from a judgment or an order of a High Court made under Article 199 only if the Federal Constitutional Court grants leave to appeal:

Provided that no appeal shall lie against a judgment or an order of a High Court made under Article 199, in a case which relates to rent and family except guardianship and such other matters as may be determined by law.

(2) All petitions for leave to appeal, appeals or review applications, to which clause (1) apply or any other proceedings falling within the jurisdiction of the federal Constitutional Court, filed or pending before the Supreme Court prior to commencement of the Constitution (Twenty-seventh Amendment) Act, 2025, stand transferred to the Federal Constitutional Court and shall only be heard and decided by that Court.

175G.- Review of judgments or orders by the Federal Constitutional Court. The Federal Constitutional Court shall have the power, subject to the provisions of any Act of Majlis-e-Shoora

(Parliament) and any rules made by the Federal Constitutional Court, to review any judgment pronounced or any order made by it.

175H. Advisory jurisdiction.- (1) If, at any time, the President considers that it is desirable to obtain the opinion of the Federal Constitutional Court on any question of law which he considers of public importance, he may refer the question to the Federal Constitutional Court for consideration.

(2) The Federal Constitutional Court shall consider a question so referred and report its opinion on the question to the President.

175I. Retiring Age of the Chief Justice and other Judges of the Federal Constitutional Court.-A Judge of the Federal Constitutional Court shall hold office until he attains the age of sixty-eight years, unless he sooner resigns or is removed from office in accordance with the Constitution:

Provided that the term of office of the Chief Justice of the Federal Constitutional Court shall be three years or unless he sooner resigns or he attains the age of sixty-eight years or is removed from his office in accordance with the Constitution, whichever is earlier:

Provided further that the Chief Justice of the Federal Constitutional Court on completion of his term of three years shall stand retired notwithstanding his age of superannuation.

175J. Acting Chief Justice of the Federal Constitutional Court.- At any time when-

- (a) the office of Chief Justice of the Federal Constitutional Court is vacant; or

- (b) the Chief Justice of the Federal Constitutional Court is absent or is unable to perform the functions of his office due to any other cause,

the President shall appoint one of the other Judges of the Federal Constitutional Court to act as its Chief Justice.

175K. Acting Judges of the Federal Constitutional Court.- (1) At any time when-

- (a) the office of a Judge of the Federal Constitutional Court is vacant; or
- (b) a Judge of the Federal Constitutional Court is absent or is unable to perform the functions of his office due to any other cause,

the President may, in the manner provided in clause (1) of Article 175A, appoint a Judge of the Supreme Court or a High Court who is qualified for appointment as a Judge of the Federal Constitutional Court to act temporarily as a Judge of the Federal Constitutional Court.

Explanation.- In this clause, Judge of the Supreme Court or a High Court includes a person who has retired as a Judge of the Supreme Court or a High Court.

(2) An appointment under this Article shall continue in force until it is revoked by the President.

175L. Seat of the Federal Constitutional Court.- (1) The permanent seat of the Federal Constitutional Court shall be at Islamabad.

(2) The Federal Constitutional Court may from time to time sit at such other places as the Chief Justice of the Federal Constitutional Court, with the prior approval of the President, may appoint.”.

23. **Amendment of Article 176 of the Constitution.-** In the Constitution, in Article 176, after the word "Justice", occurring for the second time, the words "of Supreme Court" shall be substituted.

24. **Amendment of Article 177 of the Constitution.-** In the Constitution, in Article 177, for the word "Pakistan", the words "Supreme Court" shall be substituted.

25. **Amendment of Article 178 of the Constitution.-** In the Constitution, in Article 178, for the word "Pakistan" the word "Supreme Court" shall be substituted.

26. **Amendment of Article 179 of the Constitution.-** In the Constitution, in Article 179, for the word "Pakistan" occurring twice, the words "Supreme Court" shall be substituted.

27. **Amendment of Article 180 of the Constitution.-** In the Constitution, in Article 180,-

- (a) for the word "Pakistan", occurring thrice, the words "the Supreme Court" shall respectively be substituted; and
- (b) for the words "the most senior", the word "one" shall be substituted.

28. **Amendment of Article 182 of the Constitution.-** In the Constitution, in Article 182, for the word "Pakistan", the words "Supreme Court" shall be substituted.

29. **Amendment of Article 183 of the Constitution.-** In the Constitution, in Article 183,-

- (a) in clause (2), for the word "Pakistan", the words "Supreme Court" shall be substituted; and
- (b) clause (3) shall be omitted.

30. **Omission of Article 184 of the Constitution.-** In the Constitution, Article 184 shall be omitted.

31. **Substitution of Article 185 of the Constitution.**- In the Constitution, for Article 185, the following shall be substituted, namely:-

"185. Appellate jurisdiction of the Supreme Court. (1)

Subject to this Article and Article 175F, the Supreme Court shall have jurisdiction to hear and determine appeals from judgments, decrees, final orders or sentences of a High Court.

(2) An appeal shall lie to the Supreme Court from any judgment, decree, final order or sentence of a High Court-

- (a) if the High Court has on appeal reversed an order of acquittal of an accused person and sentenced him to death or to transportation for life or imprisonment for life; or, on revision, has enhanced a sentence to a sentence as aforesaid; or
- (b) if the High Court has withdrawn for trial before itself any case from any court subordinate to it and has in such trial convicted the accused person and sentenced him as aforesaid; or
- (c) if the High Court has imposed any punishment on any person for contempt of the High Court; or
- (d) if the amount or value of the subject-matter of the dispute in the court of first instance was, and also in dispute in appeal is, not less than one million rupees or such other sum as may be specified in that behalf by Act of Majlis-e-Shoora (Parliament) and the judgment, decree or final order appealed from has varied or set aside the judgment, decree or final order of the court or tribunal immediately below; or

- (e) if the judgment, decree or final order involves directly or indirectly some claim or question respecting property of the like amount or value and the judgment, decree or final order appealed from has varied or set aside the judgment, decree or final order of the court or tribunal immediately below.

(3) An appeal to the Supreme Court, from a judgment, decree, order or sentence of a High Court in case to which clause (2) does not apply shall lie only if the Supreme Court grants leave to appeal:

Provided that no appeal shall lie to the Supreme Court in cases to which clause (1) of Article 175F applies.”.

32. **Omission of Article 186 of the Constitution.**- In the Constitution, Article 186 shall be omitted.

33. **Omission of Article 186A of the Constitution.**- In the Constitution, Article 186A shall be omitted.

34. **Amendment of Article 187 of the Constitution.**- In the Constitution, in Article 187,-

- (a) in the marginal heading, after the word "of", occurring for the second time, the words "Federal Constitutional Court and" shall be inserted; and

- (b) in clause (1),-

- (i) after the figure and comma "175," the words "the Federal Constitutional Court and" shall be inserted; and

- (ii) in the proviso, after the word "by", the words "the Federal Constitutional Court and" shall be inserted.

