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Revocation of Proclamation of Emergency Order, 2007

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December 15, 2007

An order to provide for the revocation of Proclamation of Emergency:

WHEREAS it is expedient to withdraw the Proclamation of Emergency dated November 3, 2007 to repeal the Provisional Constitution Order No.1 of 2007 and to revive the Constitution and for the matters ancillary thereto; NOW, THEREFORE, in pursuant of the Provisional Constitution Order No. 1 of 2007 and in exercise of all powers enabling him in this behalf the President is pleased to make the following Order:-

1. Short title and commencement-

- (1) This Order may be called the Revocation of Proclamation of Emergency Order 2007.
- (2) It shall come into force on the 15th day of December, 2007 .

2. Revocation of Emergency-

The Proclamation of Emergency issued on the 3rd day of November 2007, shall stand revoked on and with effect from the 15th day of December 2007.

3. Repeal of Provisional Constitution Order:

The Provisional Constitution Order No. 1 of 2007 shall stand repealed on and with effect from 15th day of December 2007.

4. Revival of Constitution:

- (1) The Constitution as amended by the Constitution (Amendment) Order 2007 (P.O.No 5 of 2007) and the Constitution (Second Amendment) Order, 2007, shall stand revived on, and with effect from the 15th day of December 2007, upon the revocation of Proclamation of Emergency of the 3rd day of November, 2007 and repeal of the Provisional Constitution Order No.1 of 2007.
- (2) The Chief Justice of Pakistan and Judges of the Supreme Court, the Chief Justice and the Judges of The Federal Shariat Court and Chief Justice and the Judges of the High Courts holding office at the time of the revival of the Constitution shall take oath under the Constitution in the form, set out in the Third Schedule to the Constitution.

5. Effect of Revocation of Emergency and repeal of Provisional Constitution Order No.1 of 2007:-

- (1) Notwithstanding anything contained in the Constitution or any other law for the time being in force, the revocation of the Proclamation of Emergency of the 3rd day of November 2007 and repeal of the Provisional Constitution Order No.1 of 2007 shall not invalidate, nullify or render ineffective any order passed or action taken under the Proclamation of Emergency, the Provisional Constitution Order No 1 of

2007 and the Oath of Office (Judges) Order 2007 as upheld by the Supreme Court of Pakistan in CP No. 87 and 88 of 2007 dated 23-11-2007 nor shall the said revocation or repeal revive anything not in force or existing at the time of the revocation or repeal or affect the previous operation of any law or anything done or purported to or suffered to have been done under the Proclamation of Emergency, the Provisional Constitutional Order and the Oath of Office {Judges} Order 2007 and all such acts and actions shall be deemed to have been validly and legally done notwithstanding anything contained in the Constitution or any other law for the time being in force.

(2) The revocation of the Proclamation of Emergency or the repeal of the Provisional Constitution Order shall not affect any right, privilege, obligation or liability acquired, accrued or incurred under the Proclamation of Emergency, the Provisional Constitution Order and the Oath of Office (Judges) Order 2007 .

6. General Elections:-

(1) The General Elections and the National Assembly and Provincial Assemblies shall be held as scheduled. After the elections, the National Assembly shall meet on a date specified by the President for election of the Speaker and Deputy Speaker and for transaction of such other business as the President may specify.

(2) The first meeting of a Provincial Assembly shall be held on a day to be specified by the President for the election of the Speaker and Deputy Speaker, and for transaction of such other business as the President may specify.

7. Order to override other laws and removal of difficulty:-

(1) The provisions of this Order shall have effect notwithstanding anything contained in the Constitution or any other Order or law for the time being in force.

(2) If any difficulty arises in giving effect to any of the provisions of this Order, the President may make such provisions and pass such orders as he may deem fit.

(3) The validity of any provision made or orders passed under clause (1) and (2), shall not be called in question by or before any court, including Supreme Court, Federal Shariat Court, High Court, any forum or authority, on any ground whatsoever.

PERVEZ MUSHARRAF

President of Pakistan

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