***CHAPTER 7. – TRANSITIONAL 267.***

Power of **President** to remove difficulties 267.

(1) At any time before the commencing day or before the expiration of three months from the commencing day, the **President** may, for the purpose of removing any difficulties, or for bringing the provisions of the Constitution into effective operation, by Order, direct that the provisions of the Constitution shall, during such period as may be specified in the Order, have effect, subject to such adaptations, whether by way of modification, addition or omission, as he may deem to be necessary or expedient.

(2) **An Order made under clause**

(1) shall be laid before both Houses without undue delay, and shall remain in force until a resolution disapproving it is passed by each House or, in case of disagreement between the two Houses, until such resolution is passed at a joint sitting. 267A. Power to remove difficulties 1 [267A. If any difficulty arises in giving effect to the provisions of the Constitution (Eighteenth Amendment) Act, 2010, hereinafter in this Article referred to as the Act, or for bringing the provisions of the Act into effective operation, the matter shall be laid before both Houses in a joint sitting which may by a resolution direct that the provisions of the Act shall, during such period as may be specified in the resolution, have effect, subject to such adaptations, whether by way of modification, addition or omission, as may be deemed necessary or expedient: Provided that this power shall be available for a period of one year 1 New Articles 267A and 267B ins. by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 93. **CONSTITUTION OF PAKISTAN** 162 from the commencement of the Act. 267B. Removal of doubt 267B. For removal of doubt it is hereby declared that Article **152A omitted and Articles 179 and 195 substituted by the Constitution (Seventeenth Amendment) Act, 2003 (Act No. III of 2003),** notwithstanding its repeal, shall be deemed always to have been so omitted and substituted.] 268. Continuance in force, and adaptation of certain laws 268.

(1) Except as provided by this Article, all existing laws shall, subject to the Constitution, continue in force, so far as applicable and with the necessary adaptations, until altered, repealed or amended by the appropriate Legislature. 1 \* \* \* \* \* \* \* \* \* (3) For the purpose of bringing the provisions of any existing law into accord with the provisions of the Constitution (other than Part II of the Constitution), the President may by Order, within a period of two years from the commencing day, make such adaptations, whether by way of modification, addition or omission, as he may deem to be necessary or expedient, and any such Order may be made so as to have effect from such day, not being a day earlier than the commencing day, as may be specified in the Order.

(4) The President may 2 authorise the Governor of a Province to exercise, in relation to the Province, the powers conferred on the President by clause (3) in respect of laws relating to matters with respect to which the Provincial Assembly has power to make laws.

(5) The powers exercisable under clauses (3) and (4) shall be subject to the provisions of an Act of the appropriate Legislature.

(6) Any court, tribunal or authority required or empowered to enforce an existing law shall, notwithstanding that no adaptations have been made in such law by an Order made under clause (3) or clause (4), construe the law with all such adaptations as are necessary to bring it into accord with the provisions of the Constitution.

(7) In this Article, **"existing laws"** means all laws (including Ordinances, Orders-in-Council, Orders, rules, bye-laws, regulations and Letters Patent constituting a High Court, and any notifications and other 1 Clause (2) omitted ibid., s. 94. 2 **For such authorization, see Gaz. of Pak., 1973, Ext., Pt. II, p. 2001. CONSTITUTION OF PAKISTAN 163 legal instruments having the force of law) in force in Pakistan or any part thereof, or having extra-territorial validity, immediately before the commencing day.**

**Explanation.**

–In this Article, "in force", in relation to any law, means having effect as law whether or not the law has been brought into operation. 269. Validation of law, acts, etc. 269.

(1) All Proclamations, President ' s Orders, Martial Law Regulations, Martial Law Orders and all other laws made between the twentieth day of December, one thousand nine hundred and seventy-one and the twentieth day of April, one thousand nine hundred and seventytwo (both days inclusive), are hereby declared notwithstanding any judgment of any court, to have been validly made by competent authority and shall not be called in question in any court on any ground whatsoever.

(2) All orders made, proceedings taken and acts done by any authority, or by any person, which were made, taken or done, or purported to have been made, taken or done, between the twentieth day of December, one thousand nine hundred and seventy-one, and the twentieth day of April, one thousand nine hundred and seventy-two (both days inclusive), in exercise of the powers derived from any **President 's Orders, Martial Law Regulations, Martial Law Orders, enactments, notifications, rules, orders or bye-laws, or in execution of any orders made or sentences passed by any authority in the exercise or purported exercise of powers as aforesaid, shall, notwithstanding any judgment of any court, be deemed to be and always to have been validly made, taken or done and shall not be called in question in any court on any ground whatsoever.**

