

Constitution of Pakistan 1973

Complete Study Notes for Students

Structure | Fundamental Rights | Key Articles | Amendments | Exam Q&A

Prepared by Feature Pakistan for study purposes.

For legal reliance, always consult the official constitutional text.

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1. The Constitution at a Glance

Adopted: 10 April 1973 by the National Assembly.

Enforced: 14 August 1973.

Drafted under: The government of Zulfikar Ali Bhutto; the third constitution after those of 1956 and 1962.

Original shape: 12 Parts, 280 Articles, 6 Schedules.

Nature: Written, federal, parliamentary constitution. Islam is the state religion (Article 2); the Objectives Resolution is a substantive part of the Constitution (Article 2A).

Amendments: 27 amendments by November 2025, including the 27th Amendment creating the Federal Constitutional Court.

The 12 Parts (what each covers)

Part I (Arts. 1-6): Introductory: the Republic and its territories, Islam as state religion, Objectives Resolution, high treason.

Part II (Arts. 7-40): Fundamental Rights and Principles of Policy.

Part III (Arts. 41-49): The Federation of Pakistan: the President.

Part IV (Arts. 50-89): Provinces (governors, provincial assemblies), Parliament (Majlis-e-Shoora).

Part V (Arts. 90-100): Relations between Federation and Provinces.

Part VI (Arts. 101-140): Finance, property, contracts and suits.

Part VII (Arts. 141-212): The Judicature: Supreme Court, High Courts, Federal Shariat Court, administrative tribunals.

Part VIII (Arts. 213-226): Elections: the Election Commission, electoral laws.

Part IX (Arts. 227-231): Islamic Provisions: Council of Islamic Ideology.

Part X (Arts. 232-237): Emergency Provisions.

Part XI (Arts. 238-253): Amendment of the Constitution and miscellaneous.

Part XII (Arts. 254-280): Miscellaneous: services, official language, transitional provisions.

2. Fundamental Rights (Articles 8-28)

Part II, Chapter 1 guarantees the fundamental rights. Article 8 voids any law inconsistent with these rights. The most examined articles:

Art. 9: Security of person: no one shall be deprived of life or liberty save in accordance with law.

Art. 10: Safeguards on arrest and detention: right to be informed of grounds, consult a legal practitioner, and be produced before a magistrate within 24 hours.

Art. 10A: Right to fair trial and due process (added by the 18th Amendment, 2010).

Art. 14: Inviolability of the dignity of man.

Art. 15-17: Freedom of movement, assembly and association.

Art. 18: Freedom of trade, business or profession.

Art. 19: Freedom of speech and expression, and of the press.

Art. 19A: Right to information in matters of public importance (18th Amendment).

Art. 20: Freedom to profess religion and manage religious institutions.

Art. 22: Safeguards for educational institutions in respect of religion.

Art. 25: Equality of citizens before law.

Art. 25A: Right to free and compulsory education for ages 5-16 (18th Amendment).

Enforcement: Article 184(3) (Supreme Court) and Article 199 (High Courts) provide the remedies. Article 199 is the High Court writ jurisdiction - certiorari, mandamus, prohibition, habeas corpus and quo warranto.

3. The Judiciary - Key Articles

Art. 175: Establishment and jurisdiction of courts; separation of judiciary from executive.

Art. 175A: Appointment of judges: the Judicial Commission of Pakistan (13 members after the 26th Amendment, 2024); Chief Justice chosen by a Special Parliamentary Committee from the three senior-most Supreme Court judges; three-year term for the CJP.

Art. 176-177: Constitution and qualifications of Supreme Court judges.

Art. 184: Original jurisdiction of the Supreme Court; suo motu powers curtailed by the 26th Amendment (cases now heard by Constitutional Benches).

Art. 185: Appellate jurisdiction of the Supreme Court.

Art. 191A / 202A: Constitutional Benches of the Supreme Court and High Courts (26th Amendment).

Art. 199: High Court jurisdiction: writs against any person or authority for enforcement of fundamental rights and for any other purpose.

Art. 203: Federal Shariat Court: examines whether laws are repugnant to Islam.

Art. 204: Contempt of court: Supreme Court and High Courts may punish contempt of themselves.

Art. 209: Supreme Judicial Council: inquiry into a judge's capacity or misconduct.

Art. 211: Bar of jurisdiction: SJC proceedings and removal of a judge cannot be questioned in any court.

