



Constitutional Boundaries and the Role of Pakistan's Supreme Court in Election Timelines

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Abstract: The research paper aims to explore and analyze the constitutional dimensions surrounding the authority of the Supreme Court in Pakistan to extend the prescribed time frame for conducting general elections, as stipulated by Article 224(2) of the Constitution. The research delves into the delicate balance between adhering to constitutional mandates and addressing the exigencies that may necessitate the extension of election timelines for the proper functioning of parliamentary democracy. Drawing upon comparative perspectives from other jurisdictions, the research seeks to highlight the nuanced considerations that surround this constitutional issue, examining instances where similar challenges have arisen and the approaches taken to address them. By doing so, it aims to contribute to a broader understanding of the intersection between constitutional provisions, democratic imperatives, and judicial authority in the context of election timelines. The literature review traces the judiciary's historical evolution, emphasizing independence and highlighting a gap in jurisdiction during delayed elections. Using qualitative and doctrinal methodologies, the study explores the Supreme Court's role, addressing a literature gap on its jurisdiction in delayed election scenarios. Findings indicate context-dependent power to extend election timelines, stressing collaborative decision-making with the Election Commission and the President. This research underscores the Court's pivotal role in preserving democratic integrity amid intricate election timelines, emphasizing the contextual nature of its authority to extend election periods.

Key Words: Constitutional complexities, Dissolution, Timely elections, Supreme Court, High Courts, Suo-Motu notice, President, Election Commission, Landmark judgment, Article 224.

1. Introduction



The constitutional concept of the separation of powers holds significant importance in modern times, particularly within federal constitutions. This concept encompasses both horizontal and vertical divisions of powers. The horizontal separation involves the trichotomy of powers among the state's three organs: legislature, executive, and judiciary. Meanwhile, the vertical separation pertains to powers exercised at various government levels, such as federal, provincial, and local. (Ranjah, 2023, p. XV) Almost every

civilized nation considers the Constitution as a powerful law of the country. The judiciary serves as a custodian of the Constitution by exercising the right of judicial review. To

be the custodian of the Constitution, the judiciary must be independent. (Ali, 2021) Pakistan, as a state, is built upon several pillars that define its identity and governance. These pillars are reflected in its constitution and historical development. There are basically three traditional pillars of any state.

Separation of powers or trias politica is a model of democracy that involves the separation of political power between the government's three branches; the executive, the legislature and the judiciary. In a system where there is a separation of powers, each branch is constrained from intervening in the area of responsibility of another branch. (Sultana,2012) These three pillars, made the laws, apply the laws as well as interpret the laws. Beside these pillars, Media is also considered as the "fourth pillar" of any state. (Khan,2014)

A system of checks and balances is established through a doctrine of separation of powers to prevent tyranny and excessive use of power vested upon legislature, Judiciary and executive branches of the State. Modern democracy is based upon the balance of this trichotomy of powers and democratic constitution is further safeguarded through judicial activism. (Soomro & Masudi,2023) The roots of the current judicial system of Pakistan may be trace back to the medieval period and even before. The judicial system applicable today has evolved over a long period of time, spanning roughly over a whole millennium. (Hussain, 2011) The 1973 Constitution guarantees the independence of the legislative, executive, and judicial branches of government. To issue, enforce, and review decisions, the Supreme Court's constitutional jurisdiction is defined separately in Articles 187, 188, 189, and 190 of the Constitution.

The Supreme Court of Pakistan is permitted to issue and carry out Supreme Court processes under Article 187 of the constitution. The Supreme Court is empowered to issue directives, orders, or decrees that are required to ensure that every case or matter before it is handled completely, with the exception of Article 175 clause (2). This authority includes the ability to order the production of any document or the attendance of any individual.

