



RESEARCH PAPER

An In-Depth Analysis of Extending the Duration of General Elections beyond the 90-Day Limit Fixed in the Constitution of the Islamic Republic of Pakistan (1973)

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ABSTRACT

The study undertakes a nuanced exploration of Pakistan's constitutional and legal intricacies governing the timing of general elections, employing a multifaceted approach. The objective is to comprehensively analyze key constitutional provisions, including Article 48(5a), 51(5), 153, 219, 222, 224 and 254. Methodologically, a qualitative research design is employed, delving into legal documents, historical records, and scholarly literature. Despite recent amendments to Section 57(1) of the Election Act 2017, granting exclusive authority to the Election Commission of Pakistan (ECP), results reveal persistent debates within the legal community. It emphasizes the supremacy of constitutional principles and recommends invoking the Advisory Jurisdiction of the Supreme Court of Pakistan under constitutional Article 186 to interpret Article 48(5a), 51(5), 153, 219, 222, 224 and 254. Swift legislative reforms are recommended for transparent elections, necessitating a comprehensive legal framework and heightened public awareness. This research underscores the imperative need for legal clarity and reform to fortify Pakistan's electoral system.

KEYWORDS

Constitutional Provisions, Democratic Process, Election Act, Election Commission, Election Schedule, General Elections, Legal Framework, Pakistan

Introduction

The Constitution of the Islamic Republic of Pakistan 1973 is the supreme law of the land and is considered the backbone of Pakistan's legal framework. It allocates powers among various constitutional institutions in the country, including the Election Commission of Pakistan. The Election Commission of Pakistan derives its authority from the Constitution of Pakistan 1973 (Begum, I. 2022, p. 132). The Election Act of 2017 further defines the functions and responsibilities of the Election Commission of Pakistan, highlighting its central role in the entire electoral process in the country.

Specifically, it seeks to highlight the complex relationship between Article 224 of the Constitution, which prescribes the timeframe for holding general elections, and Article 51(5), which mandates the delimitation of constituencies based on the most recent census data. This paper aims to emphasize the constitutional intricacies that underlie the Election Commission of Pakistan's power to announce the schedule for general elections within 90 days of the dissolution of assemblies.

The Constitution, along with the Election Act 2017, assigns specific roles and responsibilities to the Election Commission of Pakistan to ensure the integrity and transparency of the electoral process in the country. Article 219 is particularly noteworthy as it outlines the responsibilities of the Election Commission of Pakistan.

The main responsibilities of the Election Commission of Pakistan are to prepare electoral rolls and keep them up-to-date, conduct elections for the Senate or to fill casual vacancies, appoint Election Tribunals, and supervise all general election activities at various levels. Meanwhile, Section 17 of the Election Act 2017 defines the jurisdiction and complete functions of the Election Commission of Pakistan. This Commission is tasked with the crucial job of delineating constituencies for elections to the National Assembly, Provincial Assemblies, and local governments.

In a recent development, the Election Act 2017 was amended, specifically Section 57(1), granting the Election Commission of Pakistan (ECP) the exclusive authority to announce the date or dates for general elections without the prior requirement of consulting with the President. This change signifies the ECP's independence and autonomy in managing the electoral process. However, legal experts, as highlighted by Aresha Rehan, have varying views on the matter. Some, like Abdul Moiz Jaferii and Barrister Ahmad Pansota, argue that the President's authority to set election date or dates is derived from the Constitution and takes precedence over the ECP's claims. They believe that the recent amendments are subservient to the Constitution. Barrister Rida Hosain emphasizes that the ECP's powers are subject to the constitutional mandate of holding elections within 90 days of the assembly's dissolution and that the President should appoint the election date or dates under the Constitution, as stated in Article 48(5a). Others, like Mirza Moiz Baig and Ayman Zafar, express concerns about the recent amendment potentially conflicting with constitutional provisions and reducing the presidential role to a mere formality, raising questions about its compliance with fundamental constitutional principles (Rehan, 2023).

Against this backdrop of constitutional and legal provisions, a critical question arises: How do Articles 48(5a), 51(5), 219, 222, and 254 align with Article 224 of the Constitution and Section 17 of the Election Act 2017, intersect to determine the timing of free and fair general elections in Pakistan?

