**PART II**

***The Federation of Pakistan***

CHAPTER 1.—THE PRESIDENT

41. The President

(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 a member of the National Assembly.

(3) The President 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.

42. Oath of President

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

(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 Majlis-e-Shoora (Parliament) or a Provincial Assembly; and, if a member of Majlis-e-Shoora (Parliament) or a Provincial Assembly is elected as President, his seat in 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

(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.

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.

46. President to be kept informed

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 or impeachment of President

(1) 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 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.

48. President to act on advice, etc.

(1) In the exercise of his functions, the President shall act on and in accordance with the advice of the Cabinet or the Prime Minister: Provided that 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, 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, and the validity of anything done by the President in his discretion shall not be called in question on any ground whatsoever.

(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.

(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 caretaker Cabinet in accordance with the provisions of Article 224 or, as the case may be, Article 224A.

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

(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.