

# CONSTITUTION (THIRD AMENDMENT) ORDER, 1985

## President's Order No. 24 of 1985

19th March 1985

Gazette of Pakistan, Extraordinary, Part I, 19th March 1985

In pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:-

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### 1. Short title and commencement.

(1) This Order may be called the Constitution (Third Amendment) Order, 1985.

(2) It shall come into force at once.

### 2. Amendment of Article 61 of the Constitution.

In the Constitution, in Article 61, for the words "one hundred and thirty" the words "one hundred and sixty" shall be substituted.

### 3. Amendment of Article 200 of the Constitution.

In the Constitution, in Article 200,--

(a) in clause (1), in the explanation, after the words "Chief Justice", at the end, the words, brackets, letter and figure "but includes a Judge for the time being acting as Chief Justice of a High Court other than a Judge of the Supreme Court acting as such in pursuance of a request made under paragraph (b) of Article 196" shall be added ; and

(b) after clause (3), the following new clause shall be added, namely:-

"(4) A Judge of a High Court who does not accept transfer to an other High Court under clause (1) shall be deemed to have retired from his office and. on such retirement, shall entitled to receive a pension calculated on the basis of the length of his service as Judge and total service, if any, in the service of Pakistan."

#### **4. Amendment of Article 203-C of the Constitution.**

In the Constitution, in Article 203-C,--

(a) for clause (3) the following shall be substituted namely:--

"(3) The Chief Justice shall be a person who is, or has been, or is qualified to be, a Judge of the Supreme or who is or has been a permanent Judge of a High Court.

(3-A) Of the Judges, not more than four shall be persons each one of whom is, or has been, or is qualified to be, a Judge of A High court and not more than three shall be Ulema who are well-versed in Islamic Law."

; and

(b) in clause (4), in the proviso, for the words "one year" the words "two years" shall be substituted.

#### **5. Amendment of Article 226 of the Constitution.**

In the Constitution, in Article 226, the commas and words, "other than those of the Prime Minister and a Chief Minister," shall be omitted.

#### **6. Amendment of Article 260 of the Constitution.**

In the Constitution, in Article 260, for clause (3) the following shall be substituted, namely:--

"(3) In the Constitution and all enactments and other legal instruments, unless there is anything repugnant in the Subject or context,--

(a) "Muslim" means a person who believes in the unity and oneness of Almighty Allah, in the absolute and unqualified finality of the Prophet-hood of MUHAMMAD (PBUH), the last of the Prophets, and does not believe in, or recognize as a prophet of religious reformer, any person who claimed or claims to be a prophet, in any sense of the word or of any description whatsoever, after MUHAMMAD (PBUH); and

(b) "non-Muslim" means a person who is not a Muslim and include a person belonging to the Christian, Hindu, Sikh, Buddhist or Parsi community, a person of the Qadiani group or the Lahori group ( who call themselves "Ahmadis" or by any other name), or a Bahai, and a person belonging to any of the Scheduled Casts."