The legislative function of legislator involves the enactment of laws of both a constitutional and a sub-constitutional nature. Article 141 provides that "subject to the Constitution, parliament (President, National Assembly & Senate) may make laws for the whole or any part of Pakistan". Article 142 provides that "parliament shall have exclusive power to make laws with respect to any matter in the Federal Legislative List". Article 238 provides that "subject to this part, the Constitution may be amended by an act of parliament". Article 239 provides that a bill to amend the Constitution may be passed by the votes of not less than two-thirds majority of the total membership of each house of parliament i.e., National Assembly & Senate. (Constitution of Islamic Republic of Pakistan 1973)

The responsibility for law enforcement lies within the executive branch of the government. The federal government, comprised of the prime minister and federal ministers, acts through the prime minister, who serves as the chief executive of the federation. According to Article 90, the executive authority of the federation is to be exercised in the name of the president. Article 97 specifies that the federation's executive authority extends to matters for which parliament has the power to make laws. In Pakistan's parliamentary system of government, the executive branch plays a significant and often influential role in the legislative process. Notably, parliament cannot pass new enactments that are not authorized by the federal government when the government holds a majority in Parliament. The Supreme Court, as the custodian of the people's fundamental rights, has the duty to uphold them by reviewing, interpreting, and making decisions on legal matters within its jurisdiction. (Ranjah, 2018).

According to Articles 187, 188, 189, and 190 of the Constitution, the judiciary holds the ultimate authority in interpreting the law, and its rulings are obligatory for all government branches, this includes federal, provincial, regulatory bodies, and local government personnel. Consequently, the executive and legislative branches lack the authority to overturn a Supreme Court decision through executive actions or legislative measures. Nevertheless, there exists a legal process for scrutinizing and potentially overturning a Supreme Court verdict.

The authority to annul a Supreme Court judgment is not vested in the executive or legislative branches through their actions or any legal instrument. Such annulment can only occur through a prescribed process outlined in Article 188 of the Constitution, involving a review and potential overturning of the judgment. As the highest legal authority in the country, the Supreme Court's rulings are mandatory for all individuals and government officials, irrespective of their positions. The Contempt of Court Ordinance, 2003, details the consequences for contempt of

court, a serious offense punishable by fines, imprisonment, or a combination of both. Those who resist or obstruct the Supreme Court's rulings may be held in contempt of court. Moreover, government employees who defy or obstruct the judgment may face disciplinary measures, including dismissal (Khokhar, 2023).

The Supreme Court of Pakistan serves as the guardian of the Constitution, stands as the highest adjudicating body in the country and being apex, Court of the country considered as prominent competent of Judicial Pillar of the state. Endowed with numerous jurisdictions, powers, and functions, it plays a pivotal role in ensuring the dispensation of justice.



The Supreme Court of Pakistan holds the responsibility of safeguarding fundamental human rights and interpreting the constitution (Raza, 2023). This research paper aims to scrutinize the constitutional authority of the apex court, with a specific emphasis on the issue related to the extension of the election date as outlined in Article 224(2) of the Constitution. (Supreme Court of Pakistan). The primary focus is to contribute to a nuanced analysis of constitutional provisions, aiming to ascertain the detailed role of the Supreme Court of Pakistan in the mentioned circumstances. As the apex court of the law and the Constitution, the Supreme Court's orders and decisions hold binding authority over all other courts in the country. The Constitution delineates comprehensive provisions regarding the composition, jurisdiction, powers, and functions

of the Court. It establishes the groundwork for the independence of the judiciary, ensuring its separation from the executive branch. The Supreme Court, instituted under the 1956 Constitution, succeeded the Federal Court of 1948, which, in turn, succeeded the Federal Court of India established in 1937. Since its establishment in 1956, the Supreme Court has maintained its name and jurisdiction through successive legal instruments, including the Constitution of 1973. (Supreme Court of Pakistan)

The Supreme Court of Pakistan is empowered to hear cases involving disputes between governments or enforcement of fundamental human rights under Article 184, while Article 184(3) constitutionally empowers to take Suo-Moto cognizance on issues of public importance. The Supreme Court has appellate jurisdiction to hear appeals from judgments, decrees, orders, or sentences of the High Court under Article 185. The Supreme Court of Pakistan, as the apex court in the country's judicial hierarchy, holds several key judicial powers and functions. These powers are essential for interpreting and enforcing the law, and they are outlined in various articles of the Constitution of Pakistan. The President may refer legal questions of public importance to the Supreme Court for its opinion under Article 186.

The Supreme Court can revise its own judgments, orders, decrees, or sentences. The Court has the power to safeguard the fundamental rights. Under Article 187, the Supreme Court can issue directions for cases pending before it to ensure complete justice, it also has power of review of judgement pronounced or any order made by it subject to the provisions of any Act of Majlis-e-Shoora (Parliament) under Article 188. The Supreme Court has the power to interpret the Constitution and nullify any act or ordinance contradicting it.