Article 224 states that in line with elections and bye-elections when the National Assembly or a provincial assembly is dissolved, a bye-election shall be conducted within sixty days prior to the day on which the term of the assembly is scheduled to expire (Begum, I. 2022, p. 133).

The Election Commission of Pakistan's authority to announce the election schedule in light of Article 224 of the Constitution (amended and updated twice by the 18th Amendment Act, 2010 X of 2010 and the 20th Amendment Act, 2012 Act No. V of 2012 w.e.f., 28th February, 2012), which prescribes that the general elections in the country must be held within 90 days of the dissolution of assemblies if dissolved before the fixed term of five years, while otherwise within 60 days if dissolved on the fixed term of five years.

However, Article 224 cannot be considered in isolation; it is closely connected with the completion of the delimitation process directed by Article 51(5) of the Constitution. It states that "The seats in the National Assembly shall be allocated to each Province and the Federal Capital on the basis of population in accordance with the last preceding census officially published. Therefore, Article 224 cannot be triggered to schedule general elections independently. On the other hand, it is interesting to note that Article 254 denotes

that "When any act or thing is required by the Constitution to be done within a particular period and it is not done within that period, the doing of the act or thing **shall not be invalid** or otherwise ineffective by reason only that it was not done within that period" (Ali, 2023). Therefore, merely holding elections after the terms fixed under Article 224 does not invalidate the entire electoral process of general elections in Pakistan.

No distinction has been made regarding the nature of general elections to be held keeping in view the manner in which Assemblies were dissolved. Elections which were held after the dissolution of Assemblies, either in exercise of discretionary powers of the President (The presidential discretionary power to dissolve the assemblies, which was granted in Article 58(2)(b), ceased under the 18th Amendment through Act 10 of 2010) or on the advice of the Prime Minister and Chief Minister respectively, would be legally considered to be general elections for all intents and purposes (PLD 1983 Lah. 822; 1993 Law Notes 1163).

Article 224(3) clearly contemplates a fixed common date on which vacancies of the requisite number of seats as provided by Article 59 occur due to the retirement of the stipulated number of Members. The oath of office does not in any manner affect the term of office. Therefore, until a contrary provision is made by the Constitution or in accordance with it, the term of office, which is regulated by law, cannot be suspended merely because the person concerned has not taken the oath to enter upon his office (PLD 1988 SC 687).

Additionally, Chapter 2, Article 222 of the Pakistani Constitution (amended and updated by the 22nd Amendment Act, XXV of 2015, dated 10.06.2016) specifies various aspects of the electoral process, including seat distribution in the National Legislature, constituency delineation by the Election Commission, compilation of electoral rolls, election administration, and election petitions. It also addresses the resolution of doubts and disputes, as well as matters related to corrupt practices (Begum, 2022, p. 132).

As a result, this article establishes an additional requirement for the enforcement of Article 224. Therefore, considering the relationship between this article and Article 51(5), the initiation of general elections cannot be prompted through the implementation of Article 224.

The research problem of this paper revolves around the complex role of the Council of Common Interests (CCI) and Article 153 of the Constitution. The CCI, comprised of the Prime Minister, Chief Ministers of the provinces, and Cabinet members, is tasked with making decisions on critical matters, especially the Census in the country. Article 153 does not prohibit a Caretaker Prime Minister or Chief Minister from participating in CCI proceedings, making their decisions legally binding. The significance of this paper lies in its ability to provide a comprehensive understanding of the constitutional and legal complications regarding the time limit and prerequisites for holding general elections in the country. It has significant implications for the democratic process and the smooth functioning of various state institutions. A primary focus is a thorough analysis of the constitutional and legal provisions that will be helpful and contribute to the clarity and transparency of the electoral process. It will empower stakeholders, including the Election Commission of Pakistan (ECP), legal experts, and policymakers, with a nuanced understanding of the legal framework governing elections.

Moreover, the research will take into account the constitutional limitations and prerequisites that must be met before scheduling general elections in the country. It is indispensable for avoiding legal election disputes and ensuring clarity in conducting elections in accordance with the law. Finally, by addressing the relationship between

Article 224, Article 51(5), and Section 17 of the Election Act 2017, along with other constitutional and legal provisions that can help resolve potential conflicts and uncertainties in the country, it will provide valuable insights into the hierarchy of constitutional provisions and their implications for the electoral schedule. Additionally, the research endeavors to dissect the complex constitutional and legal landscape governing the timing of general elections in Pakistan.

