

ELECTION COMMISSION OF PAKISTAN

PRESENT:

MR. SIKANDAR SULTAN RAJA,	CHAIRMAN
MR. NISAR AHMED DURRANI,	MEMBER
MR. SHAH MOHAMMAD JATOI,	MEMBER
MR. BABAR HASSAN BHARWANA,	MEMBER
MR. JUSTICE (R) IKRAM ULLAH KHAN,	MEMBER

Case No. 8(19)/2022-Law-III

In Ref: WRIT PETITION NO. 4787/2022, AND 4809/2022, FILED BY MR. SHAHZAD ARURANGZEB & ICT ADMINISTRATION.

For the Applicants :

For ICT

: Mr. Ashter Ausaf Ali, Attorney General for Pakistan and
Jahangir Khan Jadoon, Advocate General

Mr. Shahzad Aurangzeb,

: Mr. Adil Aziz Qazi, Advocate alongwith
Zopash Khan and Junaid Ahmed Qureshi
Advocates

Mr. Mian Muhammad Aslam and
Mr. Muhammad Nasrullah

: Petitioners in-person alongwith Mr.
Hassan Javed Advocate

Mr. Ali Nawaz Awan

: Mr Babar Awan ASC and Sardar Taimur
Awan Advocate alongwith Attiq-ur-
Rehman Siddiqui and Sardar Muhammad
Msroof Khan Advocates

Date of hearing

:

27.12.2022

ORDER

Sikandar Sultan Raja, Chairman: The brief facts of the case are that the term of Local Government Elections in Islamabad has expired on 14.02.2021 and it was the duty of the Election Commission of Pakistan (hereinafter referred as the Commission) to hold the Local Government Elections within 120 days in terms of section 219(4) of the Elections Act, 2017 (hereinafter referred as the "Act"). For this purpose, the election commission approached the federal government for providing



maps and other required data, documents and notifications for the purpose of fresh delimitation of ICT constituencies as well as for completion of the process of legislation. In this regard numerous letters of this Commission dated 09.12.2020, 13.01.2021, 29.01.2021, 12.02.2021, 24.02.2021, 26.03.2021, and 07.09.2021 have been written to the relevant authorities and series of meetings of this Commission on 02.02.2021, 05.04.2021, 05.08.2021 were also held with the concerned authorities. During the aforementioned meeting dated 02.02.2021, Ministry of Interior raised objection that the delimitation cannot be carried out in the absence of officially notified results of census. Later on Deputy Secretary, Ministry of Interior informed the Commission that Federal Government is working on preparation of maps and same will be provided shortly. He also informed that the proposed amendments in the Islamabad Capital Territory (hereinafter referred as ICT) Local Government Act, 2015 will be placed in next meeting of the Federal Cabinet. Upon such developments, this Commission appointed Delimitation Committees and Delimitation Authorities vide notification dated 30.04.2021. Ministry of Interior vide another letter dated 18.05.2021, confirmed that election may be conducted on the existing notified Union Councils i.e 50 and ultimately, they provided requisite data/ documents required for delimitation. The Commission decided to carry out delimitation on the basis of official results of census published on 06.05.2021 and timeline in this regard was also issued on 21.06.2021. To carry out the process of delimitation, the limits of administrative units were frozen on 25.06.2021. As the commission started the process of delimitation, Interior Division vide letter dated 06-07-2021, withdrew the earlier letter dated 18-05-2021 (wherein the number of Fifty (50) UCs to be delimited in the ICT were communicated). Upon this ECP sought explanation from Secretary, Interior Division vide letter dated 29-07-2021. The Interior Division in response to the explanation letter from ECP vide letter dated 02-08-2021, replied that official results of census have been published by keeping in view the aspect of increase in population and the Federal Government intends to increase the number of UCs in ICT and the Government is working on the enactment of new Local Government Act for ICT. The Commission convened a meeting under the Chairmanship of Chief Election Commissioner on 05-8-2021 in which Secretary Ministry of Interior sought period of one month to complete the aforementioned tasks. On their request, one-month time was allowed to the government for doing the needful. However, after lapse of given time, no progress was made and another reminder was issued on 07.09.2021 for enactment and provision of necessary data which received no positive response. The