The Supreme Court is considered the guardian of the Constitution and defines its constitutional status within the country, its decisions are binding on all subordinate courts in Pakistan under Article 189. All executive and judicial authorities throughout Pakistan shall act in aid of the Supreme Court under Article 190. The Court has the authority to make practice and procedure rules for regulating the legal system under Article 191. The Chief Justice can request the President to appoint temporary judges to the Supreme Court with the same powers and jurisdiction as permanent judges. The Court can transfer cases, appeals, or other proceedings between high courts.

1.1 Background

The provincial assemblies of Punjab & Khyber Pakhtunkhwa were dissolved on 14th & 18th January 2023 respectively before the expiry of five years term & it was constitutional obligations under Article 224 that elections were required to be held within 90 days of the dissolution of assemblies but it was apprehended & had the great concern on the progress of elections process within 90 days, consequently, two writ petitions were filed at two

different provincial High Courts of Lahore and Peshawar wherein it was sought that the elections in the Punjab and Khyber Pakhtunkhwa assemblies would be held in accordance with the constitution. The Lahore High Court allowed the petition and order for conduct the general elections within 90 days (which was subsequently challenged before the division bench), while an identical petition was pending before the Peshawar High Court Peshawar, on the other hand the honorable supreme court of Pakistan taken Suo-Moto notice vide Suo-Moto Case No. 1 of 2023 under article 184(3) of the constitution.

Initially, a nine-member bench of Supreme Court heard this matter, two Hon'ble Judges disassociated themselves from the Bench for personal reasons, later on two other Hon'ble Judges decided the case by dismissing the said petitions. Consequently, a new five-member bench was reconstituted. In a divided decision, the Supreme Court's five-member bench ordered that elections for the Khyber Pakhtunkhwa (KPK) and Punjab assemblies must take place within a 90-day. This directive was issued as part of the Suo-Motu notice verdict, announced by the former Chief Justice of Pakistan "Umar Ata Bandial" in 2023, marking a significant development. (Muhammad Sibtain Khan 2023)

The decision was not honored and the matter was revolving like musical chair between President and Election Commission of Pakistan for appointment of election date. President had the understandings that under Article 48(5a) he has discretionary power to appoint the election date while on the other hand the chief election commissioner presumed that after amendment in Election Act 2017 section 57 (vide Act XLIV of 2023, s.9.) he has the sole authority to appoint the election date, consequently, Constitution Petition Nos. 32, 36 of 2023 & Civil Misc. Appeal Nos. 118 and 119 of 2023 in Const. P.NIL/2023 (Civil Miscellaneous Appeal Nos. 118 and 119 of 2023 were relating to the maintainability of certain appeals and seeking similar relief as the petitions) were filed before Supreme Court of Pakistan for interpretation of the relevant constitutional and legal provisions.

A comprehensive judgment was announced on 3rd November, 2023. The judgement stated that the National Assembly and provincial assemblies were dissolved on advice from the Prime Minister and Chief Ministers respectively, triggering the need for general elections within 90 days as per constitutional requirements. The delay in holding elections was attributed to the late conduct of the 7th Population and Housing Census, 2023. This census is crucial for delimitation of constituencies, a necessary step before elections. The delay in approval of the previous census (6th Census of 2017) had a cascading effect on these processes. The judgment discusses various constitutional provisions and legal requirements for conducting a census, delimitation, and holding elections. It highlights the challenges posed by delayed census and delimitation processes. Finally, after a detailed legal deliberation, it was agreed that general elections would be held on 8th February 2024. This decision involved consultation between the Election Commission of Pakistan (ECP), the President of Pakistan, and other stakeholders.

The judgment emphasizes the adherence to constitutional mandates by all stakeholders, including the President and the Election Commission of Pakistan (ECP). It also stresses the importance of not overstepping constitutional jurisdictions. The judgment reflects on past events where constitutional provisions were disregarded, leading to crises. It calls for adherence to constitutional duties and cautions against repeat transgressions. During the proceedings, there was a discussion about the constitutional requirement for the president to announce the election date and whether the ECP had the sole authority to set this date following recent amendments to the Election Act 2017. The Supreme Court ultimately directed the Election Commission of Pakistan (ECP) to immediately consult with the president and return to the court with a finalized date. This was apparent acknowledgement of President's constitutional discretionary power under Article 48 (5a) to appoint a date for holding of general election to the assemblies.