Furthermore, while addressing the research problem and examining the significance of the research, the primary goal is to provide a comprehensive analysis that will contribute to a better understanding of the constitutional prerequisites for conducting transparent, free, fair, and unquestionable elections in the country. Article 219 entrusts the Commission with the following tasks:

- Creating electoral rolls for the National Assembly, Provincial Assemblies, and local governments, and updating them regularly.
- Planning and carrying out Senate elections or filling in for a casual vacancy in a House or Provincial Assembly.
- Appointing Election Tribunals.
- Holding general elections for the National Assembly, Provincial Assemblies, and local governments.
- Any other tasks that may be specified by an Act of Majlis-e-Shoora (Parliament).

The Commissioner will continue to be responsible for the tasks listed in paragraphs (a), (b), and (c) of this Article until the members of the Commission are appointed in line with paragraph (b) of clause (2) of Article 218, in accordance with the Constitution (Eighteenth Amendment) Act, 2010. Article 222 states that, subject to the Constitution, [Majlis-e-Shoora (Parliament)] may by law provide for: The allocation of seats in the National Assembly as required by clauses (3) and (4) of Article 51. The delimitation of constituencies by the Election Commission, including delimitation of constituencies of local governments. The preparation of electoral rolls, the requirements as to residence in a constituency, the determination of objections pertaining to electoral rolls, and the commencement of electoral rolls. The conduct of elections and election petitions, the decision of doubts and disputes arising in connection with elections. Matters relating to corrupt practices and other offenses in connection with elections. All other matters necessary for the due constitution of the two Houses and the Provincial Assemblies, but no such law shall have the effect of taking away or abridging any of the powers of the Commissioner or the Election Commission under this Part.

Literature Review

This literature review critically examines the constitutional and legal provisions governing the timing of general elections in Pakistan. Specifically, it explores the intricate relationship between Article 224 of the Constitution, which establishes the timeframe for holding general elections, and Article 51(5), which mandates constituency delimitation based on the most recent census data. The main focus of this literature review is to highlight the relevant data regarding constitutional complexities in announcing the schedule for general elections within 90 days of the dissolution of assemblies.

According to Article 219 of the Constitution of the Islamic Republic of Pakistan 1973, the Election Commission of Pakistan is primarily responsible for the management of elections in the country. Scholars such as Khan (2016) and Zahid (2019) have explored the functions and effectiveness of the ECP. Their studies analyze the ECP's role in preparing

electoral rolls, conducting elections, and appointing Election Tribunals. They also assess the ECP's independence and its ability to ensure free and fair elections. Delimitation of Constituencies Section 17 of the Election Act 2017 addresses the delimitation of constituencies. Delimitation is a critical process that influences electoral outcomes. Malik (2018) and Aziz (2020) have examined the theories and methodologies behind constituency delimitation in Pakistan. They discuss the implications of constituency boundaries on electoral competition and representation.

Many countries have embraced electoral democracy globally and serve as inspirations for the rising tide of electoral democracy throughout the world (EIU, 2010; Mbeki, 2016). In some countries, credible elections have been held, while in others, troubled electoral processes have been witnessed. Regular democratic elections are described as the bedrock of rising electoral democratic systems across the world (EIU, 2010; Mwanakatwe, 1994). This global spread of electoral democracy has ignited a call for transparency and accountability in electoral processes to improve the acceptability of electoral outcomes (Kadima & Booysen, 2009; Strand, 2005). The concepts of transparency and accountability are fundamental to a democratic electoral system. They highlight the importance of a transparent electoral process in building trust among citizens. In some cases, electoral outcomes of these elections have been controversial due to perceived electoral irregularities and malpractices (Sakala, 2016; Chitala, 2002). The pointing finger has often been attributed to the lack of electoral transparency and accountability in the electoral process (Bams, 2015; Annan, 2012).

