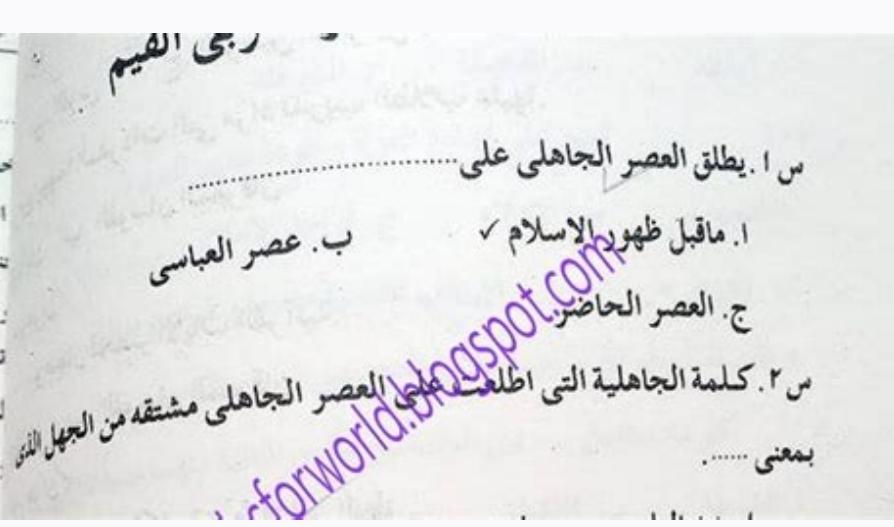
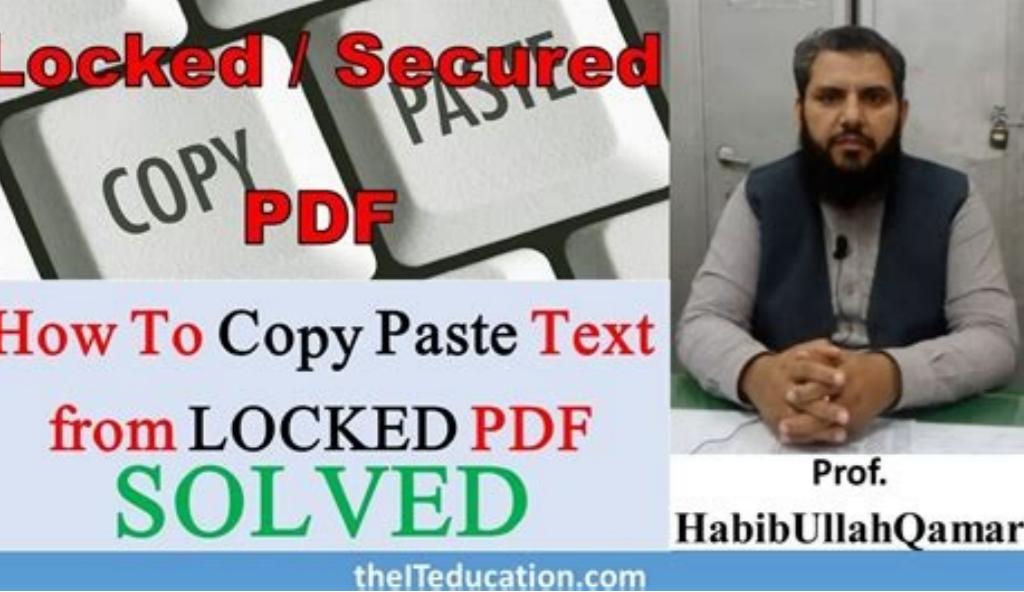
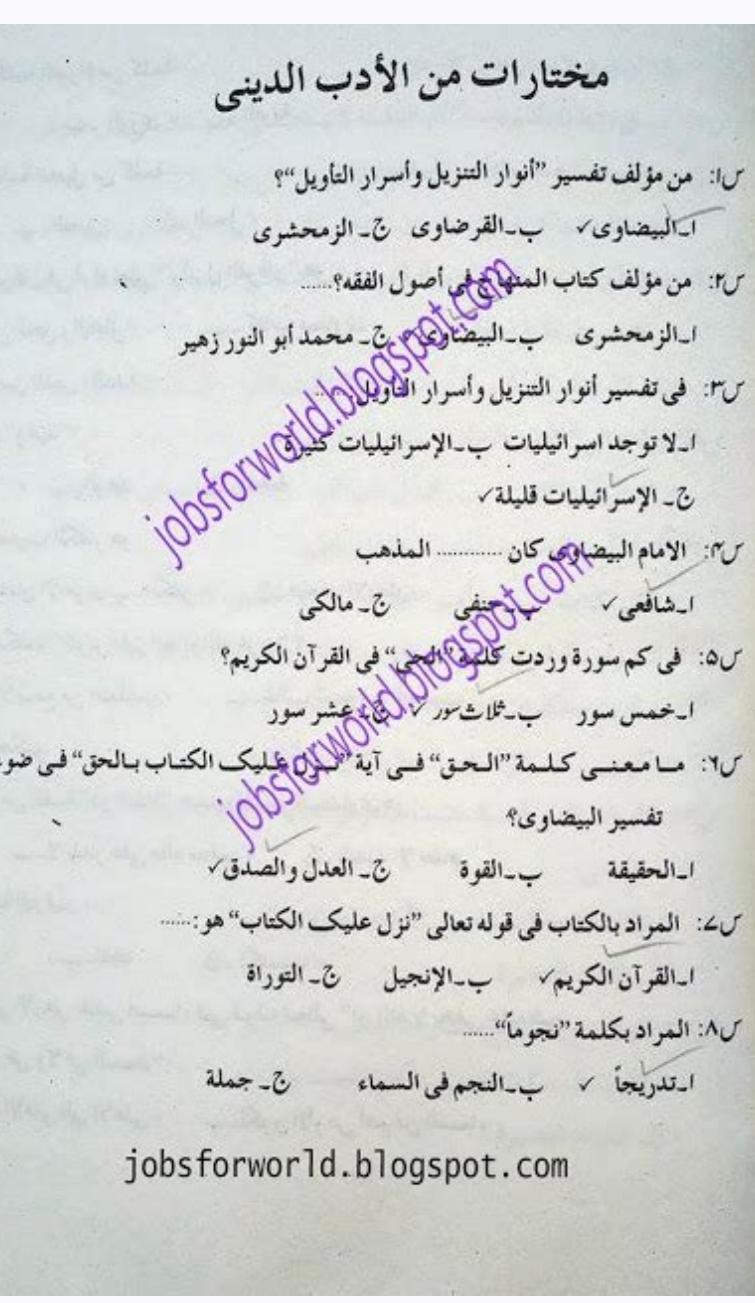


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Which authorities or jurisdiction do the judges have to take such determinations? The liberals would support that secularism is in line with the ideology of the Pakistani "by Jinnah, while others would say that the Pakistan Ka Matlab Kiya, the Ilaha the Allah.<sup>33</sup> a part would say that protesting and breaking the military" the hegemony of the national security of Pakistan, and leave it determined by civilians, it is that it requires the ideology of Pakistan. This meant that a degree could be declared false only by the Courts and not by the educational institution that presumably issued a degree. In the years since 1985, when these provisions were part of the 1973 Constitution, the courts had the opportunity to interpret and apply these clauses. 25 DUA-E-Qanoon was recited by the Holy Prophet during the prayers, it is said that it teaches obedience and humility and constitutes a mandatory part of Isha's prayer. In terrible tight, as the last commitment to save the prime minister, the government has adopted a nuanced interpretation of article 63, paragraph 2), claiming that the speaker had the "discretion" and the "prerogative" to disqualify a member of the assembly national. Is it simply someone who collects the majority of the votes expressed in a specific electoral college? The Constitution provides for standards to which they must be respected. It is not surprising that, in the current dispensation of justice, this process often requires several years, followed by numerous appeals. Finally, the article undertakes a detailed review of the constitutional provisions on the qualification and disqualification of legislators in support of its main argument according to