35. **Substitution of Article 189 of the Constitution.**- In the Constitution, for Article 189, the following shall be substituted, namely:-

"189. Decisions of Federal Constitutional Court and Supreme Court binding on other courts.-(1) Any decision of the Federal Constitutional Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other courts in Pakistan including the Supreme Court.

(2) Any decision of the Supreme Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other courts in Pakistan except the Federal Constitutional Court."

36. Amendment of Article 190 of the Constitution.- In the Constitution, in Article 190,-

- (a) in the marginal note, after the word "of" the words "Federal Constitutional Court and" shall be inserted; and
- (b) after the word "of" the words "the Federal Constitutional Court and" shall be inserted.

37. Substitution of Article 191 of the Constitution.- In the Constitution, for Article 191, the following shall be substituted, namely:-

"191. Rules of procedure.- Subject to the Constitution and any Act of Majlis-s- Shoora (Parliament), the Federal Constitutional Court and the Supreme Court may make rules regulating their respective practice and procedure."

38. Omission of Article 191A of the Constitution.- In the Constitution, Article 191A shall be omitted.

39. Amendment of Article 192 of the Constitution.- In the Constitution, in Article 192, for the brackets and digit "(5)", the brackets and digit "(4)" shall be substituted.

40. Amendment of Article 193 of the Constitution.- In the Constitution, in Article 193, clause (3) shall be omitted.

41. **Amendment of Article 199 of the Constitution.** In the Constitution, in Article 199, in clause (4A),-

(a) for the proviso, the following shall be substituted, namely:-

Provided that, for reasons to be recorded, an interim order may be extended only for a period upto six months. "; and

(b) in clause (5), after the word "the", occurring for the fourth time, the words "Federal Constitutional Court or the" shall be inserted.

42. **Substitution of Article 200 of the Constitution.**- In the Constitution, for Article 200, the following shall be substituted, namely: -

"200. Transfer of High Court Judges.- (1) The President may transfer a Judge of a High Court from one High Court to another High Court on the recommendation of and on such terms and conditions as may be determined by the Judicial Commission of Pakistan as mentioned in clause (2) of Article 175A:

Provided that the Chief Justices of both High Courts shall also be members of the Judicial Commission of Pakistan for the purposes of this clause:

Provided further that the Judicial Commission of Pakistan before making recommendation under this clause may hear the Judge.

Explanation.- In this Article, "Judge" does not include a Chief Justice but includes a Judge for the time being acting as Chief Justice of a High Court other than a Judge of the Supreme Court acting as such in pursuance of a request made under paragraph (b) of Article 196.

(2) The seniority of a Judge of a High Court transferred under clause (1) shall be reckoned from the date of his initial appointment as a Judge of the High Court:

Provided that no Judge shall be transferred to a High Court where on transfer he becomes senior to the Chief Justice of such High Court.

(3) Where a Judge is so transferred, he shall be entitled to such additional allowances and privileges, in addition to his salary and allowances, as the President may, by Order, determine.

(4) A Judge of a High Court who does not accept a transfer under this Article shall be proceeded against under Article 209 within a period of thirty days. Such Judge shall not perform his functions till such time the Council under Article 209 renders its decision.”.

43. Amendment of Article 202A of the Constitution.- In the Constitution, in Article 202A, for clause (3), the following shall be substituted, namely:-

“(3) No Bench of a High Court other than a Constitutional Bench shall exercise jurisdiction vested in the High Court under Article 199.”.

44. Amendment of Article 204 of the Constitution.- In the Constitution, in Article 204, in clause (1), after the word “the”, the words “Federal Constitutional Court or the” shall be inserted.

45. Amendment of Article 205 of the Constitution.- In the Constitution, in Article 205, after the word “of”, occurring for the second time, the words “the Federal Constitutional Court or” shall be inserted.

46. Amendment of Article 206 of the Constitution.- In the Constitution, in Article 206,-

- (a) in clause (1), after the word “the ” occurring for the first time, the words “Federal Constitutional Court or of the” shall be inserted;
- (b) for clause (2), the following shall be substituted, namely:-

“(2) A Judge of a High Court who does not accept appointment as a Judge of the Federal Constitutional Court or the Supreme Court or a Judge of the Supreme Court who does not accept appointment as a Judge of the Federal Constitutional Court shall be deemed to have retired from his office and, on 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.”.

47. Amendment of Article 207 of the Constitution.- In the Constitution, in Article 207,-

- (a) for the words "Supreme Court" occurring thrice, the words "Federal Constitutional Court or of the Supreme Court" shall be substituted; and
- (b) in clause (3)-
 - (i) in paragraph (a), after the semi-colon, at the end, the word and shall be inserted;
 - (ii) in paragraph (b), for the semi-colon and the word "and", occurring at the end, a full stop shall be substituted; and
 - (iii) paragraph (c) shall be omitted.

48. Amendment of Article 208 of the Constitution.- In the Constitution, in Article 208-

- (a) after the word "The", occurring for the first time, the words and comma "Federal Constitutional Court, the" shall be inserted; and
- (b) for the full-stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:-

"Provided that till such time rules are made in this regard, the rules providing for the appointment of officers and servants of the Supreme Court and for their terms and conditions of employment shall *mutatis mutandis* apply to the officers and servants of the Federal Constitutional Court."

49. Amendment of Article 209 of the Constitution.- In the Constitution, in Article 209-

- (a) for clause (2), the following shall be substituted, namely:-
 - “(2) The Council shall consist of-
 - (a) the Chief Justice of the Federal Constitutional Court;

- (b) the Chief Justice of the Supreme Court;
- (c) one next most senior Judge each of the Federal Constitutional Court and the Supreme Court;
- (d) a Judge of the Federal Constitutional Court or the Supreme Court jointly nominated by the Chief Justice of the Federal Constitutional Court and the Chief Justice of the Supreme Court, for a period of two year;
- (e) the two most senior Chief Justices of the High Courts.

Explanation I. – The senior amongst the Chief Justice of the Federal Constitutional Court and the Chief Justice of the Supreme Court shall be the Chairperson of the Council. Their *inter se* seniority shall be determined with reference to their dates of appointment as the Chief Justices of the Federal Constitutional Court and the Chief Justice of the Supreme Court otherwise than as acting Chief Justice, in case the dates of such appointment are the same, with reference to their dates of appointment as Judges of the High Courts.

Explanation II. – If a Judge may not be nominated under paragraph (d), the respective Chief Justices shall forward one nominee each to the President who shall, on advice of the Prime Minister, nominate one of them as a Judge under paragraph (d).

