CHAPTER 1. – FUNDAMENTAL RIGHTS

***Laws inconsistent with or in derogation of Fundamental Rights***

***to be void.***

**8.** (1) Any law, or any custom or usage having the force of law, in

so far as it is inconsistent with the rights conferred by this Chapter, shall,

to the extent of such inconsistency, be void.

(2) The State shall not make any law which takes away or abridges the rights so

conferred and any law made in contravention of this clause shall, to the extent

of such contravention, be void.

(3) The Provisions of this Article shall not apply to—

(a) any law relating to members of the Armed Forces, or of

the police or of such other forces as are charged with the

maintenance of public order, for the purpose of ensuring

the proper discharge of their duties or the maintenance of

discipline among them; or

2[(b) any of the —

(i) laws specified in the First Schedule as in force

immediately before the commencing day or as

amended by any of the laws specified in that

Schedule;

1 See footnote 6 on page 3, supra

2 Subs. by the Constitution (Fourth Amdt.) Act, 1975 (71 of 1975), s. 2, for "paragraph (b)", (w.e.f the 21st November, 1985), which was previously amended by Act 33 of 1974, s. 3, (w.e.f 4th May, 1974).

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(ii) other laws specified in Part I of the First Schedule;]

and no such law nor any provision thereof shall be void on the ground that

such law or provision is inconsistent with, or repugnant to, any provision

of this Chapter.

(4) Notwithstanding anything contained in paragraph (b) of

clause (3), within a period of two years from the commencing day, the

appropriate Legislature shall bring the laws specified in 1

[Part II of the First Schedule] into conformity with the rights conferred by this Chapter:

Provided that the appropriate Legislature may by resolution extend

the said period of two years by a period not exceeding six months.

Explanation.– If in respect of any law 2

[Majlis-e-Shoora

(Parliament)] is the appropriate Legislature, such resolution shall be a

resolution of the National Assembly.

(5) The rights conferred by this Chapter shall not be suspended

except as expressly provided by the Constitution.

**Security of person**

**9.** No person shall be deprived of life or liberty save in accordance

with law.

**Safeguards as to arrest and detention**

**10.** (1) No person who is arrested shall be detained in custody

without being informed, as soon as may be, of the grounds for such arrest,

nor shall he be denied the right to consult and be defended by a legal

practitioner of his choice.

(2) Every person who is arrested and detained in custody shall

be produced before a magistrate within a period of twenty-four hours of

such arrest, excluding the time necessary for the journey from the place of

arrest to the court of the nearest magistrate, and no such person shall be

detained in custody beyond the said period with out the authority of a

magistrate.

(3) Nothing in clauses (1) and (2) shall apply to any person

who is arrested or detained under any law providing for preventive

detention.

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(4) No law providing for preventive detention shall be made except

to deal with persons acting in a manner prejudicial to the integrity,

security or defence of Pakistan or any part thereof, or external affairs of

Pakistan, or public order, or the maintenance of supplies or services, and

no such law shall authorise the detention of a person for a period

exceeding 1

[three months] unless the appropriate Review Board has, after

affording him an opportunity of being heard in person, reviewed his case

and reported, before the expiration of the said period, that there is, in its

opinion, sufficient cause for such detention, and, if the detention is

continued after the said period of '[three months], unless the appropriate

Review Board has reviewed his case and reported, before the expiration of

each period of three months, that there is, in its opinion, sufficient cause

for such detention.

*Explanation* I.— In this Article, "the appropriate Review Board"

means,

(i) in the case of a person detained under a Federal law, a Board

appointed by the Chief Justice of Pakistan and consisting of a

Chairman and two other persons, each of whom is or has been

a Judge of the Supreme Court or a High Court; and

(ii) in the case of a person detained under a Provincial law, a Board

appointed by the Chief Justice of the High Court concerned and

consisting of a Chairman and two other persons, each of whom

is or has been a Judge of a High Court.

*Explanation* II.—The opinion of a Review Board shall be

expressed in terms of the views of the majority of its members.

(5) When any person is detained in pursuance of an order made

under any law providing for preventive detention, the authority making the

order shall, 2[within fifteen days] from such detention, communicate to

such person the grounds on which the order has been made, and shall

afford him the earliest opportunity of making a representation against the

order :

Provided that the authority making any such order may refuse to

disclose facts which such authority considers it to be against the public

interest to disclose.

(6) The authority making the order shall furnish to the

appropriate Review Board all documents relevant to the case unless a

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certificate, signed by a Secretary to the Government concerned, to the

effect that it is not in the public interest to furnish any documents, is

produced.

