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Assignment Current Affairs

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Article (224):

Article (224) deals with election. There are 2 main points.

- 1) If the assembly is dissolved before time means when the assembly does not complete its tenure then the election must be held within 90 days.
- 2) If the assembly complete its tenure and expire then the election must be held within 60 days.

Article (105):

To conduct the election is the responsibility of EC.

- After the consultation with the governor and the president election date will be announce.
- The governor shall act on accordance with the advice of the cabinet or chief minister.
- When the governor dissolve provincial assembly, he shall appoint a date not later than 90 days, from the date of dissolution.

Election Act 2017:

When the provincial assembly dissolve on advice of CM by the governor. If the governor

doesnot follow the advice, the assembly should dissolve by itself in 24hours.

Like:

Punjab governer doesnot follow the advice of CM and the assembly dissolve by itself. and KPK assembly was dissolve by the governer.

- President dissolve (NA) on the advice of (PM), president is not supposed to refuse it. If he refuse the assembly should dissolve by itself in 24hrs.
- Constitutional powers belongs to (PM and CM) only.
- After that the governer will call EC in the province.
(Act 2017)

President Power:

According to constitution president will call upon the general election. after the Consultation with election Comission.

- The discussion of them is about to discuss possible dates.

General Election:

The Election of both (NA) and (PA) on same day is called general election.

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- But there is a question that this time the election shall be held on two provinces, in the centre there is government, whether we call it general election or not, This is not established.
 - This clarity is not in our Constitution, when the Supreme Court announce his result it will be clear that we call it general election or not.
 - Because to interpret the law, or to expand the law is the job of judiciary.

- President wrote a letter to EC of Pakistan after consultation with governor. that 1 month and 14 days pass and you didn't announce the date of election. why? what happened, Now you come and we can consult with each other.
- Election commissioner does not go to the president.
- Election commissioner says, according to the 18th Amendment, I can discuss provincial assembly election with governor not with you.
- Why is nobody giving the date of election.
- In this decision it will establish that either the president has the power to issue the date of Election.

Article (6):

Article (6) means high treason, death penalty.

- Article (6) will impose on those who violate the constitution or not?
- High treason means who so ever in abrogate the constitution

(2) Suspend the constitution.

(3) Abeyance (temporary suspension of activity).

This decision came in 2012 the whole bench of 17 judges were sat. They clearly define that in these situations article (6) will impose on them.

- If the election doesnot happen in 90 days. This will be the violation of constitution or not.
- If you (EC) doesnot announce the date of election then Article (6) will impose or not?

Sou Moto:

When chief justice of supreme or high court get decision by itself in two situations.

- 1) When fundamental rights violate.
- 2) When the structure of constitution is violated then chief justice will get SouMoto action according to Article (184-3).

- In 1958 a decision was had taken about (Law of Necessity).
- President of ^{Constituent} National Assembly now called speaker. Molvi Tameez-ud-din.
- At that president Sikander Mirza dissolve Constituent Assembly. Molvi Tameez-ud-din did case in sindh high court and win the case and the decision had challenged in Supreme Court (Justice Munir CJ).
- Who wrote book from jinnah to Zia.
- Justice Munir said that we are not a sovereign country. we are still dominion of Queen's order.

- According to justice Munir in 1956 constitution validity is not important.
- It has been done in pakistan it is need of hour.
- Lahore high court clearly says date will be given by EC, either they consult with governer, or president.

Why we add Article ~~227~~(224) why we need Article(224)
 why the time frame was given

- Election done in 1970 but the power was transferred in 1972.
- In 16dec 1971 pakistan was broken down, after that west Pakistan party win with majority.

we offer them to make government.

- The election has been done, the government was not to be made because of Ghenshyq Khan. that's why Article 224 decide.
- President will call the winning party to the parliament to make government within 7 days.

Defection:

Supreme court gave another decision of defection. what happen when somebody violates the rules of the party.

Like:

Punjab assembly was broken, the members of P.T.I give vote to Hamza Shehbaz. he was declared illegal according to this decision.

Defection:

Defection in other words floor crossing. it is natural in provincial, National, senate assembly. When a member leave his party and go towards opposition.

Like:

PTI member did floor crossing to Punjab assembly in 2022.

PPP did floor crossing to PML (Q) in 2004.

- Senate Floor Crossing is common where there is secret voting or in the election of Speaker.
- There is nothing in the Constitution who violate the rules of Party.
- The Supreme Court gave meaning to the law. how?
 - 1) Money Bill/Budget.
 - 2) Amendment in the Constitution.
 - 3) Election or vote of No-confidence against PM.
 - 4) vote of No-confidence against CM

Supreme court take decision that parliamentary members are not free in every situation.

he must follow the policy of the party.

If you give them free hand they will always defect the party. So how government will implement their policy.

In the above 4 situations vote will belong to the party not to the individual!

Those who violate or Defectors:

Supreme Court gave decision that anyone who violate the party policy, he/she will be De-sect by the Election Commission of Pakistan.

How to De-sest.

- Parliamentary leader will write a letter to ECP that a person violate our rules, you De-sest him. ECP is responsible to De-sest.
- Your vote will also not to be counted.
- If you abstain or against poll the vote you will be De-sested.