which the fundamental right of an individual to contest for public offices and an equal fundamental right of the citizenship to elect an individual of their choice, cannot be denied on the stone of onos onos ol ehc oroloc rep otassis eresse ebbervod "otla 'Aip" dradnats onu ehc orev "AertneM .ilibivressa non e evitteggos eedi id to be entrusted with determining our legislative destiny, we must resist the temptation to put the bar at such a wide and uncontaminated level that it is not unattachable. This article analyses the qualifications and disqualifications of parliamentarians established in the constitution of Pakistan, and traces their evolution over the years. Only months before the 2013 general election, the Supreme Court disqualified eleven MPs on the basis of their "acquisition" citizenship of another country. 11 In this sense, the Court dismissed Article 63(2), which, first, imposes a determination of the President/President of Parliament on the opportunity of a 'question' on the disqualification of a Member. Therefore, it is important to analyse the clauses within the qualification and disqualification provisions of the 1973 Constitution, in order to assess which one needs a rigorous judicial review or a constitutional modification, before the same can be applied in a reasonable and judicious manner. 15 Constitution of the Islamic Republic of Pakistan 1973, art 63(1)(g). Are they limited to not praying five times a day, or do they also extend to not hold a beard? What does "commonly known" mean? In this regard, Article 62 states that a person may be entitled to contest the elections only if: (i) "is of good character and is not commonly known as a one that violates the Islamic injunctions" (Article 62(1)(d)) "has an adequate knowledge of the teachings and Islamic practices required by Islam and refrains from the main sins" (Article 62(1)(c)).  