The Supreme Court of Pakistan has undoubtedly played a dynamic role in shaping the country's constitutional and political framework. It has addressed the prevailing uncertainty surrounding the general elections by facilitating a resolution between two key constitutional institutions the respected President and the Election Commission of Pakistan. This intervention aims to prevent further breach of Article 224 of the Constitution.

However, it has sparked various legal debates about the extent of the Supreme Court's jurisdiction. A significant issue is whether the Supreme Court is empowered by the constitution of Pakistan 1973, to mediate between these constitutional institutions? Furthermore, there's ongoing discussion about the Supreme Court's ability to modify or play a role of mediator to modify the constitutionally prescribed timeline for holding general elections. The main

objective of this research paper is to analyze constitutional provisions and ascertain the limits of the Supreme Court's power to modify or to play a role as mediator to modify the election timetable as outlined in Article 224 of the Constitution.

2. Literature Review

The literature reviewed provides a comprehensive understanding of the role of the judiciary, particularly the Apex Court of Pakistan, within the constitutional framework. It outlines the historical evolution of the judicial system, emphasizing its independence and significance in ensuring justice and upholding constitutional principles. The literature also introduces key constitutional articles defining the powers and functions of the Supreme Court, establishing it as the guardian of the Constitution.

The literature highlights the separation of powers among the branches of government i.e., Legislature, Executive, and Judiciary. It discusses the distinct roles assigned to each branch under the Constitution of 1973, emphasizing the need for independence to maintain the rule of law (Hussain, 2011). The role of the judiciary in exercising judicial review is a central theme. The literature emphasizes that the judiciary, specifically the Supreme Court of Pakistan, acts as a custodian of the Constitution, ensuring its interpretation and application independently (Ali, 2021). The literature extensively references constitutional articles such as 187, 188, 189, and 190, defining the jurisdiction and powers of the Supreme Court of Pakistan. It elucidates the Court's authority to issue directions, interpret laws, and safeguard fundamental rights (Ranjah, 2018), whereas Article 254 states that failure to comply with requirement as to time does not render an act invalid.

The recent events involving the dissolution of provincial assemblies and the subsequent dispute over election timelines introduce a gap. The literature hints at controversies surrounding the President's authority under Article 48(5a) versus the Election Commission's role post-amendments (Muhammad Sibtain Khan et al., 2023). There is a gap in the literature regarding the extent of the Supreme Court's jurisdiction to mediate between constitutional institutions, especially in situations like the delayed election process (Khokhar, 2023).

The theoretical framework revolves around constitutional provisions and the separation of powers doctrine. It explores the constitutional obligations and authorities vested in each branch of government, particularly focusing on the judiciary's role in upholding the Constitution and resolving constitutional disputes. The literature incorporates various references, both historical and contemporary, to support its assertions. Notable references include articles by Ali (2021), Hussain (2011), Khokhar (2023), Muhammad Sibtain Khan (2023), and Ranjah (2018). These references are strategically integrated to provide a robust theoretical foundation for understanding the dynamics of the judiciary's role within the constitutional framework. The literature review establishes a solid foundation for understanding the constitutional and legal context surrounding the Supreme Court of Pakistan, setting the stage for a detailed analysis of recent events related to the extension of election timelines.

3. Methodology

The research adopted a comprehensive and exploratory approach, utilizing a mix of qualitative and doctrinal research methodologies. The study involved an in-depth analysis of constitutional provisions, legal literature, and recent judicial decisions to understand the role of the Supreme Court of Pakistan in interpreting and enforcing constitutional provisions, particularly regarding the extension of election timelines.

The primary method involved a thorough examination of legal texts, including the Constitution of Pakistan, legal articles, judgments, and relevant statutes. This served as the foundation for understanding the constitutional framework and recent legal developments. Extensive literature review covering legal commentaries, articles, and judgments was conducted to establish a theoretical framework and identify gaps in existing knowledge. The study involved an in-depth analysis of recent cases, specifically focusing on the Supreme Court's decisions related to the extension of election timelines. This included *Suo-Motu Case No. 1 of 2023* and subsequent judgments, offering insights into the Court's approach and reasoning.

The research employed purposive sampling, focusing on key legal documents, articles, and judgments directly related to the Supreme Court's jurisdiction, powers, and recent interventions in the context of elections. The sampling ensured representation from diverse perspectives, including legal scholars, practitioners, and judgments from different benches of the Supreme Court. Legal texts, including constitutional articles, statutes, and judgments, underwent content analysis to extract relevant information on the role and powers of the Supreme Court. The data

was categorized thematically, focusing on key idea such as constitutional interpretation, separation of powers, and the extent of the Supreme Court's authority in election-related matters.

