**The Federation of Pakistan**

CHAPTER 1.—THE PRESIDENT

41. The President

41. (1) There shall be a President of Pakistan who shall be the

***Head of State*** and shall represent the unity of the Republic.

(2) A person shall not be qualified for election as President

unless he is a Muslim of not less than forty-five years of age and is

qualified to be elected as member of the National Assembly.

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[(3) The President 2

\* \* \* shall be elected in accordance with the

provisions of the Second Schedule by the members of an electoral college

consisting of—

(a) the members of both Houses; and

(b) the members of the Provincial Assemblies.]

(4) Election to the office of President shall be held not earlier

than sixty days and not later than thirty days before the expiration of the

term of the President in office:

Provided that, if the election cannot be held within the period

aforesaid because the National Assembly is dissolved, it shall be held

within **thirty days** of the general election to the Assembly.

(5) An election to fill a vacancy in the office of President shall

be held not later than thirty days from the occurrence of the vacancy:

Provided that, if the election cannot be held within the period

aforesaid because the National Assembly is dissolved, it shall be held

within thirty days of the general election to the Assembly.

(6) The validity of the election of the President shall not be

called in question by or before any court or other authority.

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\* \* \* \* \* \* \*

1 Subs. by P. O. No. 14 of 1985, Art. 2 and Sch.. for "clause (3)".

2 Certain words omitted by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 13.

3 Clauses (7) to (9) Omitted by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 13.

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42. Oath of President

42. Before entering upon office, the President shall make before the

Chief Justice of Pakistan oath in the form set out in the Third Schedule.

43. Conditions of President’s office

43. (1) The President shall not hold any office of profit in the

service of Pakistan or occupy any other position carrying the right to

remuneration for the rendering of services.

(2) The President shall not be a candidate for election as a

member of 1

[Majlis-e-Shoora **(Parliament)**] or a Provincial Assembly; and

, if a member of 1

[Majlis-e-Shoora (Parliament)] or a Provincial Assembly

is elected as President, his seat in 1

[Majlis-e-Shoora (Parliament)] or, as

the case may be, the Provincial Assembly shall become vacant on the day

he enters upon his office.

44. Term of office of President

44. (1) Subject to the Constitution, the President shall hold office

for a term of **five years** from the day he enters upon his office :

Provided that the President shall, notwithstanding the expiration of

his terms, continue to hold office until his successor enters upon his office.

(2) Subject to the Constitution, a person holding office as

President shall be eligible for re-election to that office, but no person shall

hold that office for more than two consecutive terms.

(3) The President may, by writing under his hand addressed to

the Speaker of the National Assembly, resign his office.

45. President’s power to grant pardon, etc.

45. The President shall have power to grant pardon, reprieve and

respite, and to remit, suspend or commute any sentence passed by any

court, tribunal or other authority.

1 See footnote 6 on page 3, supra.

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46. President to be kept informed

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[46. The Prime Minister shall keep the President informed on all

*matters of internal and foreign policy and on all legislative proposals the*

Federal Government intends to bring before Majlis-e-Shoora

(Parliament).]

47. Removal 2

[or impeachment] of President

47. 3

[(l) Notwithstanding anything contained in the Constitution, the

President may, in accordance with the provisions of this Article, be

removed from office on the ground of physical or mental incapacity or

impeached on a charge of violating the Constitution or gross misconduct.

(2) Not less than one-half of the total membership of either

House may give to the Speaker of the National Assembly or, as the case

may be, the Chairman written notice of its intention to move a resolution

for the removal of, or, as the case may be, to impeach, the President; and

such notice shall set out the particulars of his incapacity or of the charge

against him.]

(3) If a notice under clause (2) is received by the Chairman, he

shall transmit it forthwith to the Speaker.

(4) The Speaker shall, within three days of the receipt of a

notice under clause (2) or clause (3), cause a copy of the notice to be

transmitted to the President.