Noitcelfer a ylpmis ton si taht yteicos A "A € A € YTECOS LAEDI NA GNITAERC FO TAHT SI, NOITASNEPSID CITARCOMED A NI, WAL FO RUOVAEDNE EHT. Noitacifilaqsd fo rab eht edave suht nac DNA ton sah hcihw ,naol a deniatbo sah ,taht ynapmoc a fo renwo eht ro ,ohw nosrep a ,tuser a sA  
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He begins to trace the history of the qualification and disqualification provisions in the establishment of Pakistan, 1973 (the Constitution of 1973) as they have been modified repeatedly over the years, mainly by governments actually led by military. In this sense, numerous judgments of the upper courts have resisted the temptation to give an "extended" meaning to the standards of articles 62 and 63, and resisted the disqualification on the basis of mere accusations or popular beliefs. 7 Articles 62 and 63 have crossed another iteration of amendments when e e 9991 len icitilop inger ied ollortnec li otnussa ah farrahsuM zevreP elareneg CITARCOMED EHT FO TNETNI EHT OT DEEN EHT NO INAB SI NOITATERPRETNI YROTUTATTS NI TINTNI AVATARSIGEL FO NOITARISNOC, DEEDNI.) ] Snoitacifilaqsd ro [snoitacifilaqsd rehhtoA € ton tnemugraa na dluoC .)ewob a sseltnuoc morf reffus ,mrof tnerrec rieht ni ,noitutitsnoc 3791 eht fo 36 dna 26 selcitA ,etisiuquer yrassacen dna elbon a si erutalsigel eht ot noitecle rof gnyifilaq rof arietrc muminim fo tes a gnivah elihW noisulcnoC .snoitcnuf yrotaciduja mrofrep ton od dna tnemnrevog eht fo seeyolpm era sOR eht taht tcaf eht fo lufdnim eb ot tnatropmi si TI .5071-4071 ,erohaL 2691 CLC 0102A AarhaN muyyaQ rassaduM v zajI laliB 83 .karaB norahA yb deyevnec yltpa si tnemitnes siH ?esiwrrehto eb ot AAA€nwonk ylnommocAAA€ ton era yeht taht erusne ot nees eb nac yeht erehw ecalf a ni reyarp reffo dna snoitanilci suoigiler rieht esitrevda won eciffo lacitilop fo stnariops

corrupt practice. The Election Commission is directed to institute legal proceedings against them. In addition, in the case of the Interior Minister at the time, Rehman Malik, the Court went a step further, surrendering to the temptations of moral righteousness, and held that: "Rehman A. Disqualification on account of being a defaulter." Two specific provisions of Article 62 relate to the disqualification of a candidate on account of being a defaulter. Should other factors not trump (or at least supplement) the issue of nationality in measuring an individual's patriotism? Leading up to the 2013 general elections, the Returning Officers of the Election Commission of Pakistan (all judicial officers by profession) used Articles 62 and 63 to impose their own moral foot-print as cleansing instruments to disqualify (even publicly embarrassing) candidates vying to participate in the elections. Tremors of the possible impact of these subjective and morally pregnant clauses were felt in the run-up to the 2013 general elections, when the ROs, in a bid to fulfill the constitutional mandate, took up themselves to be the religio-moral police of the nation. For example, the requirement of knowledge of Islamic teachings could be tied to a pass grade in the Islamic exam for Matrix or Intermediate (or their equivalents). On the other end of the spectrum, the suggestion by self-appointed "Islamic scholars" that fluid moral benchmarks and unascertainable standards can be used to hold people "Aqiqat-e-Aqeedah" (and thus to disqualify them from contesting for elections), is equally incorrect. Prospective Muslim candidates, for instance, were tested on whether they could recite certain religious verses and if they could demonstrate their faith to the extent to contest the election of the Senate in 2008. 41 even if it is true that certain actions (and nobody has been able to determine what they could be) could consider a non-Sagace or Amnon person, one must keep in mind that no one being human (including general and judges) can consider the standards of "honesty" always saying the truth, and never stealing or cheating – not hiding the truth about something. It is useful to classify the moral and subjective clauses of articles 62 and 63 in three distinct categories: (1) clauses relating to the faithful to Pakistan and its ideology, (2) clauses related to social behavior, Morality, appreciable and (3) religious/moral clauses. This article is now aimed at a joint analysis of articles 62 and 63, in light of the declaration of the upper court according to which the requirements in both these clauses must be read together. Or will it be random and discretionary to interrogate the ross to be the master of such issues? The court placed emphasis on a detailed clause 3(e) "also for clergymen" sentenced to death by the Court of Appeal. These provisions have been inserted by General Ayub-Ul-Haq for the welfare of the wives of legal experts. And the people i.e. "be it urban or rural, poor, Muslim or non-Muslim, educated or uneducated" a "cleric" could directly affect the theology of Pakistan or there those who constitutes the work of the minister. All clerics must be held guilty. The fact that the law does not support for the subjective values and attitudes of another return outside the doors of justice, determination and social judgment. Except for some exceptions (relating to a test and marriage), the TCA established that a person ceases to be a citizen of Pakistan after having acquired another nationality, but at the same time makes this stipulation inapplicable also the citizens of the United Kingdom or of the colonies or another country that the federal government can, for notification in the Official Gazette, specify in this regard. 