

ELECTION COMMISSION OF PAKISTAN

MR. SIKANDAR SULTAN RAJA, CHAIRMAN
MR. NISAR AHMED DURRANI, MEMBER
MR. SHAH MUHAMMAD JATOI, MEMBER
MR. BABAR HASSAN BHARWANA, MEMBER

CASE No.1(1)/2024-LGE(P) Vol-I

Subject: DELAY IN CONDUCT OF LOCAL GOVERNMENT ELECTION
IN PUNJAB PROVINCE.

On Commission's Notice

- i. The Secretary, Local Government and Community Development Department.
Government of Punjab. Lahore.

.....Respondent(s)

For the Respondents : In person
For the ECP : Secretary ECP, Special Secretary, Special Secretary Law,
ADG Law, and Director Law along with ADG local
Government.

Date of hearing : 08-10-2025

ORDER

Sikandar Sultan Raja, Chairman- Brief facts of the case are that the matter of Local Government Elections in the Province of Punjab has been considerably delayed, therefore the Commission fixed the matter for hearing on 02-06-2025 had passed the following order:

"In view of the above, the request of the respondent is allowed and time of three months is hereby given for completion of above mentioned activities in the interest of justice. In case of failure, the Commission will issue appropriate orders regarding conduct of Local Government Elections in Punjab Province."

2. After lapse of the given time, no response was received from the Government of Punjab therefore the Commission decided to fix the matter for hearing with notice to Secretary Local Government Punjab for 08-10-2025.

3. The Election Commission of Pakistan hereinafter referred as (The Commission) is charged with the duty to organize and conduct elections and to make such arrangements as are necessary to ensure that election is conducted honestly, justly, fairly and in accordance with the law and that corrupt practices are guarded against under Article 218(3) of the Constitution of Islamic Republic of Pakistan (hereinafter referred as "the Constitution"). The Commission is also charged with the



duty to hold local Government Elections Under Article 140-A(2), 219(d) of the constitution. The Commission is also under obligation to hold the local government elections within 120 days after the expiry of the term of the local government under section 219(4) of the Elections act, 2017 (hereinafter referred as "the Act"). The term of the local government in the province of Punjab expired on 31st December, 2021. The Commission before the expiry of the term of the local government had repeatedly approached the provincial government for consultation and timely conduct of the local Government election in the province to fulfill the Constitutional requirement.

Local Government Elections in ICT and Other Provinces

4. **The** Local Government Elections in the Province of Baluchistan, KP, Sindh and Cantonments have been successfully conducted by the Commission despite the pitfalls faced. Initially the Provincial Governments were reluctant to conduct the Local Government Elections in the provinces and cantonments however later on, they co-operated and assisted the Commission in holding of said elections. Consequently, the LGEs were held in the three provinces transparently, in accordance with law and free of violence. The Commission appreciates the efforts of the Provincial Governments of KP, Sindh and Baluchistan for rendering assistance in holding peaceful Local Government Elections.

Background of the Case

5. The term of Local Government Elections in Punjab expired on 31-12-2021. Since 2019, 5 (Five) Local Government laws have been changed by the Provincial Government Punjab while 4th new law is currently under the process of legislation. The details of the said Acts are given below;

- On 4th may 2019, two new Acts Punjab Local Government Act, 2019 and Punjab Village Panchayat and Neighborhood Council Act, 2019 were enacted.
- On 3rd February amended Punjab Local Government Act, 2019 and repealed Punjab Village Panchayat and Neighborhood Councils Act, 2019 by virtue of Punjab Local Government (Amendment) Ordinance, 2021.
- On 11th December 2021, promulgated a new law by an ordinance "Punjab Local Government Act, 2022".
- On 24th June, 2022 enacted another law i.e. Punjab Local Government Act, 2022.
- On 16th November 2022 promulgated another law Punjab Local Government Act, 2022.

Three rounds of Delimitation.

- **However, Since then, the ECP has:**



i. Conducted three rounds of delimitation.

- ❖ 1st - Started from 25th June, 2020 but was postponed on the request of the Punjab Government;
- ❖ 2nd - Started from 27th December, 2021 and completed on 22nd March, 2022;
- ❖ 3rd - Started from 8th December, 2022 and completed on 12th February, 2023.
- ❖ 4th - Schedule issued on 20th June, 2024 but withdrawn on the request of Punjab Government.

ii. ECP also completed the process of enlistment of Electoral Groups twice; and

iii. issued Election Schedule once, which was suspended by the Lahore High Court, Multan Bench.

6. Secretary Election Commission along with Special Secretary appeared and briefly explained all steps taken by the Commission in respect of Conduct of Local Government Elections in Punjab. They apprised the Commission that the Local Government Punjab is still not willing to conduct local bodies election and till date despite commitment on hearing dated 02-06-2025, no progress has been shown by them in the finalization of process of legislation for enactment of Punjab Local Government Act. Secretary Election Commission also informed the Commission that the process of delimitation was started in June 2024 which was withdrawn on the request of Punjab Government on 28.06.2024 and one-month time was granted to the Government of Punjab for completion of legislative process however till date no progress is evident. They requested the Commission for issuance of directions for initiation of process of delimitation under the existing Local Government Act, 2022 to comply the Constitutional mandate of the Commission.

