

Constitutional development in Pakistan

Supreme Court of Pakistan decision defectors/ floor crossing

What is floor crossing ?

In 1990, Benazir era floor crossing occurs against government

In 2004, PPPP formed

Pakistan people party parliamentarian

voting against the party to the opposite party on floor of the parliament

National assembly

senate

Provincial assembly

2022 in Punjab assembly

PTI voted for the PDM candidate

floor crossing in senate 2017, 2020,

2022 SCP

Supreme Court of Pakistan decision for floor crossing

4 matters floor crossing not allowed

1. Money Bill/ Budget

2. Constitutional amendment

3. The election or the vote of no confidence against the PM

4. The election or the vote of no confidence against the CM

neither floor crossing nor abstention of vote

Party decision on the floor of the house is represented by the parliamentary leader

party decision on floor of the house represented by parliamentary leader

It is illegal and he would cease to be the elected member

party would file case against him/her in election commission

seat is vacant

election on that seat

helped the party system and parliament to get strength so floor crossing discouraged

Floor crossing is discourage by the decision of Supreme Court
Party stronger result into the strength of parliament

If party is strong, parliament become strong

to make Democracy strong, means strong political party which makes parliament strong- to make the sovereign system-
Supreme Court landmark decision

Arical 224

Electoral democracy would get stronger

1. Assembly compltes its tenure and expires

2. Assembly is dissolved before completing its tenure

Article 224 : If assembly completes its tenure and expires secondly assembly is dissolved before completing its tenure

elctions would be held in manimum 60 days and max 90 days

Article 105: election commission of Pakistan is responsible of election commission

Election commission of Pakistan would consult with the president and governors, n consultation election date would be given

In 2017, election act 2017 (section 57) election commission with the president and governance will provide election date

Confusion: who would announce the election ? Election commission? Governors ? Or president

Decision given by SC of 5 bench : unanimity on conduction of election within 90 days on the basis of article 224

91st day care taker govt would have no constitutional standing, in case of a delay for few days then ECP would logical reasons like 2008

19:05:43 From Abeer noacss to Everyone:

Election would be held within 90 days

Announcement of election:

In punjab , president announce the election date

Because Governor of punjab decline the announcement as he is not the one who dissolve the assemblies

In KP, governor will announce the date

18th amendment

Technical points: decision will be 3/2, 9 members Bench while. 4 of them recused from the decision (2 among them were recused because of the PDM concerns and audio leak while other 2 other members- yahya afridi and Athar recused because of their concern are political that why assemblies dissolve before completing the tenure)

2 members dissent

didn't oppose the art 224

Sou moto action was not taken as per law

184(3)

CJ High court- petitioner filed a case or Sou moto in case two situations

1. violation of fundamental rights

2. violation of the constitution

judiciary is the protector of the constitution and fundamental rights

LHC already gave a decision on the matter

Conduct election in 90 days

Intra court appeal in LHC

Assembly dissolved 10 jan of punjab
14 jan of kp - 50 days
46days have already passed
LHC decision challenged by ECP and governor Punjab
unnecessary delay- fear
election may not be held within time
violation if constitution
President and ECP raw
CJP didn't have the option but to take suo moto

RUPEE Devaluations

year 2000 37 PKR Vs 1 \$

2008 62 PKR-- 1\$

2013--- 84 PKR--- 1\$

2018 125 PKR--1\$

jan 2022 178 PKR --1 \$

march 2023 284 PKR --1\$

1. Devaluation of PKR:

-2018 - 125 pkr against 1\$

-Feb 2022 - 178 pkr against 1\$

-Sept 2022 - 239 pkr against 1\$

-Because Pakistan is primarily an import based economy.

-And Rs has devalued against \$

Reasons

Shifted From artificial control to free floating

Kinds

paper currency : fixed price (by the government - communist
or close Market economy)

Floating currency : government will not decide the price of currency (market and stock exchange, money exchangers)

market forces -- banks and stock exchange and money exchangers decided the price of currency

open market economy or capitalist economy

3rd: artificial control / indirect control

Government for a specific time period controls the price of the currency - in inter bank rates

Rs/ \$ rate decided by the government (fixed rupee)

Inter bank rate 225 Rs: 1\$

20:20:33 From Sir Fareed Ullah Khan to Everyone:

private market 265--1\$

Fixing price (capping)

IMF pre condition --- let PKR be floating

DEcline in dollar reserve resulted indevaluation of PKR

In January 2022, 23 billion dollars, 15 billion plus in state bank of Pakistan and 8 billion in commercial banks

Total reserves 23 billion dollars

Resulted Pkr is comparatively stable

But in Feb 2023 Dollar reserves 6 billions \$

State bank has 2.8 billion dollars, commercial banks have 3 billion approximately That is the primary reason of devaluation of rupee

Shortage of dollar causes in devaluation of PKR. E.g. Sale purchase of dollar vs. PKR and more \$ means that PKR is stable.

While if \$ is less, there is price hike of dollar which ultimately refers towards the devaluation of rupee.

20:31:00 From Sir Fareed Ullah Khan to Everyone:

Implications

1. Inflations

Pakistan bureau of statistics. PBS

Since 1965 war till now, the rate of inflation spikes the largest in history almost 48%

jan 2022 10%

feb 2023 31%

According to PBS, march 2023 will be the toughest months in the history of Pakistan

Main issue: price hikes to 31.6%

Which increases the prices including domestic products

Volume of Foreign loan increased without acquiring a single penny

5 PKR devaluation against 1\$--- 100 bn PKR loan increase

State bank of Pakistan : 5pkr against 1\$, minimum 100 billion PKR loan increases

19 PKR 1\$

400 billion PKR loan increase

178 ---284 -- 106

178 to 284 rise means 106 rupee devalue

$21 * 5 = 105$

$21 * 100 = 2100$

Almost 2.1 trillion loan increases without taking a single penny

Solution:

Bring dollar to the country

1. loan
2. Remittance
3. Cut in imports
4. Increase in export
5. Tourism