Explanation III. – For the purposes of this clause, the *inter se* seniority of the Chief Justices of the High Courts shall be determined with reference to their dates of appointment as Chief Justice otherwise than as acting Chief Justice, and in case the dates of such appointment are the same, with reference to their dates of appointment as Judges of the High Courts.”;

- (b) for clause (3), the following shall be substituted, namely:-

“(3) If at any time, the Council is inquiring into the capacity, inefficiency 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 if such member is the –

(a) Chief Justice or Judge of the Federal Constitutional Court or the Supreme Court, as the case may be, the Judge who is next in seniority below the Judges referred to in paragraph (c) of clause (2), as the case may be;

(b) Judge of the Federal Constitutional Court or the Supreme Court referred to in paragraph (d) of clause (2), another Judge nominated under paragraph (d) or Explanation II of clause (2); and

(c) 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,

shall act as a member of the Council in his place.”;

- (c) in clause (5)-

(i) After the figure “175A”, occurring twice, the word and “and Article 200” shall be inserted;

(ii) after the word “Judge”, the words “of the Federal Constitutional Court or” shall be inserted; and

(iii) after the word and comma “misconduct,”, the word “or” shall be inserted and thereafter the following new clause shall be inserted, namely:-

“(iv) does not accept a transfer under Article 200.”;

- (d) in clause (6)-

- (i) after the word "months" the words "and within thirty day in case where paragraph (d) applies" shall be inserted; and
- (ii) in paragraph (a), after the word "misconduct", the words "or does not accept transfer under Article 200" shall be inserted;
- (e) in clause (7), after the word "Judge", the words "of the Federal Constitutional Court or" shall be inserted;
- (f) in clause (8), after the word "of", occurring for the second time, the words and comma "the Federal Constitutional Court," shall be inserted; and
- (g) after clause (9), the following new clause (10) shall be inserted, namely:-

“(10) Within sixty days of commencement of the Constitution (Twenty-seventh Amendment) Act, 2025, the Council shall make rules regulating its procedure and conduct of business.”.

50. **Amendment of Article 210 of the Constitution.-** In the Constitution, in Article 210-

- (a) in clause (1), for the words "Supreme Court" occurring twice, the words "the Federal Constitutional Court or the Supreme Court" shall be substituted; and
- (b) in clause (2), for the words "Supreme Court" the words and comma "Federal Constitutional Court, the Supreme Court" shall be substituted.

51. **Amendment of Article 214 of the Constitution.—** In the Constitution, in Article 214, for the word "Pakistan", the words "Federal Constitutional Court" shall be substituted.

52. **Amendment of Article 239 of the Constitution.**- In the Constitution, in Article 239, for clause (5), the following shall be substituted, namely:-

“(5) Notwithstanding anything contained in the Constitution and any judgment of any court, no court shall have jurisdiction to call in question any amendment to the Constitution on any ground whatsoever.”.

53. **Amendment of Article 243 of the Constitution.** In the Constitution, in Article 243,-

(a) for clause (4), the following shall be substituted, namely:-

“(4) The President shall, on advice of the Prime Minister, appoint-

(a) the Chief of the Army Staff concurrently the Chief of the Defense Forces;

(b) the Chief of the Naval Staff; and

(c) the Chief of the Air Staff;

and shall also determine their salaries and allowances.”; and

(b) after clause (4), amended as aforesaid, the following new clauses (5), (6), (7), (8), (9), (10) and (11) shall be inserted, namely:-

“(5) Notwithstanding anything contained in clause (4), the office of the Chairman, Joint Chiefs of Staff Committee shall stand abolished with effect from the twenty-seventh day of November two thousand and twenty-five.

(6) The Prime Minister shall, on the recommendation of the Chief of the Army Staff concurrently the Chief of the Defense Forces, appoint the Commander of the National Strategic Command from the members of Pakistan Army and shall also determine his salary and allowances.

(7) Where the Federal Government promotes a member of the Armed Forces to the rank of Field Marshal, Marshal of the Air Force or

Admiral of the Fleet, such officer shall retain the rank, privileges and remain in uniform for life.

(8) Field Marshal, Marshal of the Air Force and Admiral of the Fleet, being national heroes, shall not be removed from office except on the ground or charges and in the manner provided under Article 47.

(9) The provisions of Article 248, as applicable to the President, shall *mutatis mutandis* apply to Field Marshal, Marshal of the Air Force and Admiral of the Fleet.

(10) Upon completion of the term of his command, under the law, the Federal Government shall determine the responsibilities and duties of Field Marshal, Marshal of the Air Force or Admiral of the Fleet in the interest of State.

(11) The President shall, on advice of the Prime Minister, determine the salary, allowances and privileges of Field Marshal, Marshal of the Air Force and Admiral of the Fleet.”.

54. Amendment of Article 248 of the Constitution.- In the Constitution, in Article 248-

(a) in clause (1), for the word “The”, occurring for the first time, the words and comma “Notwithstanding any judgment of any court, the” shall be inserted;

(b) for clause (2), the following shall be substituted, namely:-

“(2) No criminal proceedings whatsoever shall be initiated or continued against the President for his life and for a Governor during his term of office in any court.”; and

(c) for clause (3), the following shall be substituted, namely:-

“(3) No process for arrest or imprisonment of the President for his life and for a Governor during his term of office, shall be issued from any court:.

Provided that the provisions of clauses (2) and (3) shall not apply during the period the President holds a public office after he ceases to be the President."

55. Amendment of Article 255 of the Constitution.— In the Constitution, in Article 255, in clause (2), for the word "Pakistan", the words "Federal Constitutional Court" shall be substituted.

56. Amendment of Article 260 of the Constitution.— In the Constitution, in Article 260, in clause (1)-

- (a) in the definition of "Chief Justice", after the word "the", occurring for the first time, the words "Federal Constitutional Court or the" shall be inserted;
- (b) in the definition of the "Judge"-
 - (i) after the word "the", occurring for the first time, the words "Federal Constitutional Court or the " shall be inserted; and
 - (ii) after the word and hyphen "includes-"
 - (a) the following new paragraphs shall be inserted, namely:-

“(a) in relation to the Federal Constitutional Court, a person who is acting as a Judge of the Court;”; and”
 - (b) the existing paragraphs (a) and (b) shall be renumbered as paragraphs (b) and (c);
- (c) in the definition of "service of Pakistan", after the word "as", the word "President" shall be inserted; and
- (d) after the definition of "tax on income", the following new definition shall be inserted, namely:-

“technocract” means a person who has sixteen years of education and fifteen years of experience in his field.”.

57. **Amendment of Third Schedule of the Constitution.-** In the Constitution, in the Third Schedule, in the Oath prescribed for the Chief Justice of Pakistan or High Court or Judge of the Supreme Court or a High Court-

(a) for the heading, the following shall be substituted, namely:-

"CHIEF JUSTICE OF THE FEDERAL CONSTITUTIONAL COURT OF PAKISTAN OR CHIEF JUSTICE OF THE SUPREME COURT OF PAKISTAN OR OF A HIGH COURT OR JUDGE OF THE FEDERAL CONSTITUTIONAL COURT OR OF THE SUPREME COURT OR OF A HIGH COURT.