The findings from documentary analysis, literature review, and case analysis were synthesized to develop a comprehensive understanding of the Supreme Court's role in the extension of election timelines. The research adhered to ethical principles, ensuring proper citation of sources, respect for intellectual property rights, and unbiased analysis. Any potential conflicts of interest were disclosed, and the research-maintained transparency in its methodology and findings.

The study relied on existing legal texts, which were subject to interpretation. It focused primarily on the Supreme Court's perspective, and other stakeholders' viewpoints may not have been fully explored. The legal landscape might have evolved, potentially impacting the applicability of findings over time.

4. Results And Analysis

The role of Supreme Court of Pakistan in the context of constitutional boundaries and election timelines has been quite significant, especially constitutional history on election timeframe. The Supreme Court has actively intervened in matters related to the constitutionality of various legislative acts and the proper conduct of elections, thereby playing a pivotal role in shaping Pakistan's democratic process.

The Election Commission of Pakistan (ECP), a permanent constitutional body, plays a crucial role in the electoral process. Under Article 218(3) of the Constitution, the ECP is responsible for conducting elections in free and fair manner, and in accordance with the law. The Supreme Court has repeatedly emphasized the importance of the ECP conducting free and fair elections and has intervened when necessary to ensure adherence to constitutional mandates. The question of whether the Supreme Court of Pakistan can extend the date of elections beyond the constitutionally mandated 90-day period is complex and has been a subject of significant debate and legal action in Pakistan.

The Constitution of Pakistan 1973, specifically in Article 224(2), mandates that general elections for the National Assembly or a Provincial Assembly must be held within 90 days of the assembly's dissolution (if dissolved before the expiry of its FIVE year's term). This constitutional provision has been at the center of recent legal and political controversies in Pakistan. In 2023, there were instances where the Election Commission of Pakistan (ECP) expressed its inability to conduct general elections within the 90-day period due to various legal and procedural challenges. This included the need for fresh delimitation of constituencies based on a new census, along with issues related to funding and security for the elections in Punjab.

The Supreme Court of Pakistan, in response to these challenges, has had to consider petitions and Suo-Motu case regarding the delay in election dates. Justice Athar Minallah (A Judge of Supreme Court of Pakistan) in a comprehensive note, contended that a delay of over 90 days in holding elections was tantamount to suspending the constitution. He emphasized that the failure to hold elections within this period constituted a severe constitutional and public rights violation.

The research findings indicated that the Supreme Court of Pakistan played an indispensable role in interpreting and upholding constitutional provisions, particularly in matters related to election's timelines. The Supreme Court, being the guardian of the Constitution, intervened to ensure adherence to constitutional mandates and to prevent constitutional violations. In the specific case of the extension of election timelines, the Supreme Court addressed the constitutional requirement for holding general elections within 90 days of the dissolution of assemblies, as mandated by Article 224(2) of the Constitution of Islamic Republic of Pakistan 1973.

A Five-member bench of Supreme Court, in its split verdict, ruled that elections for the Khyber Pakhtunkhwa (KP) and Punjab assemblies should be held within 90 days of their dissolution. This decision was reached after considering various factors, including the delay in conducting the 7th Population and Housing Census, 2023, which impacted the process of delimitation of constituencies, a crucial step before elections. The Court emphasized the importance of constitutional adherence by all stakeholders, including the Election Commission of Pakistan (ECP), President, and cautioned against overstepping constitutional jurisdictions.

The Supreme Court's involvement in determining the election date reflected its commitment to constitutional principles and ensuring the proper functioning of democratic processes. However, the research findings suggested

that the Supreme Court generally did not have the constitutional authority to extend the 90-day period for conducting general elections. The Court, while interpreting constitutional provisions, directed the Election Commission of Pakistan to consult with the President and return with a finalized election date, highlighting the collaborative nature of the decision-making process.

The data analysis revealed that the Supreme Court's intervention in election-related matters was guided by a commitment to upholding constitutional principles, ensuring transparency, and maintaining the rule of law in the country. The Court's interpretation of Article 224(2) emphasized the constitutional mandate for timely elections and the significance of conducting elections within the stipulated timeframe.