(7) Within a period of twenty-four months commencing on the

day of his first detention in pursuance of an order made under a law

providing for preventive detention, no person shall be detained in

pursuance of any such order for more than a total period of eight months

in the case of a person detained for acting in a manner prejudicial to public

order and twelve months in any other case :

Provided that this clause shall not apply to any person who is

employed by, or works for, or acts on instructions received from, the

enemy 1[, or who is acting or attempting to act in a manner prejudicial to

the integrity, security or defence of Pakistan or any part thereof or who

commits or attempts to commit any act which amounts to an anti-national

activity as defined in a Federal law or is a member of any association

which has for its objects, or which indulges in, any such anti national

activity].

(8) The appropriate Review Board shall determine the place of

detention of the person detained and fix a reasonable subsistence

allowance for his family.

(9) Nothing in this Article shall apply to any person who for

the time being is an enemy alien.

**Right to fair trial**

[10A. For the determination of his civil rights and obligations or

in any criminal charge against him a person shall be entitled to a fair trial

and due process.]”

**Slavery, forced labour, etc., prohibited :**

11. (1) Slavery is non-existent and forbidden and no law shall

permit or facilitate its introduction into Pakistan in any form.

(2) All forms of forced labour and traffic in human beings are

prohibited.

(3) No child below the age of fourteen years shall be engaged in

any factory or mine or any other hazardous employment.

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(4) Nothing in this Article shall be deemed to affect compulsory

service

(a) by any person undergoing punishment for an

offence against any law; or

(b) required by any law for public purpose:

Provided that no compulsory service shall be of a cruel nature or

incompatible with human dignity.

**Protection against retrospective punishment**

12. (1) No law shall authorize the punishment of a person—

(a) for an act or omission that was not punishable by

law at the time of the act or omission; or

(b) for an offence by a penalty greater than, or of a kind

different from, the penalty prescribed by law for that

offence at the time the offence was committed.

(2) Nothing in clause (1) or in Article 270 shall apply to any

law making acts of abrogation or subversion of a Constitution in force in

Pakistan at any time since the twenty-third day of March, one thousand

nine hundred and fifty-six, an offence.

**Protection against double punishment and self incrimination**

13. No person—

(a) shall be prosecuted or punished for the same

offence more than once; or

(b) shall, when accused of an offence, be compelled to

be a witness against himself.

**Inviolability of dignity of man, etc.**

14. (1) The dignity of man and, subject to law, the privacy of

home, shall be inviolable.

(2) No person shall be subjected to torture for the purpose of

extracting evidence.

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**Freedom of movement, etc**.

15. Every citizen shall have the right to remain in, and, subject to any

reasonable restriction imposed by law in the public interest, enter and

move freely throughout Pakistan and to reside and settle in any part

thereof.

**Freedom of assembly**

16. Every citizen shall have the right to assemble peacefully and

without arms, subject to any reasonable restrictions imposed by law in the

interest of public order.

**Freedom of association**

17. (1) Every citizen shall have the right to form associations or

unions, subject to any reasonable restrictions imposed by law in the

interest of sovereignty or integrity of Pakistan, public order or morality.

(2) Every citizen, not being in the service of Pakistan, shall have

the right to form or be a member of a political party, subject to any

reasonable restrictions imposed by law in the interest of the sovereignty

or integrity of Pakistan and such law shall provide that where the Federal

Government declares that any political party has been formed or is

operating in a manner prejudicial to the sovereignty or integrity of

Pakistan, the Federal Government shall, within fifteen days of such

declaration, refer the matter to the Supreme Court whose decision on such

reference shall be final.

(3) Every political party shall account for the source of its

funds in accordance with law.]

**Freedom of trade, business or profession**

18. Subject to such qualifications, if any, as may be prescribed by

law, every citizen shall have the right to enter upon any lawful profession

or occupation, and to conduct any lawful trade or business:

Provided that nothing in this Article shall prevent—

(a) the regulation of any trade or profession by a licensing

system; or

(b) the regulation of trade, commerce or industry

in the interest of free competition therein; or

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(c) the carrying on, by the Federal Government

or a Provincial Government, or by a

corporation controlled by any such

Government, of any trade, business, industry

or service, to the exclusion, complete or

partial, of other persons.

**Freedom of speech, etc.**

19. Every citizen shall have the right to freedom of speech and

expression, and there shall be freedom of the press, subject to any

reasonable restrictions imposed by law in the interest of the glory of

Islam or the integrity, security or defence of Pakistan or any part thereof,

friendly relations with foreign States, public order, decency or morality,

or in relation to contempt of court, 1[commission of] or incitement to an

offence.

**Right to information.**

[19A. Every citizen shall have the right to have access to information in

all matters of public importance subject to regulation and reasonable

restrictions imposed by law].

**Freedom to profess religion and to manage religious institutions**

20. Subject to law, public order and morality,—

(a) every citizen shall have the right to profess, practice and

propagate his religion; and

(b) every religious denomination and every sect thereof shall

have the right to establish, maintain and manage its

religious institutions.