While there is extensive literature on Pakistan's electoral system, there is a notable gap in research related to electoral reforms. The need for reforms to address issues such as vote rigging, irregularities, and political influence remains a controversial topic. Scholars like Malik (2021) argue for comprehensive electoral reforms to enhance the credibility of elections, but there is a lack of consensus on the specific measures needed. The representation of minorities in Pakistan's electoral system is an ongoing concern. Research by Akhtar (2017) highlights the challenges faced by non-Muslim minority communities in gaining political representation. There is limited research on strategies to improve minority representation and protect their rights within the electoral process.

The independence of the Election Commission of Pakistan is a subject of debate. While some studies suggest that the ECP has made progress in asserting its autonomy (Khan & Zahid, 2019), others argue that political interference remains a significant issue (Shah, 2022). The question of how to ensure and safeguard the ECP's independence is a controversial and unresolved matter. However, the heart of this research problem lies in understanding how Articles 51(5), 219, 222, and 224 of the Constitution, along with Section 17 of the Election Act 2017, interact to determine the timing of general elections in Pakistan. Article 224 stipulates that general elections must be held within 90 days of the dissolution of assemblies (if dissolved before their fixed five-year term), or within 60 days otherwise. However, this provision cannot be considered in isolation. It is intricately linked to the completion of the delimitation process mandated by Article 51(5) of the Constitution, which requires seats in the National Assembly to be allocated to provinces and the Federal Capital based on the last preceding census data officially published.

The literature reviewed thus far highlights the complex web of constitutional and legal provisions governing the timing of general elections in Pakistan. However, several gaps and controversies remain. The exact mechanism by which Article 224 interacts with Articles Article 51(5), 219, 222, 254 align with Article 224 of the Constitution, along with Section 17 of the Election Act 2017, requires further elucidation. A clear understanding of the hierarchy and interdependence of these provisions is necessary.

This delimitation process is to be carried out after every officially published census. In a significant development, Section 57(1) of the Election Act 2017 was amended to grant the Election Commission of Pakistan the exclusive authority to announce the date or dates for general elections through an official gazette notification. The prior requirement for the Election Commission of Pakistan to consult with the President before announcing the election schedule was waived. (Ahmad, 2023). This amendment further denotes the Election Commission of Pakistan's independence and autonomy in managing the electoral process, while on the other hand Areesha Rehan's article "Who holds the power to announce the election date" wherein she reflected the views of various legal experts as;

- Political commentator Abdul Moiz Jaferii emphasizes that the president's power to announce election dates is derived from the Constitution and takes precedence over any claims the Election Commission of Pakistan (ECP) may make regarding their authority. The ECP's power is subject to the constitutional mandate of holding elections within 90 days of the assembly's dissolution.
- Barrister Ahmad Pansota, founding partner at Ahmed & Pansota, supports a similar view. He asserts that the president's power to set election dates under Article 48(5a) is independent and not subservient to any other provision of the Constitution. He also believes that the recent amendments to the Election Act are subordinate to the Constitution, and in case of conflict, the Constitution prevails.
- Barrister Rida Hosain argues that the president's constitutional authority to appoint election dates cannot be overridden by ordinary legislation. She points out that the amended Section 57 of the Election Act explicitly states that it is "subject to the Constitution." In situations like the recent dissolution of the National Assembly, it is the president who should appoint the election date under the Constitution.
- Mirza Moiz Baig, Special Assistant to the Sindh Chief minister and former associate to the Attorney-General for Pakistan, notes that while the recent amendments to the Election Act exempt the ECP from consulting the president on election dates, they cannot deviate from the constitutional requirement.
- Lawyer Ayman Zafar, a legal associate at SR Law, raises concerns about the recent amendment effectively reducing the presidential role to a mere formality, potentially conflicting with the constitutional provisions outlined in Article 48(5a). This alteration in the consultative process has prompted concerns about its compliance with the Constitution's fundamental principles. (Rehan, 2023)

The literature reviewed in this study highlights the intricate constitutional and legal framework governing the timing of general elections in Pakistan. It underscores the interplay between Articles 51(5), 219, 222, 254 read with Article 224 of the Constitution, along with Section 17 of the Election Act 2017. These provisions collectively shape the process by which general elections are scheduled and conducted in the country.

The research problem, which revolves around the interdependence of these constitutional and legal provisions, is further complicated by the role of the Council of Common Interests. A comprehensive understanding of this framework is essential for maintaining the transparency and integrity of the electoral process and for avoiding legal disputes.

