

ELECTION COMMISSION OF PAKISTAN

Islamabad, the 4th November, 2021

ORDER

No.F.16(1)/2021-LGE-KP:- **WHEREAS**, the Election Commission of Pakistan under Article 140A(2) read with 219(d) of the Constitution of the Islamic Republic of Pakistan and Section-219 of the Elections Act,2017 read with Section-75 of the Khyber Pakhtunkhwa Local Government Act, 2013 is charged with the duty to conduct Elections to the Local Councils.

AND WHEREAS the Election Commission of Pakistan has issued schedule for the conduct of elections for Chairman City/Tehsil councils and members Village/ Neighborhood Councils in 17 districts of Khyber Pakhtunkhwa province vide Notification bearing No.F.16(1)/2021-LGE-KP dated 25.10.2021 and 28-10-2021, whereupon proceedings for receiving of nomination papers from candidates by the Returning Officers will start from 04-11-2021.

AND WHEREAS, The Hon'ble Peshawar High Court vide short judgment in writ petition WP No.3605-P/2019, WP No. 3772-P/2019 and WP No.5051-P/2019, dated 02-11-2021, has struck down Section-27(2) of the Khyber Pakhtunkhwa Local Government Act, 2013 only to the extent of holding of elections for Village & Neighbourhood Councils on non party basis as being ultra vires of Article 17 of the Constitution of Islamic Republic of Pakistan and that Elections shall be held on party basis. The Hon'ble High Court has further issued directions to the Election Commission to direct all the Returning Officers to accept nomination papers from candidates/aspirants for contesting elections of village/neighborhood councils on party basis w.e.f 04-11-2021 and that the Elections shall be held as per schedule issued by the Commission through notification 25-10-2021.

NOW THEREFORE, in exercise of the powers conferred upon it under Article 218 (3) of the Constitution of the Islamic Republic of Pakistan read with section 219 (6) of the Elections Act, 2017, Section 76 of the Khyber Pakhtunkhwa Local Government Act 2013 and Rule 8(c) read with Rule-2 of Khyber Pakhtunkhwa Local

Councils (Conduct of Elections) Rules, 2021, and all other enabling powers, the Election Commission of Pakistan is pleased to direct all Returning Officers appointed by the Election Commission vide notification No F.7(2)/2021-LGE-KP Vol-I & II dated 25-10-2021 and 28-10-2021 for NCs/VCs for the 1st phase of Local Councils Elections in 17 districts of Khyber Pakhtunkhwa that;

- List of contesting candidates will be prepared as per English alphabetical order and symbols will be allotted accordingly.
- Contesting candidates nominated by the political parties will be allotted symbols allocated to that party by ECP.
- Symbols to independent candidates shall be allotted by the RO from the list already approved by the Commission for the purpose.
- Each political party shall issue party tickets as per number of seats available for that category in each council.
- Heads of all political parties shall nominate an authorized office bearer for issuance of party tickets preferably at district level to candidates for election to City/Tehsil Council Chairman seats and respective categories of seats in VCs/NCs. The same list of nominated authorized office bearer shall be submitted by all heads of political parties with the Provincial Election Commissioner Khyber Pakhtunkhwa on or before 15-11-2021, who will disseminate the same to all Returning Officers appointed for the first phase of Elections of local councils by 17-11-2021, so that the Returning Officers are able to allot party symbols to the contesting candidates as per law.
- The ballot Papers for each category of NC/VC (form XII-A to XII-E) shall bear Name and allotted Symbol of the contesting candidates

By order of the Election Commission of Pakistan

S/d

Sikandar Sultan Raja
(Chief Election Commissioner)

S/d

Nisar Ahmad Durrani
(Member)

S/d

Shah Mohammad Jatoi
(Member)