(5) The Speaker shall summon the two Houses to meet in a

joint sitting not earlier than seven days and not later than fourteen days

after the receipt of the notice by him.

(6) The joint sitting may investigate or cause to be investigated

the ground or the charge upon which the notice is founded.

(7) The President shall have the right to appear and be

represented during the investigation, if any, and before the joint sitting.

(8) If, after consideration of the result of the investigation, if

any, a resolution is passed at the joint sitting by the votes of not less than

two-thirds of the total membership of 4

**[Majlis-e-Shoora (Parliament)]**

declaring that the President is unfit to hold the office due to incapacity or

is guilty of violating the Constitution or of gross misconduct, the President

shall cease to hold office immediately on the passing of the resolution.

1 Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 14, for “Article 46”.

2

Ins. by the P.O. 14 of 1985, Art 2 and Sch.

3 Subs. ibid., for "clauses (1) and (2)".

4 See footnote 6 on page 3 supra.

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48. President to act on advice, etc.

1

[48. (1) In the exercise of his functions, the President shall act 2

[on

and] in accordance with the advice of the Cabinet 3

[or the Prime Minister]:

4

[Provided that 2

[within fifteen days] the President may require the

Cabinet or, as the case may be, the Prime Minister to reconsider such

advice, either generally or otherwise, and the President shall 2

[, within ten

days,] act in accordance with the advice tendered after such

reconsideration.]

(2) Notwithstanding anything contained in clause (1), the

President shall act in his discretion in respect of any matter in respect of

which he is empowered by the Constitution to do so 5

[and the validity of

anything done by the President in his discretion shall not be called in

question on any ground whatsoever].

6

\* \* \* \* \* \* \*

(4) The question whether any, and if so what, advice was

tendered to the President by the Cabinet, the Prime Minister, a Minister or

Minister of State shall not be inquired into in, or by, any court, tribunal or

other authority.

7

*[(5) Where the President dissolves the National Assembly,*

*notwithstanding anything contained in clause (1), he shall,—*

*(a) appoint a date, not later than ninety days from the*

*date of the dissolution, for the holding of a general*

*election to the Assembly ; and*

*(b) appoint a care-taker Cabinet8*

*[in accordance with the*

*provisions of Article 224 or, as the case may be,*

*Article 224A]]*

7

[(6) If at any time the Prime Minister considers it necessary to

hold a referendum on any matter of national importance, he may refer the

matter to a joint sitting of the Majlis-e-Shoora (Parliament) and if it is

approved in a joint sitting, the Prime Minister may cause such matter to

be referred to a referendum in the form of a question that is capable of

being answered by either “Yes” or “No”.]

1 Subs. by P.O. No. 14 of 1985, Art. 2 and Sch., for "Article 48".

2

Ins. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 15.

3 Subs. by the Constitution (Eighth Amdt.) Act, 1985 (18 of 1985), s. 2, for ",the Prime Minister, or a

appropriate Minister".

4 Subs. ibid., for "the original proviso".

5 Added ibid.,

6 Clause (3) omitted, ibid.,

7 Subs. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 15, for “clauses (5) and (6)”.

8

Added by the Constitution (Twentieth Amendment) Act, 2012 (V of 2012), s.2.

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(7) An Act of Majlis-e-Shoora (Parliament) may lay down the

procedure for the holding of a referendum and the compiling and

consolidation of the result of a referendum.]

49. Chairman or Speaker to act as, or perform functions of,

President

49. (1) If the office of President becomes vacant by reason of

death, resignation or removal of the President, the Chairman or, if he is

unable to perform the functions of the office of President, the Speaker of

the National Assembly shall act as President until a President is elected in

accordance with clause (3) of Article 41.

(2) When the President, by reason of absence from Pakistan or

any other cause, is unable to perform his functions, the Chairman or, if he

too is absent or unable to perform the functions of the office of President,

the Speaker of the **National Assembly** shall perform the functions of

President until the President returns to Pakistan or, as the case may be,

resumes his functions.