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No. F. 2(5)/2021-LGE(P)
ELECTION COMMISSION OF PAKISTAN

Secretariat,
Constitution Avenue, G-5/2,
Islamabad, the 16th April, 2022.

ORDER

1. **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 elections are conducted honestly, justly, fairly and that the corrupt practices are guarded against.
2. **And whereas**, the Election Commission of Pakistan is under obligation in term of Article 140-A and 219 (d) of the Constitution, read with section 219 of the Elections Act, 2017 to hold local Government Elections in the provinces, Islamabad Capital territory and the cantonment boards;
3. **And Whereas**, the term of local government elections in the province of Punjab has been expired on 31-12-2021 and it is the duty of the commission in terms of Article 219(d) of the constitution read with Section 219(4) to hold local government elections in the province within 120 days and it is the duty of all executives authorities in the federation and in the provinces to assist the commissioner and the commission in discharge of his or their functions in term of Article 220 of the constitution
4. **And whereas**, the Government of Punjab promulgated the "Punjab Local Government Ordinance 2021" on 11.12.2021 and in pursuance thereof, Election Commission carried out delimitation of the Village and Neighborhood Councils which has finally been published on 22.03.2022. Further Election Commission in terms of Section 50 of the Ordinance *ibid* has also completed the process of enlistment of the Electoral Groups.
5. **And Whereas**, It is also matter of record that well before the expiry of term of local government in Punjab on 31.12.2021, Election Commission has been asking for provision of the necessary legislation, data/ documents for timely conduct of local government elections in the province.
6. **And Whereas**, the Punjab Local Government (Election) Rules, 2022, were provided to the Election Commission by the Government of Punjab for necessary input which were sent back after giving input to the Government of Punjab on 15.02.2022 and thereafter, Election Commission has been asking the Government of Punjab vide letters dated 15.02.2022, 03.03.2022, 28.03.2022 and 30.03.2022 to provide Punjab Local Government (Election) Rules, 2022 which has not been provided till date.
7. **And Whereas**, despite all best efforts of the Commission, the required assistance of the Provincial Government is still lacking which is in violation of Articles 140-A, 219(d) and 220 of the Constitution of Islamic Republic of

Pakistan. The August Supreme court of Pakistan in case titled Administrator municipal corporation versus Taimur Husain Amin and others reported in 2021 SCMR 714, was pleased to hold that

The matter of holding local government elections lies within the domain of the Commission as per Article 219(d) of the Constitution and the province cannot dictate to the Commission, if and/or when, the same can be held. On the contrary, Article 220 of the Constitution mandates that, 'It shall be 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 case the Federation and/or the Province(s) create hurdles in the way of the Commission holding elections, they will be violating the Constitution, which may attract serious consequences.

8. **And Whereas**, the Constitutional duty to hold Elections and its importance has been elaborated by the August Supreme Court in the Workers Party Case reported in PLD 2012 SC 681;
9. **And Wheres**, the apex Court in the case of Sheikh Rasheed Ahmed vs. Federation of Pakistan reported in PLD 2010 page 573, has held that:-

- i. "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 touch stone 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-VII of the Constitution in which no interference in 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 independent and to see that they are properly strengthened enabling them to discharge their Constitutional commitments fairly, feely and without any hindrance and pressure of whatsoever nature".



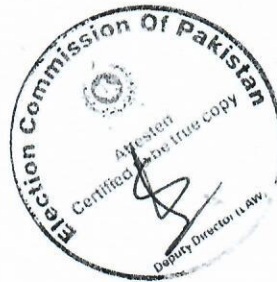
10. **And Whereas**, Election Commission in order to fulfill its constitutional and legal obligations as mentioned above, has to proceed further for conduct of Local Government Elections in Punjab and in this regard has issued Election Programme on 14.04.2022 with poll date on 09.06.2022. However in the absence of Rules, no procedure is available for operational requirements involved in the conduct of Local Government Elections in Punjab.

11. **Now therefore**, in exercise of powers under Article 218 (3) of the Constitution of Islamic Republic of Pakistan read with Section 219 (6) of the Elections Act, 2017, draft Punjab Local Government (Election) Rules, 2022 containing input of the Election Commission are hereby adopted for conduct of Local Government Elections in Punjab.

Sd/-
(Sikandar Sultan Raja)
Chairman

Sd/-
(Nisar Ahmed Durrani)
Member

Sd/-
(Shah Muhammad Jatoi)
Member



Copy forwarded for information to the Registrar, Supreme Court of Pakistan, Islamabad & Registrar, Lahore High Court, Lahore.

I. Copy forwarded for information to the:


- (1) Secretary, Ministry of Parliamentary Affairs, Govt. of Pakistan, Islamabad.
- (2) Chief Secretary, Government of the Punjab, Lahore.
- (3) Secretary, Local Government & Community Development Department, Government of the Punjab, Lahore.

II. Copy forwarded for information and necessary action to:

- (1) The Provincial Election Commissioner, Punjab.
- (2) All DROs, ROs & AROs concerned.
- (3) All the concerned Regional Election Commissioners.
- (4) All the concerned District Election Commissioners.

III. Copy also forwarded to the:

- (1) Director to the Hon'ble CEC.
- (2) PSO to the Hon'ble CEC.
- (3) SPS/ PSs / PAs to the Hon'ble MEC-I & II.
- (4) Staff Officer to the Secretary
- (5) PA to the Special Secretary
- (6) PS to the Addl. Secretary (Admn)
- (7) D.G (Law)
- (8) D.G (LGE)
- (9) Addl. Director General (Election-I & II)
- (10) Addl. Director General (Law).
- (11) Addl. Director General (MCO)
- (12) Director (LGE).
- (13) Deputy Director (Coordination)
- (14) Deputy Director (GS)
- (15) Deputy Director (Law)
- (16) Deputy Director (LGE-KPK, Sindh, Balochistan/ICT)
- (17) Deputy Director (Monitoring)
- (18) Deputy Director (Web) for uploading the same on ECP's website.


(Muhammad Qazzafi Khan
Assistant Director (LGE-P/C)