[Articles 175D, 178 and 194]"; and

(b) in the Oath, in the second paragraph, for the expression "Chief Justice of Pakistan (or a Judge of the Supreme Court of Pakistan or Chief Justice or a Judge of the High Court for the Province or Provinces of.....)", the expression "Chief Justice of the Federal Constitutional Court of Pakistan (or a Judge of the Federal Constitutional Court of Pakistan) or Chief Justice of the Supreme Court of Pakistan (or a Judge of the Supreme Court of Pakistan) or Chief Justice (or a Judge) of the High Court for the Province or Islamabad Capital Territory or Provinces of....." shall be substituted.

58. **Amendment of the Fourth Schedule to the Constitution.-** In the Constitution in the Fourth Schedule, in Part I, in entry 55, for the words "Supreme Court", occurring twice, the words "Federal Constitutional Court and the Supreme Court" shall be substituted.

59. **Amendment of Fifth Schedule of the Constitution.-** In the Constitution, in the Fifth Schedule, under the heading "Remuneration and Terms and Conditions of Service of Judges."

(a) in the Part relating to Supreme Court, for the sub-heading "THE SUPREME COURT", the sub-heading "THE FEDERAL

CONSTITUTIONAL COURT AND THE SUPREME COURT" shall be substituted;

- (b) in the first paragraph, for the word "Pakistan", the words "the Federal Constitutional Court and the Chief Justice of the Supreme Court" shall be substituted;
- (c) in the second, third and fourth paragraphs , for the words "Supreme Court", the words "Federal Constitutional Court and the Supreme Court" shall respectively be substituted; and
- (d) in the second paragraph the words "of Pakistan" shall be omitted.

[TO BE INTRODUCED IN THE SENATE]

A

Bill

further to amend the Constitution of the Islamic Republic of Pakistan

WHEREAS, it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act shall be called the Constitution (Twenty-seventh Amendment) Act, 2025.

(2) This Act shall come into force at once.

2. **Amendment of Article 42 of the Constitution.**- In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 42, for the word "Pakistan", the words "the Federal Constitutional Court" shall be substituted.

3. **Amendment of Article 59 of the Constitution.**- In the Constitution, in Article 59, after clause (3), the following new explanation shall be added, namely:-

"Explanation.- The term of a member, notwithstanding the date of his election, shall expire on the eleventh day of March of the year of the completion of term for which he is elected."*.*

4. **Amendment of Article 63A of the Constitution.**- In the Constitution, in Article 63A, in clause (5), for the word "Supreme", the words "Federal Constitutional" shall be substituted.

5. **Amendment of Article 68 of the Constitution.**- In the Constitution, in Article 68, after the word "of", occurring for the second time, the words and comma "the Federal Constitutional Court," shall be inserted.

6. **Amendment of Article 78 of the Constitution.-** In the Constitution, in Article 78, in clause (2), in paragraph (b), after the word "with", the words and comma "the Federal Constitutional Court," shall be inserted.

7. **Amendment of Article 81 of the Constitution.-** In the Constitution, in Article 81,-

- (a) in paragraph (a), in sub-paragraph (i), after the word "of", the the words and comma "the Federal Constitutional Court," shall be inserted; and
- (b) in paragraph (b), after the word "of", occurring for the first time, the words and comma "the Federal Constitutional Court," shall be inserted.

8. **Amendment of Article 93 of the Constitution.-** In the Constitution, in Article 93, in clause (1), for the word "five", the word "seven" shall be substituted.

9. **Amendment of Article 100 of the Constitution.-** In the Constitution, in Article 100, in clause (1), for the the word "Supreme" the words "Federal Constitutional" shall be substituted.

10. **Amendment of Article 114 of the Constitution.** In the Constitution, in Article 114, after the word "of", occurring for the second time, the words and comma "the Federal Constitutional Court," shall be inserted.

11. **Amendment of Article 130 of the Constitution.-** In the Constitution, in Article 130,-

- (a) in clause (6), for the word "fifteen", the word "seventeen", for the word "eleven", the word "thirteen" and for the colon at the end, a full stop shall be substituted, respectively and thereafter the proviso shall be omitted; and
- (b) in clause (11), for the word "five", the word "seven" shall be substituted.

12. **Amendment of Article 165A of the Constitution.-** In the Constitution, in Article 165A,-

- (a) in clause (2), after the word "including" occurring for the second time, the words and comma "the Federal Constitutional Court," shall be inserted; and
- (b) in clause (3), after the word "including", the words and comma "the Federal Constitutional Court," shall be inserted.

13. **Amendment of Article 175 of the Constitution.-** In the Constitution, in Article 175, in clause (1), after the word "be", occurring for the first time, the words and comma "a Federal Constitutional Court of Pakistan," shall be inserted.

14. **Amendment of Article 175A of the Constitution.-** In the Constitution, in Article 175A,-

- (a) In the marginal note, after the word "to", the words and comma "the Federal Constitutional Court," shall be inserted;
- (b) in clause (1), after the word "of", occurring for the second time, the words and comma "the Federal Constitutional Court," shall be inserted;
- (c) in clause (2),-
 - (i) after the word "of", occurring for the second time, the words and comma "the Federal Constitutional Court and" shall be inserted;
 - (ii) for paragraphs, (i), (ii) and (iii), the following shall be substituted, namely:-
 - (i) Chief Justice of the Federal Constitutional Court;
 - (ii) Chief Justice of the Supreme Court;
 - (iii) one next most senior Judge each of *Members* the Federal Constitutional Court and

the Supreme Court;

- (iia) a Judge of the Federal Constitutional Court or the Supreme Court jointly nominated by the Chief Justice of the Federal Constitutional Court and the Chief Justice of the Supreme Court, for a period of two year; *Member;" and*

- (iii) for clause (viii), the following shall be substituted, namely:-

"(viii) a person who is qualified to be a member of *Majlis-e-Shoora* (Parliament) and is a technocrat;

- (iv) for the explanation, the following shall be substituted, namely:-

"Explanation I.- The senior amongst the Chief Justice of the Federal Constitutional Court and the Chief Justice of the Supreme Court shall be the Chairperson of the Commission. Their *inter se* seniority shall be determined with reference to their dates of appointment as the Chief Justice of the Federal Constitutional Court and the Chief Justice of the Supreme Court otherwise than as acting Chief Justice and in case the dates of such appointment are the same, with reference to their dates of appointment as Judges of the High Courts.

Explanation II.- If a Judge cannot be nominated under paragraph (iia), one nominee each of the respective Chief Justices shall be placed before the Commission which shall, by the majority of its total membership, nominate a Judge under paragraph (iia) from amongst the nominees.

Explanation III.- If the Chief Justice of the Supreme Court or a Judge mentioned in paragraph (iii) is to be nominated for appointment as a Judge of the Federal Constitutional Court, the next most senior Judge, as the case may be, shall act as a member of the Commission in his place.

