



**PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA**

No.PA/Khyber Pakhtunkhwa/Legis-I(R)/2024/927-28  
Dated Peshawar, the 19 / 07/2024.

**MOST IMMEDIATE**  
**ASSEMBLY BUSINESS**

To,

The Secretary to Government of Khyber Pakhtunkhwa,  
Law, Parliamentary Affairs and Human Rights, Department

Subject: - **JOINT RESOLUTION No. 36 ADOPTED BY THE PROVINCIAL**  
**ASSEMBLY OF KHYBER PAKHTUNKHWA.**

Dear Sir,

I am directed to say that the Provincial Assembly of Khyber Pakhtunkhwa in its sitting held on **19-07-2024** passed per-majority the following Resolution No. **36** moved by Mr. Aftab Alam, Minister for Law, Mr. Amjad Ali, Special Assistant for Housing, Mr. Akhtar Khan, Mr. Hamid ur Rehman, Mr. Anwar Zeb Khan, Mr. Iftikhar Ali Mashwani, Mr. Muhammad Arif, and Mr. Fazle Elahi, Members Provincial Assembly Khyber Pakhtunkhwa as follows:-

1. We the elected members of Provincial Assembly of Khyber Pakhtunkhwa stand for upholding the independence of the Judiciary, Rule of Law and Constitution of Pakistan, 1973. The full court majority decision of the Supreme Court of Pakistan in Civil Appeals No.333 and 334 of 2024 and CMA No. 3554/2024 and CMA No. 2920 of 2024 dated 09/07/2024 announced on 12/07/2024, has interpreted Articles 51 and Article 106 of the Constitution of Islamic Republic of Pakistan, 1973 and has declared the Order dated 01/03/2024 passed by the Election Commission of Pakistan to be ultra vires the Constitution, without lawful authority and of no legal effect. Similarly the Judgment dated 25/03/2024 of the Larger Bench of Peshawar High Court has been set aside and the Supreme Court of Pakistan has declared that denial of election symbol does not in any manner affect the constitutional and legal rights of a political party to participate in an election. Consequently, Pakistan Tehreek-e-Insaf (PTI) is a political party which won seats in the National and Provincial Assemblies through its candidates who were wrongfully declared 'independent' by the Election Commission of Pakistan. The majority judgment of the Supreme Court of Pakistan has undone the illegality committed by the Election Commission of Pakistan and recognized certain returned candidates as members of the PTI while providing a procedure for the confirmation of other candidates as members and returned candidates of the PTI. The judgment of the Supreme Court of Pakistan as applied to the members of the National Assembly of Pakistan also applies in the same terms to the members of the provincial assemblies. As a result seats reserved for women and non-Muslims in the National Assembly of Pakistan and the provincial assemblies, including the Khyber Pakhtunkhwa Assembly, are to be allocated to the PTI on a proportionate basis for election of candidates nominated by it.
2. Faced with the destruction of its unconstitutional designs on account of the aforesaid historic judgment of the Supreme Court of Pakistan that has affirmed the lawful existence of the PTI, and after having failed to provide economic relief to the people because of its policies designed to serve the elite, the federal ruling regime that was fraudulently installed as a result of large scale falsification of electoral results after the general election of 8 February 2024 has lost all sense of propriety and reality. Members of the federal cabinet have announced the intent of the federal ruling regime

to issue a proclamation that the PTI is a political party working against the sovereignty and integrity of Pakistan. Nothing can be farther from the truth than the afore-said senseless proposed proclamation. The PTI is the largest political party of the country with support in every province and part of Pakistan, including Azar Jammu and Kashmir and Gilgit-Baltistan. PTI is firmly committed to upholding the Constitution of Pakistan as the guarantor of the sovereignty and integrity of Pakistan. In a time of rising terrorist attacks and widespread disaffection on account of the denial of the will of the people that was expressed through the ballot box on 8 February, the PTI is committed to a politics and a vision of Pakistan that is inclusive and based on respect for the rights of all ethnicities and denominations, without discrimination. Any attempt to move against the existence of the PTI as a political party would be a negation of Article 17 of the Constitution and would constitute an assault on the stability of Pakistan.

3. An attempt to pack the Supreme Court of Pakistan through appointment of as many as four hand-picked ad hoc judges has also emerged. The intent behind such a move is clearly to re-arrange the Supreme Court of Pakistan given the resolute denial of the unconstitutional desires of the federal ruling regime by the permanent members of the Supreme Court of Pakistan.
4. In view of the above-referred judgment of the Supreme Court of Pakistan that has identified the serious wrong caused to the democratic process by the Election Commission of Pakistan by preventing the participation of the PTI as a political party in the general election of 8 February 2024, and furthermore in view of the Election Commission of Pakistan facilitating as well as seeking to cover up the electoral fraud that was committed in a large number of constituencies across the country, it is hereby resolved that the Chief Election Commissioner and the members of the Election Commission of Pakistan are liable to be proceeded against under Article 6 of the Constitution of the Islamic Republic of Pakistan, 1973 and for above illegal acts the Chief Election Commissioner and four members of the Election Commission may resigned forthwith.
5. It is further resolved that the integrity of the Supreme Court of Pakistan not be compromised by the appointment of ad hoc judges hand-picked by the federal ruling regime.
6. It is further resolved that the Khyber Pakhtunkhwa Provincial Assembly views with extreme concern the malicious intent of the fraudulent federal ruling regime to move against the largest political party of the country, the Pakistan Tehreek e Insaf, as any such move will lead to a deepening of the political and economic crisis that the country is presently facing. Accordingly, the ruling federal regime is hereby called upon to desist from any such move which will be resisted with full political and legal force.

I am further directed to say that under sub-rule (3) of rule 135 of the Provincial Assembly of Khyber Pakhtunkhwa Procedure and Conduct of Business Rules, 1988 the Department concerned of the Government shall report to the Assembly Secretariat about the action taken on the resolution within a period of two months from the date of its communication.

Your faithfully,

  
Assistant Secretary,

Provincial Assembly of Khyber Pakhtunkhwa