7. Special Secretary Law emphasized that Article 32 of the Constitution provides that the State shall encourage Local Government institutions composed of elected representatives. He also referred to Article 140-A and argued that it is the obligation of each provincial Government to establish Local Government system by law and to devolve political, administrative and financial responsibilities to the elected representatives. He contended that Article 218(3) obligated the Commission to hold and organize the Elections in accordance with law. He explained that the connotation in accordance with law and applicable law means the law as it exists at the time of elections. He argued that the importance of Local Government Elections has been discussed in various judgements of the superior courts.



8. ADG Law while assisting the Commission referred to the judgement reported in 2021 SCMR 714 Para 6 and 9 and argued that the august Supreme Court of Pakistan that Provinces cannot dictate the Commission for conduct of local Government Elections as it is the exclusive domain of the Commission as per Article 219(d) of the Constitution. The Court also held that all the executive authorities of the Federation and Provinces are bound to assist the Commission and the Commissioner under Article 220 in discharge of his and their functions. He also highlighted that Jamaat-e-Islami filed W.P. No. 13431/2025 regarding holding of Local Government in Punjab. He referred Article 7 of the Constitution and emphasized that Local Government is the third tier of the state.

9. Secretary Local Government Punjab appeared in person and submitted that the process of legislation of Punjab Local Government Act is under process of completion and earlier it was delayed on account of the floods. He stated the Standing Committee has now finalized the process and the bill will be laid down in the Provincial assembly for passage. He ~~shortly~~ requested for some time till the session of the Assembly is convened.

10. We have heard the arguments of the Secretary Local Government Punjab and Secretary ECP and the Legal Team.

11. This Commission has exhausted all possible efforts for the conduct of local Government Elections in Punjab but each time the Government of Punjab has acted in a dilatory manner to delay the conduct of local Government elections on one or the other pretext. The Election Commission of Pakistan established under Article 218 of the Constitution of Islamic Republic of Pakistan is charged with the duty of conducting elections to the office of the President, Senate of Pakistan, National Assembly, Provincial Assemblies, local governments and the Cantonment Boards. In terms of Article 140A of the Constitution, the local government election in the provinces is a requirement of the Constitution. Pursuant to Article 222 of the Constitution, the Federal Legislature has enacted the 'Elections Act, 2017' and section 219(4) thereof stipulates that the election to local governments shall be held within one hundred and twenty days of the expiry of term of a local government. The august Supreme Court in the cases of President Baluchistan High Court Bar Association and Raja Rab Nawaz has held that after Eighteenth Constitutional Amendment, ECP is charged with the duty of holding Local Government elections in terms of Article 140A(2) read with Article 219(d) of the Constitution. The apex Court further held that the Provinces may have power to legislate but if there is no legislation or if there exists defective legislation, the ECP is not absolved from performing its duties under the Constitution.



The august Court further held that the Constitutional provisions cannot be allowed to be not adhered to for want of sub Constitutional legislation."

12. Reference is made to 2014 SCMR 1. Relevant part of the judgment provides the following: -

"5. Needless to observe that as per the provisions of Articles 32 and 140A of the Constitution, as repeatedly emphasized, the Federal Government is duty bound to hold elections in the Federal Area and Provincial Governments in the Provinces to ensure in the Provinces in order to ensure participation of the general public in the administrative, political and financial affairs of the Government by establishing local bodies system. As far as sub-Article 2 of Article 140A is concerned, it cast a duty upon the Election Commission to hold the election of local bodies in terms of sub-Article 140A (1). Therefore, it should always remain prepared to meet the challenges and whenever any request by the Federal or the Provincial Government is made for holding elections, the ECP should comply with the same at the earliest."

13. Reference is also made to Administrator Municipal Corporation, Peshawar vs. Taimur Hussain Amin passed by August Supreme Court of Pakistan vide judgment dated 15.03.2021, wherein Supreme Court was pleased to hold as under:

"6. The matter of holding local government elections lies within the domain of the Commission as per Article 219(d) of the Constitution and a 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."

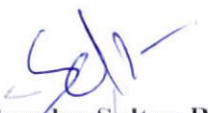
14. It is the Constitutional obligation of the Commission to organize and conduct elections in accordance with the Constitution and Law which entrust it with exclusive, broad and extensive powers to fulfill its Constitutional responsibilities. The August Supreme Court has also held in a number of judgments that Election Commission is bound by the Constitution and law to ensure timely conduct of elections. At the same time, it is the Constitutional responsibility of the provincial Governments to ensure establishment of local Government system in terms of Article 140(A)(1) of the Constitution

15. In view of the arguments, the Commission in exercise of powers under Articles 218(3) read with 140-A, 220, 219 of the Constitution read with Section 219 of the Elections Act, 2017 and the directions of the Honorable Supreme Court of Pakistan reported as 2021 SCMR 714, has

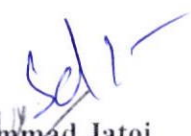


decided to hold the Local Government Elections in the Province of Punjab on the basis of existing Local Government Law i.e Punjab Local Government Act, 2022 and the Rules framed thereunder. The office is directed to initiate the process of delimitation from tomorrow and shall further complete it within two months ^{and} thereafter the election programme shall be announced and the election shall be held in the last week of December, 2025.

16. The office is directed to follow the timelines strictly.


Sikandar Sultan Raja
Chairman


Nisar Ahmed Durrani
Member


Shah Muhammad Jatoi
Member


Babar Hassan Bharwana
Member

