

# Pak Affair

## Constitution:-

"A body of fundamental principles or establish precedents according to which a state or organization is governed."

The basic principle and laws of a nation, state or social group that determine the power and duties of the government and guarantee certain right to people in it.

"It is a set of rule according to which a state is run or govern"

For Example, PM is Chief Executive of the Federation because it is the Constitution (Article 90) which invest executive authority in him. Parliament makes laws because it has been authorized by the Constitution (Article -70)

## Function of the Constitution:-

Constitution of a state may discharge a variety of functions, varying from state to state, but five basic functions are performed by the Constitution of every democratic Polity

### 1- Declare The Territorial Structure of a state:

The Constitution define which territories a state comprises of? For Example (Article -1) of the Constitution Pakistan shall comprises Punjab, Sindh, Balochistan, KPK and Federal capital territories and other areas which may become part of Pakistan in future.

### Define Administrative Organization of a State:

The administrative organization of the state is also defined by the Constitution. As described the state authorities and Institution such as PM and his cabinet, CM and their cabinet, Parliament, Provincial assemblies and Court functions in accordance with structure and organization

laid down by the Constitution.

## ② Define and Regulate Powers and Functions of the State Institution:

The powers exercised by the state Institution are drawn from the Constitution. However, these Powers are not unbridled rather than they are subject to the limits and condition laid by the Constitution.

For Example, Parliament and Provisional assemblies are empowered to Make Laws.

Laws can be framed in violation of Fundamental Right as provided in (Article-8)

The Constitution also define the Condition under which these powers are to be exercised.

## ③ Define Rights and Liabilities of the Citizens.

It is the Constitution which place responsibilities upon the citizens and confer right upon them. (Article-5) make it obligatory upon every citizens to be loyal to the state (Article-8) define Fundamental Rights of the citizens such as Right to life, Freedom of Association and Freedom of Speech.

## Define Nature of Relationship Among the Centre and Unity:

A state is generally organized into the Administrative units called different names in different states, such as Province in Pakistan, State of India, USA cantons in Switzerland and Counties in UK. The Constitution define the nature of relationship between Centre and its Units.

There are two Models relationship between Centre and Units. One is called unitary and other is called federal.

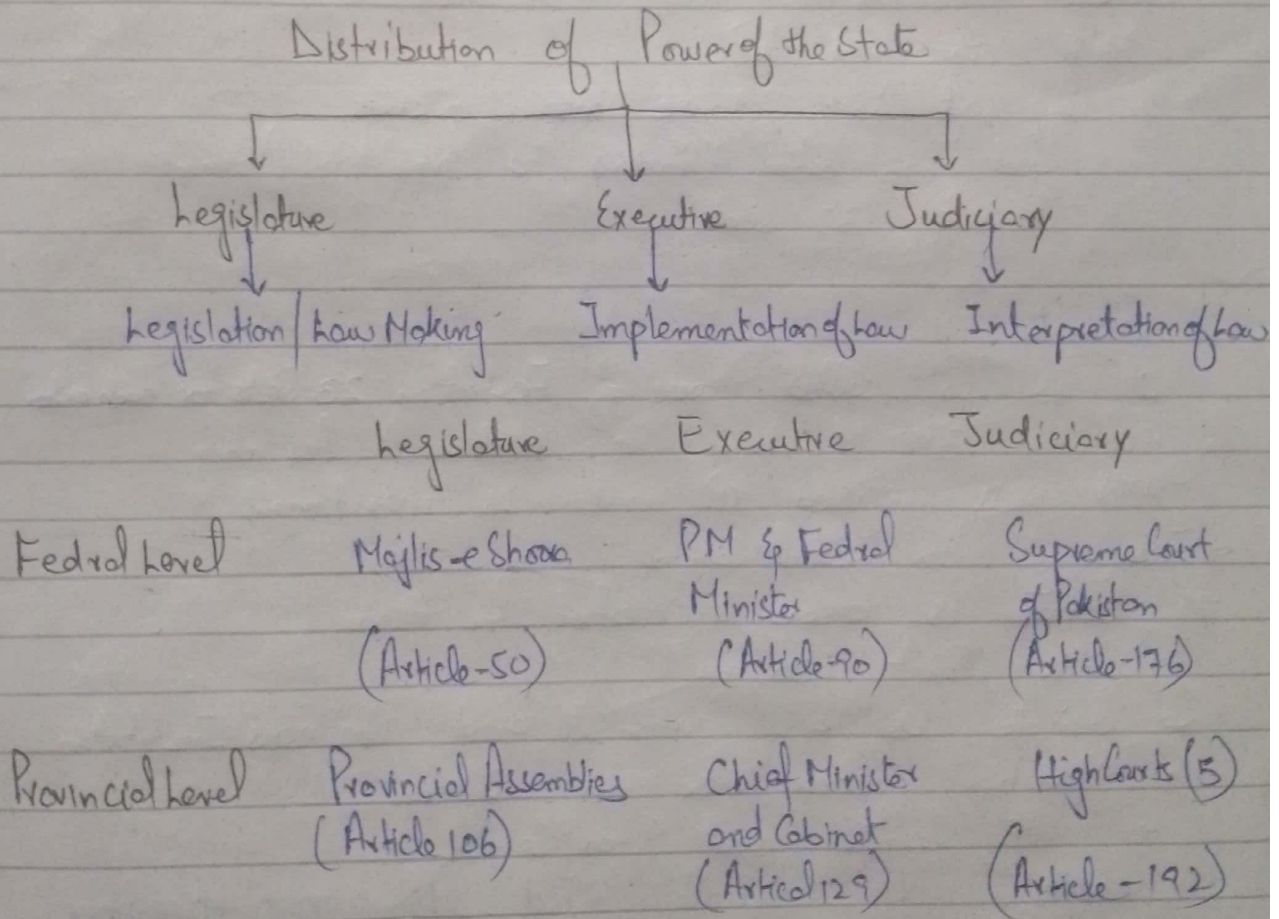
## Unitary Model:

The powers of the state are concentrated in Centre whereas Unit served as its subordinate. The Centre can delegate its power to the units. Example France, Turkey.

## Federal Model:

The Powers of the state are distributed among the Centre and the state units both of them function within their given domains. E-g; Pakistan is a Federation wherein Subject of the State are distributed between Federation and Provinces.

## Power Distributed Amongst the Organ of State:



## Majlis - e - Shoora:

It Comprises of two Houses Upper House is called Senate while Lower House is called National Assembly  
The President is also part of Parliament

## National Assembly:

- It currently comprises of 336 Members Seats are distributed on the basis of population
- Age limit for Member is 25 years
  - Total 336 seats, 266 directly elected 60 seat reserved for Women and 10 for Non-Muslims
  - Assembly is Five years

Reasons

- FATA Emerged KP
- 12 seat will change into 6 seats
- Seat Distribution According to population Province
- Punjab 173 seats

## Senate:

- It is also called House of Federation 23 Seats for each other
- Currently 342 Members in National Assembly
  - FATA was merged KP under 25 Amendment
  - Four seats for Federal Capital
  - Senate is 6 years & elected for 6 years
  - Age limit 30 years
  - Senate is a Permanent and Continuous Institution
  - Member retires after every 3 years
  - 4th Senate seat for Capital

## Powers of Senate and National Assembly:

Both of the houses Equal Powers that a bill is required to be passed by the both Houses  
Extra power given to National Assembly Instead of Senate

**Power to Elect and Remove PM / Leader of the House:**  
(Article - 91) PM which is also leader of the House is elected by National Assembly with Senate having no Role as it PM can be removed through Vote of No - Confidence under Article 95

**Power To Pass Money Bill:**

Money Bill a proposed law which deals with fines or taxes is passed by National Assembly is transmitted to the Senate but it is not voted upon there. Senate can make recommendation which are not binding upon N Assembly. The power to pass Money Bill is exclusive prerogative of National Assembly under Article - 93

**President:**

- Age 45 year Required
- Elected according to Article 41
- Cannot be Non Muslim president

**Prime Minister:**

- Elected by National Assembly
- No Age Required
- Muslim Prime Minister
- Member of National Assembly