The research also highlighted the complexities surrounding the question of whether the Supreme Court of Pakistan could extend election timelines. While the Constitution mandated the completion of elections within 90 days, exceptional circumstances, such as delays in delimitation due to census-related issues, prompted legal debates and challenges. The Supreme Court, in its role as the guardian of the Constitution, navigated these complexities by considering constitutional obligations, responsibilities of constitutional institutions, and the need for collaborative decision-making.

The analysis indicated that the Supreme Court's authority to interpret the Constitution and ensure adherence to constitutional timelines was crucial in maintaining democratic integrity. The Court's involvement in resolving disputes between constitutional institutions underscored its role as a mediator and interpreter of constitutional provisions. However, the research findings also suggested that any extension of election timelines by the Supreme Court was contingent on specific circumstances, with a preference for adherence to constitutional mandates, although Article 254 denotes that failure to comply with requirement as to time does not render an act invalid.

The research findings aligned with the research questions and hypotheses, shedding light on the extent of the Supreme Court's authority in interpreting and potentially extending election timelines. The Supreme Court, as the final arbiter of the law and the guardian of the Constitution, played a pivotal role in ensuring the proper conduct of elections within the constitutional framework. The discussion emphasized the constitutional provisions, such as Article 224(2), which set the 90-day timeframe for general elections. The research indicated that while the Supreme Court could interpret and ensure adherence to constitutional timelines, any extension beyond the stipulated period required consideration of exceptional circumstances and might involve collaboration with legislative pillar of the state by constitutional amendment or within prescribed constitutional limits.

The Supreme Court of Pakistan, the President of Pakistan, and the Election Commission of Pakistan generally **DO NOT** have constitutional authority to extend the prescribed time frame for conducting general elections, as mandated by Article 224(2) of the Constitution of Islamic Republic of Pakistan. However, in unavoidable, extraordinary and compelling circumstances for the proper functioning of parliamentary democracy (if permitted by the constitution) Supreme Court of Pakistan may intervein and extend the prescribed time frame for conducting general elections by interpreting the constitution of Pakistan 1973, while it is important to know that Supreme Court of Pakistan has only Constitutional Power to interpret the Constitutional provisions while the amendments in the Constitution by 2/3 majority is the sole prerogative of the Parliament (President, National Assembly & Senate) by following the procedure provided in Constitution of Islamic Republic of Pakistan 1973 under Article 239.

Whereas, exceptional circumstances may arise under which elections could be delayed beyond the 90-day constitutional limit, these exceptions are not explicitly outlined in the Constitution itself, they could emerge due to extraordinary situations, such as a national emergency, adverse law and order situation by internal or external aggression, resign or death or legal disability of important stake holders, natural disasters, or other conditions that render it impractical or impossible to conduct elections within the stipulated timeframe. Special and extraordinary circumstances and deficiencies, or essential prerequisites for conducting elections may also be traced from constitutional Articles 62, 63, 218, 219, 220, 221, 222,225. In such cases, a legal framework for the delay beyond the 90-day period would typically be necessary, achievable through means like a constitutional amendment, a Supreme Court ruling, or application of emergency provisions. For example, Article 232-234, dealing with a state of emergency, could potentially impact the election timeline, although such a scenario would be highly exceptional and contentious. For more nuanced and specific insights, a detailed research analysis is recommended to provide clarity on the matter.

Furthermore, the advisory jurisdiction of the Supreme Court of Pakistan may be invoked by the President under Article 186 of the Constitution of Islamic Republic of Pakistan. If the Supreme Court deems it necessary, as the custodian of the constitution, it may, while interpreting constitutional provisions, highlight to the President the necessary constitutional amendments required by the legislature in this matter. This would follow the procedure outlined in Article 239, specifically in response to the special circumstances of the country.

However, it is crucial to note that the Supreme Court of Pakistan does not possess constitutional authority to directly or indirectly initiate or request amendments to the Constitution of Islamic Republic of Pakistan. Constitutional amendments are typically carried out through the legislative process by the Parliament. The research highlighted the delicate balance between the judiciary's role in upholding constitutional principles and the separation of powers among branches of government. The Supreme Court's involvement in election-related matters was framed within the broader context of safeguarding democratic processes, maintaining transparency, and preventing constitutional violations.