Explanation IV.- If a Judge appointed under paragraph (iiia) is a Judge of the Supreme Court and is to be nominated for appointment as a Judge of the Federal Constitutional Court, another Judge of the Federal Constitutional Court or the Supreme Court shall be nominated under clause (iiia) or Explanation II, as the case may be, to act as a member of the Commission in his place.”;

(d) in clause (3),-

(i) for the words “the Chief Justice of Pakistan”, the words “the Chief Justice of the Federal Constitutional Court and the Chief Justice of the Supreme Court” and for the words “the Supreme Court”, the words and comma “the Federal Constitutional Court or the Supreme Court, as the case may be” shall respectively be substituted and thereafter the first proviso shall be omitted; and

(ii) for the second proviso, the following shall be substituted, namely:-

“Provided that if the nominee under this clause declines to become the Chief Justice, he shall, along with the Judge who is considered and not nominated be deemed to have been retired and the three next most senior Judges shall be considered and so on till the appointment of the

Chief Justice of the Federal Constitutional Court or the Chief Justice of the Supreme Court, as the case may be:

Provided further that notwithstanding anything contained in the Constitution, the President shall, on advice of the Prime Minister, appoint the first Chief Justice of the Federal Constitutional Court from amongst the Judges of the Supreme Court:

Provided also and notwithstanding anything contained in the Constitution, the appointment of the first batch of Judges of the Federal Constitutional Court, shall be made by the President, on advice of the Prime Minister in consultation with the Chief Justice of the Federal Constitutional Court:

Provided also that the second, third and this proviso shall stand omitted on the appointment of the first Chief Justice and the Judges under the above said provisos.";

- (e) in clause (3C), for the word and comma "Pakistan," the words and comma "the Federal Constitutional Court or the Chief Justice of the Supreme Court, as the case may be" and for the colon at the end, a full stop shall respectively be substituted and thereafter, the proviso shall be omitted;
- (f) in clause (4), after the word "Judges", the words and comma "of the Federal Constitutional Court, the Supreme Court and the Federal Shariat Court" shall be inserted;
- (g) in clause (5), for the third proviso, the following shall be substituted, namely:-

"Provided also that if Article 202A has not come into force for a High Court, the most senior Judge of such High

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Court shall be a member of the Commission under paragraph (ii).";

- (h) in clause (6), in the second proviso, after the words "Justice", the words "and the Judges" shall be inserted;
- (i) in clause (8), after the word "in", the words and comma "the Federal Constitutional Court," shall be inserted;
- (j) for clause (20), the following shall be substituted, namely:-

“(20) The Commission shall make rules for the purposes of clauses (18) and (19) within sixty days of commencement of the Constitution (Twenty-seventh Amendment) Act, 2025.”;

and

- (k) in clause (23), after the word "in", the words and comma "the Federal Constitutional Court," shall be inserted.

15. **Insertion of new Chapter in the Constitution.**- In the Constitution, in Part VII, after CHAPTER 1, the following new CHAPTER 1A, shall be inserted, namely:-

“CHAPTER 1A.- THE FEDERAL CONSTITUTIONAL COURT

175B. Constitution of Federal Constitutional Court.- (1) The Federal Constitutional Court shall consist of a Chief Justice to be known as the Chief Justice of the Federal Constitutional Court of Pakistan and so many other Judges as may be determined by Act of Majlis-e-Shoora (Parliament) or, until so determined, as may be fixed by the President:

Provided that the Federal Constitutional Court may have equal number of Judges from each Province.

(2) The President may, by Order, make necessary provisions for the matters consequential or ancillary to the establishment and functioning of the Federal Constitutional Court.

175C. Appointment of Federal Constitutional Court Judges.- (1) The Chief Justice of the Federal Constitutional Court and each of the

other Judges thereof shall be appointed by the President in accordance with Article 175A.

(2) A person shall not be appointed as Judge of the Federal Constitutional Court unless he is a citizen of Pakistan and-

- (a) is or has been a Judge of the Supreme Court; or
- (b) has, for a period of not less than seven years, been a Judge of a High Court; or
- (c) has, for a period of not less than twenty years, been an advocate of a High Court and is an advocate of the Supreme Court.

(3) Notwithstanding the date of his appointment under this Article, a Judge of the Supreme Court shall retain his *inter se* seniority among Judges other than the Chief Justice of the Federal Constitutional Court.

175D. Oath of Office of the Chief Justice and other judges of the Federal Constitutional Court.- Before entering upon office, the Chief Justice of the Federal Constitutional Court shall make before the President, and any other Judge of the Federal Constitutional Court shall make before the Chief Justice, oath in the form set out in the Third Schedule.

175E. Original jurisdiction of Federal Constitutional Court. (1)

The Federal Constitutional Court shall, to the exclusion of every other court, have original jurisdiction in any dispute between any two or more Governments.

Explanation.- In this clause, "Governments" means the Federal Government and the Provincial Governments.

(2) In the exercise of the jurisdiction conferred on it by clause (1), the Federal Constitutional Court shall pronounce declaratory judgments only.

(3) Without prejudice to the provisions of Article 199, the Federal Constitutional Court shall, if it considers that a question of public importance with reference to the enforcement of any of the Fundamental Rights conferred by Chapter 1 of Part II is involved, have the power to make an order of the nature mentioned in the said Article:

Provided that the jurisdiction under this clause shall only be exercised if an appropriate application is filed by a person in the Federal Constitutional Court.

(4) All petitions which fall under this Article and appeals or review applications against judgments rendered or orders passed under this Article, pending or filed before the Supreme Court or its Constitutional Benches, prior to commencement of the Constitution (Twenty-seventh Amendment) Act, 2025, shall forthwith stand transferred to the Federal Constitutional Court and shall only be heard and decided by the Federal Constitutional Court.

(5) The Federal Constitutional Court may, on its own motion, if it considers that the case involves a substantial question of law as to the interpretation of the Constitution, call for the record of any case pending before any court and make such order in the case as it thinks fit.

175F. Appellate jurisdiction of the Federal Constitutional Court.-

(1) The Federal Constitutional Court shall have jurisdiction to hear and determine appeals from judgments, decrees, final orders or sentences of a High Court as provided herein below –

(a) where an Act of Majlis-e-Shoora (Parliament) so provides;

- (b) if the High Court certifies that the case involves a substantial question of law as to the interpretation of the Constitution; or
- (c) from a judgment or an order of a High Court made under Article 199 only if the Federal Constitutional Court grants leave to appeal:

Provided that no appeal shall lie against a judgment or an order of a High Court made under Article 199, in a case where subject matter relates to family and rent matters.

(2) All petitions for leave to appeal, appeals or review applications, to which clauses (1) and (2) apply or any other proceedings falling within the jurisdiction of the federal Constitutional Court, filed or pending before the Supreme Court prior to commencement of the Constitution (Twenty-seventh Amendment) Act, 2025, stand transferred to the Federal Constitutional Court and shall only be heard and decided by that Court.

175G. Review of judgments or orders by the Federal Constitutional Court. The Federal Constitutional Court shall have the power, subject to the provisions of any Act of Majlis-e-Shoora (Parliament) and any rules made by the Federal Constitutional Court, to review any judgment pronounced or any order made by it.