**Safeguard against taxation for purposes of any particular religion**

21. No person shall be compelled to pay any special tax the proceeds

of which are to be spent on the propagation or maintenance of any religion

other than his own.

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**Safeguards as to educational institutions in respect of religion,**

22. (1) No person attending any educational institution shall be

required to receive religious instruction, or take part in any religious

ceremony, or attend religious worship, if such instruction, ceremony or

worship relates to a religion other than his own.

(2) In respect of any religious institution, there

shall be no discrimination against any community in the

granting of exemption or concession in relation to taxation.

(3) Subject to law,

(a) no religious community or denomination shall be

prevented from providing religious instruction for

pupils of that community or denomination in any

educational institution maintained wholly by that

community or denomination; and

(b) no citizen shall be denied admission to any educational institution receiving aid from public revenues

on the ground only of race, religion, caste or place

of birth.

(4) Nothing in this Article shall prevent any public authority

from making provision for the advancement of any socially or

educationally backward class of citizens.

**Provision as to property**

23. Every citizen shall have the right to acquire, hold and dispose of

property in any part of Pakistan, subject to the Constitution and any

reasonable restrictions imposed by law in the public interest.

**Protection of property rights**

24. (1) No person shall be deprived of his property save in

accordance with law.

(2) No property shall be compulsorily acquired or taken

possession of save for a public purpose, and save by the authority of law

which provides for compensation therefor and either fixes the amount of

compensation or specifies the principles on and the manner in which

compensation is to be determined and given.

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(3) Nothing in this Article shall affect the validity of—

(a) any law permitting the compulsory acquisition or taking

possession of any property for preventing danger to life,

property or public health; or

(b) any law permitting the taking over of any property

which has been acquired by, or come into the

possession of, any person by any unfair means, or in

any manner, contrary to law; or

(c) any law relating to the acquisition, administration or

disposal of any property which is or is deemed to be

enemy property or evacuee property under any law (not

being property which has ceased to be evacuee property

under any law); or

(d) any law providing for the taking over of the

management of any property by the State for a limited

period, either in the public interest or in order to secure

the proper management of the property, or for the

benefit of its owner; or

(e) any law providing for the acquisition of any class of

property for the purpose of—

(i) providing education and medical aid to all or any

specified class of citizens; or

(ii) providing housing and public facilities and services

such as roads, water supply, sewerage, gas and

electric power to all or any specified class of

citizens; or

(iii)providing maintenance to those who, on account of

unemployment, sickness, infirmity or old age, are

unable to maintain themselves; or

(f) any existing law or any law made in pursuance of

Article 253.

(4) The adequacy or otherwise of any compensation provided

for by any such law as is referred to in this Article, or determined in

pursuance thereof, shall not be called in question in any court.

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**Equality of citizens**

25. (1) All citizens are equal before law and are entitled to equal

protection of law.

(2) There shall be no discrimination on the basis of sex 1\*.

(3) Nothing in this Article shall prevent the State from making

any special provision for the protection of women and children.

**Right to education**

[25A. The State shall provide free and compulsory education to all

children of the age of five to sixteen years in such manner as may be

determined by law.]

**Non-discrimination in respect of access to public places**

26. (1) In respect of access to places of public entertainment or

resort, not intended for religious purposes only, there shall be no

discrimination against any citizen on the ground only of race, religion,

caste, sex, residence or place of birth.

(2) Nothing in clause (1) shall prevent the State from making

any special provision for women and children.

**Safeguard against discrimination in services**

27. (1) No citizen otherwise qualified for appointment in the

service of Pakistan shall be discriminated against in respect of any such

appointment on the ground only of race, religion, caste, sex, residence or

place of birth:

Provided that, for a period not exceeding 3

[forty] years from the

commencing day, posts may be reserved for persons belonging to any

class or area to secure their adequate representation in the service of

Pakistan:

Provided further that, in the interest of the said service, specified

posts or services may be reserved for members of either sex if such posts

or services entail the performance of duties and functions which cannot be

adequately performed by members of the other sex 4

[:]

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[Provided also that under-representation of any class or area in the

service of Pakistan may be redressed in such manner as may be

determined by an Act of Majlis-e-Shoora (Parliament)].

(2) Nothing in clause (1) shall prevent any Provincial

Government, or any local or other authority in a Province, from

prescribing, in relation to any post or class of service under that

Government or authority, conditions as to residence in the Province, for a

period not exceeding three years, prior to appointment under that

Government or authority.

**Preservation of language, script and culture**

28. Subject to Article 251 any section of citizens having a distinct

language, script or culture shall have the right to preserve and promote the

same and subject to law, establish institutions for that purpose.