



Sikandar Sultan Raja
Chief Election Commissioner of Pakistan

24th August, 2023

Subject: **ANNOUNCEMENT OF DATE FOR HOLDING OF GENERAL ELECTION TO THE NATIONAL ASSEMBLY**

Excellency,

اسلام دین

Reference President's office letter No 7/3/D (FA&PA)/2023 dated 23rd August, 2023, on the subject cited above.

2. It is submitted that the National Assembly has been dissolved by the President of Pakistan in terms of Article 58(1) of the Constitution, on the advice of the Prime Minister through the summary dated 09-08-2023. It is imperative to point out that Section 57 of the Elections Act, 2017 has been amended vide amendment Act, 2023 on 26th June, 2023.
3. That prior to the amendment of Section 57(1) of the Act *ibid*, the President was required to consult the Commission in terms of Section 57 of the Elections Act, 2017, before appointing a date for election. However, after the amendment in Section 57, the Commission has been empowered to announce the date or dates for the General Elections. Where the President dissolves the National Assembly, in his discretion, as provided in Article 58(2) read with Article 48(5) of the Constitution then he has to appoint a date for the General Elections. However, if, the Assembly is dissolved on the advice of the Prime Minister or by afflux of time as provided in Article 58(1) of the Constitution, then the Commission understands and believes that power to appoint a date or dates for elections rests exclusively with the Commission. The Commission believes with utmost respect that the reliance placed on the provisions of the Constitution mentioned in your subject letter are not applicable in the present context.
4. That Article 48(1) of the Constitution provides that the President shall act on the advice of the Prime Minister. Clause (5) of Article 48 contains non-obstante clause. It is on record that the National Assembly was dissolved on the Advice of the Prime Minister; therefore, the provisions of Article 48(5) are not attracted thereto.
5. It is pertinent to mention here that delimitation of constituencies is one of the foundational legal steps towards election. In pursuance of the last preceding

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census officially published on 07-08-2023, the Commission decided to carry out fresh delimitation of constituencies as provided under section 17(2) of the Elections Act, 2017, to protect the fundamental rights of contesting candidates, political parties and electorates as guaranteed under Article 17(2) of the Constitution. It is important to add here that the Election Commission is taking its responsibility of holding the General Election very seriously and has also initiated the process of inviting the major political parties for giving their views on the electoral road map.

6. Notwithstanding the declared position of the Commission referred herein above, it is stated with all reverence, that the Commission holds the office of President in high esteem and it has always been an honor to meet and seek your kind guidance on national issues at an opportune time.

7. In view of the above, the Commission is of the considered view that participation in the meeting would be of scant consequence.

Yours sincerely,


(Sikandar Sultan Raja)

Dr. Arif Alvi,
President of Pakistan,
Islamabad.