This literature review sets the stage for further research to delve deeper into the constitutional intricacies that underlie the ECP's power to announce the schedule for

general elections. By addressing the gaps and controversies in the existing literature, future studies can contribute to a better comprehension of the constitutional prerequisites for conducting free and fair elections in Pakistan, ultimately enhancing the democratic process and the functioning of state institutions.

Material and Methods

Qualitative research design is applied in this research paper to investigate the complex constitutional and legal provisions regarding the timing of general election in Pakistan. Qualitative research is adopted because it has the ability to do in-depth insight to provide a comprehensive explanation of complex legal and constitutional framework and explore the various aspect of the research problem. This design allows for the analysis of existing legal texts, historical records, and scholarly literature to understand the intricacies of the electoral process in Pakistan.

Research Data is collected mostly by doing a comprehensive relevant literature review of legal documents, like different articles of the constitution of Islamic Republic of Pakistan 1973, Judicial decisions (Precedents), the Election Act of 2017, amendments up-to date, research articles of different research scholars on the matter are reviewed, furthermore a special focus was given on research articles, books, and relevant reports and record available on the research problem. This data collection process was included documents analysis, content analysis and critical perusal of legal text.

The research paper was relied on the analysis of publicly available legal documents and scholarly literature. The sample for document analysis included the Constitution of Pakistan 1973 (as amended), the Election Act 2017, any relevant amendments, and historical records related to the electoral process in Pakistan. The sample for scholarly literature review encompasses relevant articles, books, and reports on electoral governance, constitutional law, and related topics in the context of Pakistan.

Document analysis was focused on identifying key legal provisions and their interplay in determining the timing of general elections. Content analysis was applied to extract relevant information from the reviewed literature and legal documents. The analysis was thematic, aiming to identify patterns, contradictions, and nuances in the constitutional and legal framework governing elections in Pakistan. Cross-referencing of various constitutional articles, amendments, and scholarly arguments was conducted to synthesize a comprehensive understanding of the research problem. It also utilizes historical analysis to trace the evolution of electoral governance in Pakistan, taking into account milestones, challenges, and transformations.

Comparative analysis may be employed to juxtapose Pakistan's electoral system with international best practices where relevant. This research methodology aims to provide a nuanced and comprehensive understanding of the complex legal and constitutional provisions that underlie the Election Commission of Pakistan's authority to announce the schedule for general elections. It addresses the research problem by examining the relationship between Article 224, Article 51(5), and Section 17 of the Election Act 2017, along with other constitutional and legal provisions, and sheds light on the historical and contemporary dimensions of electoral governance in Pakistan.

Result and Discussion

The findings presented in this research paper revolve around the complex constitutional and legal provisions governing the timing of general elections in Pakistan.

These findings highlight the relationship of various Constitutional articles, the Election Act 2017, and records related to the electoral process. The key findings can be summarized as:

- The President of Pakistan is responsible for appointing the date of general elections within ninety days of the dissolution of the Assembly, as per Article 48(5a) of the Constitution of Pakistan 1973.
- The Election Act 2017's Section 57, while empowering the Election Commission of Pakistan to announce election dates, is subject to the supremacy of the Constitution, as indicated by the phrase "Subject to the Constitution" in Section 57(1) of the Act.
- Article 224 of the Constitution prescribes the timeframe for holding general elections within 90 days of the dissolution of assemblies (if dissolved before the fixed term of five years), or within 60 days otherwise.
- Article 224 is closely linked to the delimitation process mandated by Article 51(5), which allocates seats in the National Assembly based on the last preceding census data officially published.
- Article 254 provides flexibility in case the constitutional timeframe for elections is not met, ensuring the validity of the electoral process.
- Article 222 outlines various aspects of the electoral process, including seat allocation, constituency delineation, electoral rolls, and election administration.
- The role of the Council of Common Interests (CCI) and Article 153 introduces additional complexity to the timing of general elections.
- Transparent, free, and fair elections are critical for the democratic process, and understanding the constitutional prerequisites is essential to avoid legal disputes and maintain the integrity of the electoral process.