175H. Advisory jurisdiction.- (1) If, at any time, the President considers that it is desirable to obtain the opinion of the Federal Constitutional Court on any question of law which he considers of public importance, he may refer the question to the Federal Constitutional Court for consideration.

(2) The Federal Constitutional Court shall consider a question so referred and report its opinion on the question to the President.

175I. Retiring Age of the Chief Justice and other judges of the Federal Constitutional Court.-A Judge of the Federal Constitutional Court shall hold office until he attains the age of sixty-eight years, unless he sooner resigns or is removed from office in accordance with the Constitution:

Provided that the term of office of the Chief Justice of the Federal Constitutional Court shall be three years or unless he sooner resigns or he attains the age of sixty-eight years or is removed from his office in accordance with the Constitution, whichever is earlier:

Provided further that the Chief Justice of the Federal Constitutional Court on completion of his term of three years shall stand retired notwithstanding his age of superannuation.

175J. Acting Chief Justice of the Federal Constitutional Court.- At any time when-

- (a) the office of Chief Justice of the Federal Constitutional Court is vacant; or
- (b) the Chief Justice of the Federal Constitutional Court is absent or is unable to perform the functions of his office due to any other cause,

the President shall appoint one of the other Judges of the Federal Constitutional Court to act as its Chief Justice.

175K. Acting Judges of the Federal Constitutional Court.- (1) At any time when-

- (a) the office of a Judge of the Federal Constitutional Court is vacant; or

- (b) a Judge of the Federal Constitutional Court is absent or is unable to perform the functions of his office due to any other cause,

the President may, in the manner provided in clause (1) of Article 175A, appoint a Judge of the Supreme Court or a High Court who is qualified for appointment as a Judge of the Federal Constitutional Court to act temporarily as a Judge of the Federal Constitutional Court.

Explanation.- In this clause, Judge of the Supreme Court or a High Court includes a person who has retired as a Judge of the Supreme Court or a High Court.

(2) An appointment under this Article shall continue in force until it is revoked by the President.

175L. Seat of the Federal Constitutional Court.- (1) The permanent seat of the Federal Constitutional Court shall be at Islamabad.

(2) The Federal Constitutional Court may from time to time sit at such other places as the Chief Justice of the Federal Constitutional Court, with the prior approval of the President, may appoint.”.

16. Amendment of Article 176 of the Constitution.- In the Constitution, in Article 176, for the word “Pakistan”, the words “ Supreme Court” shall be substituted.

17. Amendment of Article 177 of the Constitution.- In the Constitution, in Article 177, for the word “Pakistan”, the words “ Supreme Court” shall be substituted.

18. Amendment of Article 178 of the Constitution.- In the Constitution, in Article 178, for the word “Pakistan” the word “ Supreme Court” shall be substituted.

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19. **Amendment of Article 179 of the Constitution.**- In the Constitution, in Article 179, in the second proviso, for the word "Pakistan" the words "Supreme Court" shall be substituted.

20. **Amendment of Article 180 of the Constitution.**- In the Constitution, in Article 180,-

- (a) for the word "Pakistan", occurring thrice, the words "the Supreme Court" shall respectively be substituted; and
- (b) for the words "the most senior", the word "one" shall be substituted.

21. **Amendment of Article 182 of the Constitution.**- In the Constitution, in Article 182, for the word "Pakistan", the words "Supreme Court" shall be substituted.

22. **Amendment of Article 183 of the Constitution.**- In the Constitution, in Article 183,-

- (a) in clause (2), for the word "Pakistan", the words "Supreme Court" shall be substituted; and
- (b) clause (3) shall be omitted.

23. **Omission of Article 184 of the Constitution.**- In the Constitution, Article 184 shall be omitted.

24. **Substitution of Article 185 of the Constitution.**- In the Constitution, for Article 185, the following shall be substituted, namely:-

"185. Appellate jurisdiction of the Supreme Court. (1)

Subject to this Article and Article 175F, the Supreme Court shall have jurisdiction to hear and determine appeals from judgments, decrees, final orders or sentences of a High Court.

(2) An appeal shall lie to the Supreme Court from any judgment, decree, final order or sentence of a High Court-

- (a) if the High Court has on appeal reversed an order of acquittal of an accused person and sentenced him to death or to transportation for life or imprisonment for life; or, on revision, has enhanced a sentence to a sentence as aforesaid; or
 - (b) if the High Court has withdrawn for trial before itself any case from any court subordinate to it and has in such trial convicted the accused person and sentenced him as aforesaid; or
 - (c) if the High Court has imposed any punishment on any person for contempt of the High Court; or
 - (d) if the amount or value of the subject-matter of the dispute in the court of first instance was, and also in dispute in appeal is, not less than one million rupees or such other sum as may be specified in that behalf by Act of Majlis-e-Shoora (Parliament) and the judgment, decree or final order appealed from has varied or set aside the judgment, decree or final order of the court or tribunal immediately below; or
 - (e) if the judgment, decree or final order involves directly or indirectly some claim or question respecting property of the like amount or value and the judgment, decree or final order appealed from has varied or set aside the judgment, decree or final order of the court or tribunal immediately below.
- (3) An appeal to the Supreme Court, from a judgment, decree, order or sentence of a High Court in case to which clause

(2) does not apply shall lie only if the Supreme Court grants leave to appeal:

Provided that no appeal shall lie to the Supreme Court in cases to which clause (1) of Article 175F applies."

25. **Omission of Article 186 of the Constitution.**- In the Constitution, Article 186 shall be omitted.

26. **Substitution of Article 186A of the Constitution.**- In the Constitution, for Article 186A, the following shall be substituted, namely:-

"186A. Power of Federal Constitutional Court and Supreme Court to transfer cases.- The Federal Constitutional Court or the Supreme Court may, if it considers it expedient in the interest of justice and has the jurisdiction to hear a case, transfer any case, appeal or other proceedings, pending before any High Court to any other High Court or to itself."

27. **Amendment of Article 187 of the Constitution.**- In the Constitution, in Article 187,-

(a) in the marginal heading, after the word "of", occurring for the second time, the words "Federal Constitutional Court and" shall be inserted; and

(b) in clause (1),-

(i) after the figure and comma "175," the words "the Federal Constitutional Court and" shall be inserted; and

(ii) in the proviso, after the word "by", the words "the Federal Constitutional Court and" shall be inserted.

28. **Substitution of Article 189 of the Constitution.**- In the Constitution, for Article 189, the following shall be substituted, namely:-

"189. Decisions of Federal Constitutional Court and Supreme Court binding on other courts.-(1) Any decision of the Federal

Constitutional Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other courts in Pakistan including the Supreme Court.

(2) Any decision of the Supreme Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other courts in Pakistan except the Federal Constitutional Court."

29. Amendment of Article 190 of the Constitution.- In the Constitution, in Article 190,-

- (a) in the marginal note, after the word "of" the words "Federal Constitutional Court and" shall be inserted; and
- (b) after the word "of" the words "the Federal Constitutional Court and" shall be inserted.