(3) No suit or other legal proceedings shall lie in any court against any authority or any person for or on account of or in respect of any order made, proceedings taken or act done whether in the exercise or purported exercise of the powers referred to in clause (2) or in execution of or in compliance with orders made or sentences passed in exercise or purported exercise of such powers. 270. Temporary validation of certain laws, etc. 270. (1) 1 [**Majlis-e-Shoora (Parliament**)] may by law made in the manner prescribed for legislation for a matter in Part I of the Federal Legislative List validate all Proclamations, President 's Orders, Martial Law Regulations, Martial Law Orders and other laws made between the 1 See footnote 6 on page 3, supra. **CONSTITUTION OF PAKISTAN 164 twenty-fifth day of March, one thousand nine hundred and sixty-nine, and the nineteenth day of December, one thousand nine hundred and seventyone (both days inclusive).** (2) Notwithstanding a judgment of any court, a law made by 1 [Majlis-e-Shoora (Parliament)] under clause (1) shall not be questioned in any court on any ground, whatsoever. (3) Notwithstanding the provisions of clause (1), and a judgment of any court to the contrary, for a period of two years from the commencing day, the validity of all such instruments as are referred to in clause (1) shall not be called in question before any court on any ground whatsoever. (4) All orders, made, proceedings taken, and acts done by any authority, or any person, which were made, taken or done, or purported to have been made, taken or done, between the twenty-fifth day of March, one thousand nine hundred and sixty-nine and nineteenth day of December, one thousand nine hundred and seventy-one (both days inclusive), in exercise of powers derived from any President 's Orders, Martial Law Regulations, Martial Law Orders, enactments, notifications, rules, orders or bye-laws, or in execution of any order made or sentence passed by any authority in the exercise or purported exercise of power as aforesaid shall, notwithstanding any judgment of any court, be deemed to be and always to have been validly made, taken or done, so however that any such order, proceeding or act may be declared invalid by 1 [Majlis-eShoora (Parliament)] at any time within a period of two years from the commencing day by resolution of both Houses, or in case of disagreement between the two Houses, by such resolution passed at a joint sitting and shall not be called in question before any court on any ground, whatsoever. 270A. Affirmation of President ’s Orders, etc. 2 [ 3 [270A.— (1) The Proclamation of the fifth day of July, 1977, all President 's Orders, Ordinances, Martial Law Regulations, Martial Law Orders, including the Referendum Order, 1984 (P.O. No. 11 of 1984**), 4 \* \* \* the Revival of the Constitution of 1973 Order, 1985 (P.O. No. 14 of 1985), the Constitution (Second Amendment) Order, 1985 (P.O. No. 20 of 1985), the Constitution (Third Amendment) Order, 1985 (P.O. No. 24 of 1985), and all other laws made between the fifth day of July, 1 See footnote 6 on page 3, supra. 2 Articles 270A and 270B ins. by P. O. No. 14 of 1985, Art. 2 and Sch., 3 Article 270A subs. by the Constitution (Eighth Amdt.) Act. 1985 (18 of 1985) s. 19, for "Art. 270A" (w.e.f. 30-12-1985) vide S.R.O. No. 1279(1)/85, dated 29-12-85 read with Proclamation of Withdrawal of Martial Law, dated 30-12-85, see Gaz. of Pak., 1985, Ext., Pt. 1. pp. 431-432. 4 Certain words omitted by the Constitution (Eighteenth Amdt.) Act, 2010 (10 of 2010), s. 95. CONSTITUTION OF PAKISTAN 165 1977,** and the date on which this Article comes into force are hereby affirmed, adopted and declared, notwithstanding any judgement of any court, to have been validly made by competent authority and, notwithstanding anything contained in the Constitution, shall not be called in question in any court on any ground whatsoever : Provided that a President 's Order, Martial Law Regulation or Martial Law Order made after the thirtieth day of September, 1985, shall be confined only to making such provisions as facilitate, or are incidental to, the revocation of the Proclamation of the fifth day of July, 1977. (2) All orders made, proceedings taken and acts done by any authority or by any person, which were made, taken or done, or purported to have been made, taken or done, between the fifth day of July, 1977, and the date on which this Article comes into force, in exercise of the powers derived from any Proclamation, **President 's Orders, Ordinances, Martial Law Regulations, Martial Law Orders, enactments, notifications, rules, orders or bye-laws,** or in execution of or in compliance with any order made or sentence passed by any authority in the exercise or purported exercise of powers as aforesaid, shall, notwithstanding any judgement of any court, be deemed to be and always to have been validly made, taken or done and shall not be called in question in any court on any ground whatsoever. (3) All President 's Orders, Ordinances, Martial Law Regulations, Martial Law Orders, enactments, notifications, rules, orders, or bye-laws, in force immediately before the date on which this Article comes into force shall continue in force until altered, repealed or amended by competent authority.