Art. 212: Administrative courts and tribunals: exclusive jurisdiction over (a) service matters, (b) tort claims against government, (c) enemy property; other courts barred; appeal to Supreme Court only with leave on a substantial question of law of public importance.

4. Executive and Legislature - Key Articles

Art. 41-49: The President: head of state, elected by the electoral college (Parliament + provincial assemblies); acts on the Prime Minister's advice.

Art. 90-95: The executive authority vests in the Prime Minister and the federal cabinet; the PM is elected by the National Assembly.

Art. 58: Dissolution of the National Assembly (the former 58(2)(b) power, removed by the 13th Amendment).

Art. 51 / 59: Composition of the National Assembly and the Senate.

Art. 63A: Disqualification on grounds of defection (floor-crossing).

Art. 73: Procedure for Money Bills.

Art. 89: Ordinances: President's power to legislate when Parliament is not in session.

Art. 160: National Finance Commission: distribution of revenues between Federation and provinces.

Art. 213-217: Chief Election Commissioner and the Election Commission of Pakistan.

Art. 224: Caretaker setup: elections within 90 days of assembly dissolution.

Art. 232-237: Emergency provisions: war, internal disturbance, financial emergency.

Art. 238-239: Amendment procedure: two-thirds majority of total membership of each House.

Art. 227-231: Islamic provisions: no law repugnant to Quran and Sunnah; Council of Islamic Ideology.

5. Major Amendments Timeline

8th Amendment (1985): Article 58(2)(b): President could dissolve the National Assembly; Objectives Resolution made substantive (Art. 2A).

13th Amendment (1997): Repealed 58(2)(b), restoring parliamentary supremacy.

17th Amendment (2003): Validated the 1999 Legal Framework Order; reworked presidency-parliament balance.

18th Amendment (2010): The largest: provincial autonomy, Articles 10A, 19A, 25A, Judicial Commission (175A), NFC, renaming NWFP to Khyber Pakhtunkhwa.

19th Amendment (2011): Refined the judicial appointments process and parliamentary committee's role.

21st Amendment (2015): Military courts for terrorism cases (two-year sunset).

25th Amendment (2018): Merger of FATA with Khyber Pakhtunkhwa.

26th Amendment (2024): Judicial Commission reconstituted (13 members); CJP selected by Special Parliamentary Committee from three senior-most judges with a three-year term; suo motu curbed; Constitutional Benches (191A/202A).

27th Amendment (2025): Created the Federal Constitutional Court (November 2025).

6. Exam-Style Questions and Answers

Q1. When was the 1973 Constitution adopted and enforced?

Adopted 10 April 1973; enforced 14 August 1973.

Q2. Which article provides for High Court writ jurisdiction?

Article 199 - the five writs: certiorari, mandamus, prohibition, habeas corpus, quo warranto.

Q3. What does Article 212 provide?

Establishment of administrative courts/tribunals with exclusive jurisdiction over service matters, government tort claims and enemy property; bars other courts; Supreme Court appeal only with leave.

Q4. How are superior court judges appointed after the 26th Amendment?

Under Article 175A: the 13-member Judicial Commission of Pakistan nominates; the Chief Justice is chosen by a

Special Parliamentary Committee from the three senior-most Supreme Court judges; the CJP serves a three-year term.

Q5. Which amendment added Articles 10A, 19A and 25A?

The 18th Amendment (2010): fair trial, right to information, free education ages 5-16.

Q6. What is the amendment procedure?

Articles 238-239: a bill passed by two-thirds of the total membership of each House.

Q7. What is Article 63A?

Disqualification on grounds of defection - voting against party direction.

Q8. Which articles cover emergency provisions?

Articles 232-237: proclamation of emergency, financial emergency, suspension of fundamental rights.

7. Study Tips

- Learn articles in clusters: judiciary (175-212), rights (8-28), executive (41-100).
- For each amendment, memorise one line: number, year, headline change.
- Article 199 vs 184: High Court writs (199) are broader in standing; Supreme Court original jurisdiction (184) is narrower and now routed through Constitutional Benches.
- Article 212 vs 199: where a tribunal has exclusive jurisdiction under 212, the High Court cannot intervene under 199 - except via Supreme Court leave under 212(3).
- Always check whether the question asks about the pre- or post-26th Amendment position on judicial appointments.

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