30. Substitution of Article 191 of the Constitution.- In the Constitution, for Article 191, the following shall be substituted, namely:-

"191. Rules of procedure.- Subject to the Constitution and any Act of Majlis-s- Shoora (Parliament), the Federal Constitutional Court and the Supreme Court may make rules regulating their respective practice and procedure."

31. Omission of Article 191A of the Constitution.- In the Constitution, Article 191A shall be omitted.

32. Amendment of Article 192 of the Constitution.- In the Constitution, in Article 192, for the brackets and digit "(5)", the brackets and digit "(4)" shall be substituted.

33. Amendment of Article 193 of the Constitution.- In the Constitution, in Article 193, clause (3) shall be omitted.

34. Amendment of Article 199 of the Constitution. In the Constitution, in Article 199, in clause (4A),-

- (a) for the colon, at the end, a full stop shall be substituted and thereafter the proviso shall be omitted; and
- (b) in clause (5), after the word "the", occurring for the fourth time, the words "Federal Constitutional Court or the" shall be inserted.

35. **Substitution of Article 200 of the Constitution.-** In the Constitution, for Article 200, the following shall be substituted, namely: -

"200. Transfer of High Court Judges.- (1) The President may transfer a Judge of a High Court from one High Court to another High Court on the recommendation of and on such terms and conditions as may be determined by the Judicial Commission of Pakistan as mentioned in clause (2) of Article 175A:

Provided that the Chief Justices of both High Courts shall also be members of the Judicial Commission of Pakistan for the purposes of this clause.

Explanation, - In this Article, "Judge" does not include a Chief Justice but includes a Judge for the time being acting as Chief Justice of a High Court other than a Judge of the Supreme Court acting as such in pursuance of a request made under paragraph (b) of Article 196.

(2) The seniority of a Judge of a High Court transferred under clause (1) shall be reckoned from the date of his initial appointment as a Judge of the High Court:

Provided that no Judge shall be transferred to a High Court where on transfer he becomes senior to the Chief Justice of such High Court.

(3) Where a Judge is so transferred, he shall be entitled to such additional allowances and privileges, in addition to his salary and allowances, as the President may, by Order, determine.

(4) A Judge of a High Court who does not accept a transfer under this Article shall be deemed to have retired from his office and, on such retirement, he 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.”.

36. **Amendment of Article 202A of the Constitution.-** In the Constitution, in Article 202A, for clause (3), the following shall be substituted, namely:-

“(3) No Bench of a High Court other than a Constitutional Bench shall exercise jurisdiction vested in the High Court under Article 199.”.

37. **Amendment of Article 204 of the Constitution.-** In the Constitution, in Article 204, in clause (1), after the word “the”, the words “Federal Constitutional Court or the” shall be inserted.

38. **Amendment of Article 205 of the Constitution.-** In the Constitution, in Article 205, after the word “of”, occurring for the second time, the words “the Federal Constitutional Court or” shall be inserted.

39. **Amendment of Article 206 of the Constitution.-** In the Constitution, in Article 206,-

- (a) in clause (1), after the word “the ” occurring for the first time, the words “Federal Constitutional Court or of the” shall be inserted;
- (b) for clause (2), following shall be substituted namely:-

“(2) A Judge of a High Court who does not accept appointment as a Judge of the Federal Constitutional Court or the Supreme Court or a Judge of the Supreme Court who does not accept appointment as a Judge of the Federal Constitutional Court shall be deemed to have retired from his office and, on 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.”.

40. **Amendment of Article 207 of the Constitution.-** In the Constitution, in Article 207,-

- (a) for the words "Supreme Court" occurring thrice, the words "Federal Constitutional Court or of the Supreme Court" shall be substituted; and
- (b) in clause (3),-
 - (i) in paragraph (a), after the semi-colon, at the end, the word and shall be inserted;
 - (ii) in paragraph (b), for the semi-colon and the word "and", occurring at the end, a full stop shall be substituted; and
 - (iii) paragraph (c) shall be omitted.

41. **Amendment of Article 208 of the Constitution.-** In the Constitution, in Article 208,-

- (a) after the word "The", occurring for the first time, the words and comma "Federal Constitutional Court, the" shall be inserted; and
- (b) for full-stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:-

"Provided that till such time rules are made in this regard, the rules providing for the appointment of officers and servants of the Supreme Court and for their terms and conditions of employment shall *mutatis mutandis* apply to the officers and servants of the Federal Constitutional Court."

42. **Amendment of Article 209 of the Constitution.-** In the Constitution, in Article 209,-

- (a) for clause (2), the following shall be substituted, namely:-
 - "(2) The Council shall consist of-
 - (a) the Chief Justice of the Federal Constitutional Court;
 - (b) the Chief Justice of the Supreme Court;
 - (c) one next most senior Judge each of the Federal Constitutional Court and the Supreme Court;

- (d) a Judge of the Federal Constitutional Court or the Supreme Court jointly nominated by the Chief Justice of the Supreme Court and the Chief Justice of the Federal Constitutional Court, for a period of two year;
- (e) the two most senior Chief Justices of the High Courts.

Explanation I. – The senior amongst the Chief Justice of the Federal Constitutional Court and the Chief Justice of the Supreme Court shall be the Chairperson of the Council. Their *inter se* seniority shall be determined with reference to their dates of appointment as the Chief Justices of the Federal Constitutional Court and the Chief Justice of the Supreme Court otherwise than as acting Chief Justice, in case the dates of such appointment are the same, with reference to their dates of appointment as Judges of the High Courts.

Explanation II. – If a Judge may not be nominated under paragraph (d), the respective Chief Justices shall forward one nominee each to the President who shall, on advice of the Prime Minister, nominate one of them as a Judge under paragraph (d).

Explanation III. – For the purposes of this clause, the *inter se* seniority of the Chief Justices of the High Courts shall be determined with reference to their dates of appointment as Chief Justice otherwise than as acting Chief Justice, and in case the dates of such appointment are the same, with reference to their dates of appointment as Judges of the High Courts.”;

- (b) for clause (3), the following shall be substituted, namely:-

“(3) If at anytime, the Council is inquiring into the capacity, inefficiency 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 if such member is the –

- (a) Chief Justice or Judge of the Federal Constitutional Court or the Supreme Court, as the case may be, the Judge who is next in seniority below the Judges referred to in paragraph (c) of clause (2), as the case may be;
- (b) Judge of the Federal Constitutional Court or the Supreme Court referred to in paragraph (d) of clause (2), another Judge nominated under paragraph (d) or Explanation II of clause (2);
- (c) 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,

shall act as a member of the Council in his place.”;

- (c) in clause (5), after the word “Judge”, the words “of the Federal Constitutional Court or” shall be inserted;
- (d) in clause (7), after the word “Judge”, the words “of the Federal Constitutional Court or” shall be inserted;
- (e) in clause (8), after the word “of”, occurring for the second time, the words and comma “the Federal Constitutional Court,” shall be inserted; and
- (f) after clause (9), the following new clause (10) shall be inserted, namely:-

“(10) Within sixty days of commencement of the Constitution (Twenty-seventh Amendment) Act, 2025, the Council

shall make rules regulating its procedure and conduct of business.”.