***Explanation***

In this clause, "competent authority" means,

(a) in respect of President 's Order's, Ordinances, Martial Law Regulations, Martial Law Orders and enactments, the appropriate Legislature; and

(b) in respect of notifications, rules, orders and bye-laws, the authority in which the power to make, alter, repeal or amend the same vests under the law. (4) No suit, prosecution or other legal proceedings shall lie in any court against any authority or any person, for or on account of or in respect of any order made, proceedings taken or act done whether in the exercise or purported exercise of the powers referred to in clause (2) or in execution of or in compliance with orders made or sentences passed in exercise or purported exercise of such powers. **CONSTITUTION OF PAKISTAN 166 (5) For the purposes of clauses (1), (2) and (4), all orders made, proceedings taken, acts done or purporting to be made, taken or done by any authority or person shall be deemed to have been made, taken or done in good faith and for the purpose intended to be served thereby.** 1 [(6) The laws referred to in clause (1) may be amended by the appropriate Legislature in the manner provided for amendment of such laws.] 270AA. Declaration and continuance of laws etc. 2 [270AA. (1) The Proclamation of Emergency of the fourteenth day of October, 1999, the Provisional Constitution Order No. 1 of 1999, the Oath of Office (Judges) Order, 2000 (No. 1 of 2000), Chief Executive's Order No. 12 of 2002, Chief Executive's Order No. 19 of 2002, the amendment made in the Constitution through the Legal Framework Order, 2002 (Chief Executive's Order No. 24 of 2002), the Legal Framework (Amendment) Order, 2002 (Chief Executive's Order No. 29 of 2002) and the Legal Framework (Second Amendment) Order, 2002 (Chief Executive's Order No. 32 of 2002), notwithstanding any judgement of any court including the Supreme Court or a High Court, are hereby declared as having been made without lawful authority and of no legal effect. (2) Except as provided in clause (1) and subject to the provisions of the Constitution (Eighteenth Amendment) Act, 2010, all laws including President ’s Orders, Acts, Ordinances, Chief Executive’s Orders, regulations, enactments, notifications, rules, orders or bye-laws made between the twelfth day of October, one thousand nine hundred and ninety-nine and the thirty-first day of December, two thousand and three (both days inclusive) and still in force shall, continue to be in force until altered, repealed or amended by the competent authority.

***Explanation.***

For the purposes of clause (2) and clause (6), **“competent authority”** means,

(a) in respect of President s’ Orders, Ordinances, Chief Executive’s Orders and all other laws, the appropriate Legislature; and (b) in respect of notification, rules, orders and bye-laws, the authority in which the power to make, alter, repeal or amend the same vests under the law. 1 Subs. by the Constitution (Eighteenth Amendment) Act, 2010, (10 of 2010), s. 95, for “clause (6)”. 2 Subs. ibid. for “Article 270AA” s. 96. *CONSTITUTION OF PAKISTAN 167* (3) Notwithstanding anything contained in the Constitution or clause (1), or judgement of any court including the Supreme Court or High Court,— (a) Judges of the Supreme Court, High Courts and Federal Shariat Court who were holding the office of a Judge or were appointed as such, and had taken oath under the Oath of Office (Judges) Order, 2000 (1 of 2000), shall be deemed to have continued to hold the office as a Judge or to have been appointed as such, as the case may be, under the Constitution, and such continuance or appointment, shall have effect accordingly. (b) Judges of the Supreme Court, **High Courts and Federal Shariat Court** who not having been given or taken oath under the Oath of Office of (Judges) Order, 2000 (1 of 2000), and ceased to hold the office of a Judge shall, for the purposes of pensionary benefits only, be deemed to have continued to hold office under the Constitution till their date of superannuation. (4) All orders made, proceedings taken, appointments made, including secondments and deputations, and acts done by any authority, or by any person, which were made, taken or done, or purported to have been made, taken or done, between the twelfth day of October, one thousand nine hundred and ninety-nine, and the thirty first day of December, two thousand and three (both days inclusive), in exercise of the powers derived from any authority or laws mentioned in clause (2), or in execution of or in compliance with any orders made or sentences passed by any authority in the exercise or purported exercise of powers as aforesaid, shall, notwithstanding anything contained in clause (1), be deemed to be valid and shall not be called in question in any court or forum on any ground whatsoever. (5) No suit, prosecution or other legal proceedings including writ petitions, shall lie in any court or forum against any authority or any person, for or on account of or in respect of any order made, Proceedings taken or act done whether in the exercise or purported exercise of the powers referred to in clause (2) or clause (4) or in execution of or in compliance with orders made or sentences passed in exercise or purported exercise of such powers. (6) Notwithstanding omission of the Concurrent Legislative List by the Constitution (Eighteenth Amendment) Act, 2010, all laws with respect, to any of the matters enumerated in the said List (including Ordinances, Orders, rules, bye-laws, regulations and notifications and CONSTITUTION OF PAKISTAN 168 other legal instruments having the force of law) in force in Pakistan or any part thereof, or having extra-territorial operation, immediately before the commencement of the Constitution (Eighteenth Amendment) Act 2010, shall continue to remain in force until altered, repealed or amended by the competent authority. (7) Notwithstanding anything contained in the Constitution, all taxes and fees levied under any law in force immediately before the commencement of the Constitution (Eighteenth Amendment) Act, 2010, shall continue to be levied until they are varied or abolished by an Act of the appropriate legislature. (8) On the omission of the Concurrent Legislative List, the process of devolution of the matters mentioned in the said List to the Provinces shall be completed by the thirtieth day of June, two thousand and eleven. (9) For purposes of the devolution process under clause (8), the Federal Government shall constitute an Implementation Commission as it may deem fit within fifteen days of the commencement of the Constitution (Eighteenth Amendment) Act, 2010.