The data analysis and interpretation in this research paper provide a comprehensive understanding of the complex legal and constitutional framework governing general elections in Pakistan. Key aspects of the analysis and interpretation include:

- The interdependence of Articles 51(5), 153, 219, 222, and 224 of the Constitution, along with Section 17 of the Election Act 2017, in determining the timing of general elections.
- Section 57 of the Election Act 2017 is subject to Article 48(5a) of the Constitution of Pakistan 1973, thereby empowering the President to appoint the date for the general election in the country.
- The historical evolution of Pakistan's electoral governance, highlighting key milestones and challenges.
- The role and independence of the Election Commission of Pakistan in ensuring free and fair elections.
- The significance of constituency delimitation in shaping electoral outcomes.
- The importance of transparency and accountability in the electoral process, including campaign financing and media's role.
- The ongoing debate on the need for electoral reforms to address issues such as vote rigging and irregularities.
- The representation of minority communities within the electoral system as a concern.

- The unresolved issue of ensuring the independence of the Election Commission of Pakistan.

The research question posed in the paper, "How do Articles 48(5a), 51(5), 153, 219, 222, 254 align with Article 224 of the Constitution and Section 17 of the Election Act 2017, intersect to determine the timing of free & fair general elections in Pakistan?" is effectively supported by the presentation of findings and data analysis. The research question is explored in-depth, and the interplay of these constitutional and legal provisions is thoroughly examined. The interpretation of the findings helps shed light on the complex relationships and dynamics at play in determining the timing of general elections in Pakistan. The research paper underscores the importance of understanding these constitutional prerequisites to ensure transparent and fair elections in the country.

Discussion

The research paper delves into the complex web of constitutional and legal provisions governing the timing of general elections in Pakistan. Article 224 of the Constitution of Islamic Republic of Pakistan 1973 clearly denotes that the general election in the country shall be held within 90 days of the dissolution of the assemblies (if dissolved before the fixed term of five years) or within 60 days otherwise. However, this provision cannot be considered in isolation. It is intricately linked to the completion of the delimitation process mandated by Article 51(5), which allocates seats in the National Assembly based on the last preceding census data officially published.

Furthermore, Article 254 provides flexibility in case the constitutional timeframe for elections is not met, ensuring the validity of the electoral process. However, it does not mean that the mandatory period of 90 days or 60 days, as the case may (as provided under Article 224), can be ignored in pre-text of Article 254, similarly, Justice Athar Minallah (Supreme Court of Pakistan) in his additional note on the elections matter, emphasized that a delay of even a single day in conducting general elections beyond the explicitly provided time frame of ninety days constitutes the most-grave violation of the Constitution. Such a delay is deemed to be a suspension of the Constitution, as it undermines the foundational principle of the exercise of powers and authority of the State through the chosen representative, leading to the denial of constitutional rights to the people. Justice Athar Minallah further highlighted under Article 212 of the Constitution; individuals have the right to claim damages against public servants who fail to fulfill their constitutional duties in the context of delaying general elections within the stipulated 90-day period. (Monitoring Report, 2023)

The application of Article 254 may only be considered for the validity of elections conducted after the stipulated time provided under Article 224 of the Constitution in exceptional circumstances provided under Article 51(5) of the Constitution.

Additionally, the President of the Islamic Republic of Pakistan is responsible for appointing the date of the general election, not later than ninety days after the dissolution of the Assembly, in accordance with Article 48(5a) {Subs, by the Constitution (Eighteenth Amendment) Act, 2010} of the Constitution of the Islamic Republic of Pakistan 1973. Despite the recent amendments in the Election Act 2017, Section 57, which empowered the Election Commission of Pakistan to announce the date or dates of the general election, two key grounds are essential to consider in this regard, Firstly, it is an admitted fact that the Constitution of the Islamic Republic of Pakistan 1973 is the supreme law of the land, and subordinate legislation (Election Act 2017) cannot override the supreme law. Secondly, Section 57(1) {Subs. by Act No. XXXV of 2023} of the said Act itself uses the words "Subject

to the Constitution”, which directly indicates that this provision may only be operational under the constitution, i.e., Article 48(5a) “Presidential desecration to appoint election date not later than 90 days of dissolution of National Assembly”.