43. **Amendment of Article 210 of the Constitution.**- In the Constitution, in Article 210,-

- (a) in clause (1), for the words "Supreme Court" occurring twice, the words "the Federal Constitutional Court or the Supreme Court" shall be substituted; and
- (b) in clause (2), for the words "Supreme Court" the words "Federal Constitutional Court, the Supreme Court" shall be substituted.

44. **Amendment of Article 243 of the Constitution.** In the Constitution, in Article 243,-

- (a) for clause (4), the following shall be substituted, namely:-

“(4) The President shall, on advice of the Prime Minister, appoint-

- (a) the Chief of the Army Staff concurrently the Chief of the Defense Forces;
- (b) the Chief of the Naval Staff; and
- (c) the Chief of the Air Staff;

and shall also determine their salaries and allowances.”; and

- (b) after clause (4), amended as aforesaid, the following new clauses (5), (6), (7), (8), (9), (10) and (11) shall be inserted, namely:-

“(5) Notwithstanding anything contained in clause (4), the office of the Chairman, Joint Chiefs of Staff Committee shall stand abolished with effect from the twenty-seventh day of November two thousand and twenty-five.

(6) The Prime Minister shall, on the recommendation of the Chief of the Army Staff concurrently the Chief of the Defense Forces, appoint the Commander of the National Strategic Command from the

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members of Pakistan Army and shall also determine his salaries and allowances.

(7) Where the Federal Government promotes a member of the Armed Forces to the rank of Field Marshal, Marshal of the Air Force or Admiral of the Fleet, such officer shall retain the rank, privileges and remain in uniform for life.

(8) Field Marshal, Marshal of the Air Force and Admiral of the Fleet, being national heroes, shall not be removed from office except on the ground or charges and in the manner provided under Article 47.

(9) The provisions of Article 248, as applicable to the President, shall *mutatis mutandis* apply to Field Marshal, Marshal of the Air Force and Admiral of the Fleet.

(10) Upon completion of the term of his command, under the law, the Federal Government shall determine the responsibilities and duties of Field Marshal, Marshal of the Air Force or Admiral of the Fleet in the interest of State.

(11) The President shall, on advice of the Prime Minister, determine the salaries, allowances and privileges of Field Marshal, Marshal of the Air Force and Admiral of the Fleet."

45. Amendment of Article 248 of the Constitution.- In the Constitution, in Article 248,-

(a) in clause (1), for the word "The", occurring for the first time, the "President", the words and comma "Notwithstanding any judgment of any court, the" shall be inserted;

(b) for clause (2), the following shall be substituted, namely:-

"(2) No criminal proceedings whatsoever shall be initiated or continued against the President for his life and for a Governor during his term of office in any court."; and

- (c) for clause (3), the following shall be substituted, namely:-

"(3) No process for arrest or imprisonment of the President for his life and for a Governor during his term of office, shall be issued from any court."

46. Amendment of Article 260 of the Constitution.- In the Constitution, in Article 260, in clause (1),-

- (a) in the definition of "Chief Justice", after the word "the", occurring for the first time, the words "Federal Constitutional Court or the" shall be inserted;
- (b) in the definition of the "Judge", after the word "the", occurring for the first time, the words "Federal Constitutional Court or the" shall be inserted; and
- (c) after the definition of "tax on income", the following new defining shall be inserted, namely:-

"technocrat" means a person who has sixteen years of education and fifteen years of experience in his field."

47. Amendment of Third Schedule of the Constitution.- In the Constitution, in the Third Schedule, in the Oath prescribed for the Chief Justice of Pakistan or High Court or Judge of the Supreme Court or a High Court,-

- (a) for the heading, the following shall be substituted, namely:-

"CHIEF JUSTICE OF THE FEDERAL CONSTITUTIONAL COURT OF PAKISTAN OR CHIEF JUSTICE OF THE SUPREME COURT OF PAKISTAN OR OF A HIGH COURT OR JUDGE OF THE FEDERAL CONSTITUTIONAL COURT OR OF THE SUPREME COURT OR OF A HIGH COURT.

[Articles 177A, 178 and 194]"; and

- (b) in the Oath, in the second paragraph, for the expression "Chief Justice of Pakistan (or a Judge of the Supreme Court of Pakistan or Chief Justice or a Judge of the High Court for the Province or Provinces of.....)", the expression "Chief Justice of the Federal Constitutional Court of Pakistan (or a Judge of the Federal Constitutional Court of Pakistan) or Chief Justice of the Supreme Court of Pakistan (or a Judge of the Supreme Court of Pakistan) or Chief Justice (or a Judge) of the High Court for the Province or Islamabad Capital Territory or Provinces of....." shall be substituted.

48. Amendment of the Fourth Schedule to the Constitution.- In the Constitution in the Fourth Schedule, in Part I, in entry 55, for the expression "Supreme Court", occurring twice, the words "Federal Constitutional Court and the Supreme Court" shall be substituted.

49. Amendment of Fifth Schedule of the Constitution.- In the Fifth Schedule, under the heading "Remuneration and Terms and Conditions of Service of Judges.",

- (a) in the Part relating to Supreme Court, for the sub-heading "THE SUPREME COURT", the sub-heading "THE FEDERAL CONSTITUTIONAL COURT AND THE SUPREME COURT" shall be substituted;
- (b) in the first paragraph, for the word "Pakistan", the words "the Federal Constitutional Court and the Chief Justice of the Supreme Court" shall be substituted;
- (c) in the second, third and fourth paragraphs, for the words "Supreme Court", the words "Federal Constitutional Court and the Supreme Court" shall respectively be substituted; and
- (d) in the second paragraph the words "of Pakistan" shall be omitted.

STATEMENT OF OBJECTS AND REASONS

That different segments of society including political parties, the Pakistan Bar Council and various bar councils and associations at the Federal and Provincial levels have proposed the establishment of a Federal Constitutional Court in Pakistan. The proposal stems from the increasing number of constitutional petitions being filed before the Supreme Court, which has significantly impacted the timely disposal of regular civil and criminal cases.

2. The creation of a Federal Constitutional Court is intended to ensure specialized adjudication of constitutional matters, thereby enabling the Supreme Court to focus on its appellate jurisdiction and reduce pendency. The proposed Court would consist of judges with demonstrated expertise in constitutional law, ensuring both efficiency and consistency in constitutional interpretation.
3. In addition to the establishment of the Federal Constitutional Court, certain administrative amendments to Article 243 of the Constitution are also proposed, aimed at improving the procedural clarity and administrative structure relating to the armed forces. Further, certain consequential amendments are also required to be made in the Constitution.
4. This Bill has been designed to achieve the aforesaid objective.

Azam Nazeer Tarar
Minister-in-charge