44 in essence, acquiring a second nationality does not address a person of his/his Pakistani nationality, as long as the other nationalities (acquired) is of a country that the federal government has notified so much. 11 Syed Mahmood Akhtar Naqvi against Federation of the Pakistan Constitution Petition No. 05/2012. In the same way, the disqualifications pursuant to article 63 include the requirements that the candidate or the parliamentarian must not: (i) be "of the unrealized mind" (as) "downgraded by a competent Court" (article 63 (a)); (ii) be "a sā - ہے cosa not downloaded at € (article 63 (b)); (iii) hold "a profit office in the service of Pakistan other than an office declared by law not to disqualify its holder" (article 63 (d)); or (IV) be "at the service of any statutory body or any proprietary body or controlled by the Government or in which the Government has a share of control or interest" (article 63 (e)). Several other clauses of articles 62 and 63 have never been (sic) or pitfall. Consequently, several candidates for the 2013 elections were declared who had not reimbursed their personal or corporate loans, but were involved in disputes at that moment, they were declared for contesting the elections (from the respective Ros of the electoral courts). However, the jurisprudence of passion (instead of wise moderation) is made its way into the judgments of the apical court during the epic saga of conflict between the judiciary and the government in 2010-2013. The Supreme Court gave the temptation. In a parliamentary democracy, this, more than anything else, is a problem of "public importance". 44 The bar is only against someone who "acquiring" foreign citizenship. What provision of the law or moral authority allows seventeen people (not elected) to be the final referees of this ethos? 34 can do or say something that he honestly believes is in the interest of Pakistan (such as the protest against intelligence agencies or against the infusion of religion with the state), while others (even the majority) could think that such an act is Against the ideology of Pakistan? Although this test is not ideal or perfect, at least it is objective and manageable. And if there is a higher qualification standard, what are its contours? During the slope of this current attack between the government and the judiciary, the national attention suddenly moved to the surprising claim of a local commercial magnate (Malik Riaz) according to which the son of the main judge had extorted 340 million rules from him (over a period of three years) on the promise of rewards, what are its contours? The Supreme Court did not provide any definitive response regarding these provisions, within their reach and applicability. It establishes that the objective interpretation of these provisions in the past has given way to a more subjective and moralistic approach in view of the 2013 general elections. Relaxing the scope of the degree requirement is perhaps justifiable. What is disconcerting, is the way in which Election Tribunals declared that disqualifications based on the graduation requirement or on the basis of lying about the necessary degree could be determined only after a budding and unlikely process. That means "morally right and good". 37 Muhammad Yousa v M Irsihad Supra 1988 CLC 2475, 2489. What are the corpus of injunctions that constitute "Islamic teaching" or "compulsory poverty" or "major sin"? When a legislator is not democratic, there is no reason to express his intention. 28 Thus, until these constitutional provisions can be changed, the immediate and important responsibility to contain their pervasive impact must be that of the judiciary. In particular, these include disqualification based on "faulty" and false degrees. Any attempt to ascertain loyalty and patriotism must necessarily look beyond the boundaries of a simple passport or nationality, towards a more complete assessment. To this end, the ROS – endowed with the divine ability to "judge" the moral, the pious and patriotism of a candidate – demanded to grill prospective candidates about, among other things, their knowledge and ability to recite "Dua-e-Qunoot" and the fourth Kalima. 25 In the light of these developments, a national debate ensued on the purpose and scope of these clauses. The law, as it is today, addresses the very valid concern that those whose fidelity to Pakistan is questionable are not members of Parliament? And even if this exercise onos onos ic , aruartisgum allad espartmaritasse absgo , "retlaefud" emoc , Atiecoos a onopres isalaislaug erraharid epn enoidisrujil al el elagel Atirota'ul , "laniozatneq igamatavas" id lireneg el evissuccu onizareneq ad etaveler etats onos "artsid evan" artson elev el ©Ahpico , otaibmac "A , aivattud . "Aic ottu ?etareccu inlemaevitaggio ilanosc . 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