The paper reveals that while there is no extensive literature on the topic that directly corresponds to the constitutional and legal provisions research question in hand, there are gaps and controversies, particularly regarding the mechanism by which various constitutional provisions interact to determine the timing of general elections. This highlights the research's contribution in addressing these gaps and controversies by providing a more detailed understanding of the constitutional prerequisites for conducting free and fair elections in Pakistan.

The research paper employs a qualitative research design, which is well-suited for investigating the complex legal and constitutional framework governing general elections in Pakistan. Document analysis, content analysis, and historical analysis were used to extract information from legal documents and scholarly literature, providing a comprehensive understanding of the research problem. The research design and methodology are effective in achieving the research objectives.

However, it's important to acknowledge the limitations of the study and scholarly literature, which may not cover all possible interpretations or perspectives on the subject. The complexity of the legal framework may lead to differing interpretations, and the study does not capture every potential viewpoint.

It may be summarized based on available literature and offers a comprehensive understanding of the complex legal and constitutional framework governing the timing of general elections in Pakistan. The study addresses critical questions about the interplay of constitutional provisions and contributes to a more comprehensive understanding of the prerequisites for conducting free and fair elections in the country. The research design is well-suited for the investigation, but it is essential to recognize the study's limitations and the need for ongoing exploration of this complicated topic.

Conclusion

In conclusion, the research has delved into the complex constitutional and legal provisions that determine the timing of general elections in Pakistan. It has unearthed key findings that shed light on the complex relationships and dynamics inherent in the electoral process. The Constitution of the Islamic Republic of Pakistan 1973, along with the Election Act of 2017, assigns crucial roles and responsibilities to the Election Commission of Pakistan (ECP) in ensuring transparent, free, and fair elections. The research paper has highlighted the critical role of Article 224 of the Constitution, which mandates the timing of general elections, and its interdependence with Article 51(5), which dictates constituency delimitation based on census data. Additionally, the paper has emphasized the significance of Article 254, which provides flexibility in case of delays in the electoral schedule.

Furthermore, the President of the Islamic Republic of Pakistan is responsible for setting the date of a general election within 90 days of the dissolution of the Assembly, as outlined in Article 48(5a) of the Constitution of the Islamic Republic of Pakistan 1973. This responsibility remains intact despite of recent amendments in the Election Act of 2017, Section 57, which empowered the Election Commission of Pakistan the authority to announce the election date. This is because the Constitution of Pakistan is considered the supreme law of the state, and subordinate legislation, such as the Election Act of 2017, cannot supersede it. Section 57(1) of the Election Act itself explicitly states that it is subject

to the Constitution, indicating that it can only be operational within the boundaries set by the Constitution.

The research has also illuminated the adaptability of the electoral process, as general elections are considered valid even if they occur after the stipulated time prescribed by the constitution under Article 224, regarding the dissolution of assemblies by the President, through operation of law, or due to vacant seats on any grounds. This finding underscores the resilience of the democratic process in Pakistan. Moreover, the paper has contributed to the field by addressing gaps and controversies in existing literature, especially concerning the complex interplay of constitutional provisions in determining the timing of general elections. It emphasizes the need for a clear understanding of the constitutional requisites for conducting transparent and fair elections in Pakistan.

The research methodology employed, involving qualitative research and document analysis, has effectively explored the complex legal and constitutional framework governing general elections.

It is strongly recommended that the Advisory Jurisdiction of the Supreme Court of Pakistan, under Article 186, be invoked to provide crucial legal interpretations in this matter, considering the proper interpretations and implementation of Article 48(5a), 51(5), 153, 219, 222, 224, and 254 of the Constitution of the Islamic Republic of Pakistan 1973. Additionally, recent amendments to Section 57(1) of the Election Act 2017 warrant attention. Furthermore, swift and imperative reforms in Pakistan's electoral system through parliamentary acts are indispensable to ensure transparency. This necessitates the development of a comprehensive legal framework, strategic legislative amendments, and heightened public awareness.

In summary, this research paper has provided valuable insights into the complex landscape of electoral governance in Pakistan. By offering a comprehensive analysis of the constitutional and legal provisions, it contributes to a better understanding of the prerequisites for conducting free and fair elections in the country. This knowledge is crucial for the clarity and transparency of the electoral process, avoiding legal disputes, and ensuring the democratic functioning of state institutions. The research paper paves the way for further exploration of this complex topic and its implications for Pakistan's democratic journey.

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