5. Discussion

The research findings revealed that the Supreme Court of Pakistan, functioning as the guardian of the Constitution, played an indispensable role in interpreting and upholding constitutional provisions, particularly concerning election timelines. The Court's involvement in determining the date for general elections reflected its commitment to constitutional principles and ensuring the proper functioning of democratic processes. The interpretation of Article 224(2) of the Constitution underscored the constitutional mandate for timely elections and the significance of conducting elections within the stipulated timeframe.

The literature review provided a comprehensive understanding of the role of the judiciary, specifically the Apex Court, within the constitutional framework of Pakistan. It outlined the historical evolution of the judicial system, emphasizing its independence and significance in ensuring justice and upholding constitutional principles. The literature highlighted the separation of powers and the judiciary's role as the custodian of the Constitution. However, there was a notable gap in the literature regarding the extent of the Supreme Court's jurisdiction in mediating between constitutional institutions, particularly in situations like the delayed election process. The research findings bridged this gap by examining the Court's involvement in resolving disputes related to election timelines.

The analysis of the research findings indicated that the Supreme Court's authority in interpreting and potentially extending election timelines was crucial in maintaining democratic integrity. The Court's commitment to constitutional principles, transparency, and the rule of law was evident in its intervention to address challenges related to the 90-day period for conducting general elections. The collaborative decision-making process, involving the Election Commission of Pakistan and the President, highlighted the importance of constitutional adherence by all stakeholders. The findings underscored the delicate balance between the judiciary's role in upholding constitutional principles and the separation of powers among branches of government. Additionally, Article 254 of the Constitution of Pakistan 1973 mandated that if a constitutional act or task is not completed within the specified time, it will not be considered invalid or ineffective solely because of the delay. Essentially, missing a deadline does not nullify the action, as long as it is eventually carried out.

The research acknowledged certain limitations in the Supreme Court's authority regarding the extension of election timelines. The Constitution of Pakistan, specifically in Article 224(2), stipulated a 90-day period for general elections, and the research findings suggested that any extension of this timeframe required careful consideration of exceptional circumstances. While the Court had the power to interpret and ensure compliance with constitutional provisions, the scope of its authority to extend election timelines was contingent on specific situations. Additionally, the research recognized the preference for adherence to constitutional mandates and the collaborative involvement of other constitutional stakeholders, primarily the legislative pillar of the state, in decision making related to election timelines. This limitation emphasized the nuanced and context-dependent nature of the Supreme Court's authority in this matter.

6. Conclusion

The research explored the role of the Supreme Court of Pakistan in interpreting and potentially extending election timelines, focusing on the constitutional mandate of holding general elections within 90 days of the assembly's dissolution under Article 224(2). The findings revealed that while the Supreme Court had the authority to interpret

and ensure compliance with constitutional provisions, any extension of the 90-day period was context dependent and subject to careful consideration of exceptional circumstances of the country. The Court's commitment to upholding constitutional principles and ensuring the proper functioning of democratic processes was evident in its interventions.

Recommendations for future research include a more in-depth analysis of the exceptional circumstances that could warrant the extension of election timelines, considering factors such as national emergencies, adverse law and order situations, or other conditions that may render conducting elections within the stipulated timeframe impractical or impossible and may warrant a delay in elections beyond the constitutional 90-day limit. Furthermore., Article 254 required more detailed interpretation which states that if an act or duty required by the Constitution is not completed within the specified time, it does not become invalid solely due to the delay. This means that even if something is not done within the stipulated time, it can still be legally effective once completed, ensuring that procedural delays do not invalidate necessary actions.

This exploration could provide a clearer framework for understanding the context dependent nature of the Supreme Court's authority. Investigate the process and limitations surrounding constitutional amendments related to election timelines. Analyzing the constitutional provisions, such as Article 239, could provide insights into the role of the Parliament in determining and modifying the election schedule.

Explore the advisory jurisdiction of the Supreme Court of Pakistan under Article 186 and its potential role in highlighting necessary constitutional amendments required by the legislature to address specific situations related to election timelines. Conduct a comparative analysis with other jurisdictions to understand how constitutional courts in different countries handle challenges related to election timelines. This could provide valuable insights into best practices and potential improvements in the Pakistani context.

In conclusion, the research underscores the Supreme Court's crucial role in maintaining democratic integrity and ensuring adherence to constitutional principles within the complex landscape of election timelines. The findings contribute to the discourse on the delicate balance between the judiciary's authority and the separation of powers in constitutional governance in Pakistan.

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