

ELECTION COMMISSION OF PAKISTAN

Subject: **CONDUCT OF LOCAL GOVERNMENT ELECTIONS IN THE PROVINCE OF KHYBER PAKHTUNKHWA.**

ORDER
21-10-2021

WHEREAS, Article 218(3) of the Constitution of Islamic Republic of Pakistan mandates the Election Commission of Pakistan to organize and conduct the election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against;

And WHEREAS, the Election Commission of Pakistan is under obligation in terms of Articles 140-A (2), 219(d) of the Constitution, read with Section 219 of the Elections Act, 2017 to hold Local Governments Elections in the Provinces, Islamabad Capital territory and the cantonment boards;

And WHEREAS, it is the duty of all executive authorities in the Federation and in the Provinces to assist the Commissioner and the Election Commission in the discharge of his or their functions in terms of Article 220 of the Constitution;

And WHEREAS, the apex Court in the case of Sheikh Rasheed Ahmed vs. Federation of Pakistan reported in PLD 2010 page 573, has held that:-

"The provisions of Article 220 of the Constitution also reflect to be in pari materia with the provisions of Article 190 of the Constitution according to which all the executive and judicial authorities throughout Pakistan shall act in aid of the Supreme Court. That the independence of Election Commission shall be fully secured and on the touchstone of the aforesaid provision of Constitution, the net result that comes out is that the Chief Election Commissioner and the Election Commission are absolutely independent with exclusive jurisdiction, while performing duties within the terms of Part-VIII of the Constitution in which no interference is allowable by any of the parties. All the concerned quarters, namely Federal and Provincial Government, Law enforcing Agencies are under an obligation to ensure that the Chief Election Commissioner/Election Commission functions independently and to see that they are properly strengthened enabling them to discharge their Constitutional commitments fairly, freely and without any hindrance and pressure of whatsoever nature".

And WHEREAS, the term of Local Governments in the Province of Khyber Pakhtunkhwa expired on 28-08-2019 and the Election Commission in terms of Section 219(4) of the Elections Act, 2017, was under legal obligation to conduct such Local Government Elections within a period of one hundred and twenty days (120 days) of the expiry of the term of such Local Governments, which period has since expired;