Commission fixed the matter for hearing on 05-11-2021 with notice to the Secretary Ministry of Interior and Chief Commissioner ICT to appear in person and explain the delay in finalizing the commitment of legislation and provision to increase number of UCs. The Commission after hearing the Secretary, Ministry of Interior and officers of the ECP decided the matter on 10-11-2021 with the directions to the Secretary, Ministry of Interior to provide the necessary legislation/enactment and to the Chief Commissioner, Islamabad to provide the requisite data/notifications to the Commission within 10 days positively alternatively, the Commission shall initiate the delimitation process on the already determined/notified 50 UCs (Urban 27, Rural 23) in the ICT with effect from 25-11-2021 under the applicable local government law i.e. the ICT Local Government Act, 2015 and Rules framed there under. Instead of complying with the order of the Commission, the Federal Government promulgated the ICT Local Government Ordinance-2021 on 24-11-2021. The Commission vide D.O dated 30-11-2021, asked the Secretary, Ministry of Interior for provision of the Rules under the Ordinance 2021 at the earliest. A committee was constituted by ECP on 22.12.2021 to scrutinize the ICT Local Government Ordinance, 2021 and to bring the same in conformity with the Constitution, Elections Act, 2017 and Election Rules, 2017. The Delimitation of Neighborhood Councils was started on 25.11.2021 and the Preliminary list of Neighborhood Councils/Wards was published on 08-01-2022. Final List of Constituencies of ICT Local Councils was due to be published on 16-02-2022. Due to non-provision of relevant rules and procedure for enlistment of electoral groups, Commission issued notices to the Chief Commissioner ICT and Secretary Ministry of Interior on 07-02-2022 for hearing on 09-02-2022 in which the directions were issued to them to finalize the relevant rules before 24-02-2022. However, due to suspension of the ordinance by the Honorable Islamabad High Court on 10-02-2022, delimitation process was stayed. Through writ petition number 4640/2021 and two other writ petitions, ICT local government ordinance 2021 was challenged before the Honorable Islamabad High Court who dismissed the petitions and struck down the ICT local Government ordinance 2021 vide order dated 16-03-2022 and directed the Commission to conduct the Local Government Election in Islamabad on the basis of Islamabad Capital Territory Local Government Act, 2015. The Commission initiated the process of delimitation and issued the Schedule/timeline on 25-03-2022 for carrying out the delimitation of the Local Government constituencies i.e. 50 Union Councils, 300 General wards and 100 Women Wards. The delimitation committees completed their assigned tasks and final list of constituencies was published on 19-05-2022 thereafter



schedule for the conduct of Local Government Elections in ICT was issued on 02-06-2022 and poll day was fixed on 31-07-2022. Meanwhile, Federal Government increased the number of Union Councils from 50 to 101 and matter was challenged by Dr Tariq Fazal Chaudhary and another through Writ Petition No. 2235 of 2022 before Honourable Islamabad High Court Islamabad for implementation and increase in number of UCs. The Commission during pendency of writ petition increased the number of UCs from 50 to 101 and informed the Honorable bench upon which matter was disposed off vide judgment dated 22-06-2022. Commission once again initiated the process of delimitation and issued delimitation schedule for ICT on 22.06.2022 for 101 UCs, 606 General Wards and 202 women wards. Final List of Constituencies was published on 26.08.2022 and Election Schedule for LG ICT was issued on 20.10.2022 with poll day as 31.12.2022. Federal Government vide notification SRO No. 3-57/2022 – MCI increased the number of UCs from 101 to 125. The Commission vide order dated 20.12.2022, decided to hold the Elections as per schedule already issued. The order of the Commission was challenged through Writ Petitions No 4787 and 4809 of 2022 before the Hon'ble Islamabad High Court through which the Hon'ble Court vide judgment dated 23.12.2022 set aside the order passed by the Commission for holding of the election as per schedule with certain observations and referred the matter to the Commission to decide the same afresh after hearing the parties concerned.

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2. In compliance of the above order of the Hon'ble High Court, this Commission issued notices to the Petitioners and Attorney General for Pakistan and the Advocate General Islamabad for appearance on 27-12-2022, as well as to the Ministry of Interior.

3. Learned Attorney General for Pakistan appeared and submitted that after official publication of census Result 2017 it was necessitated to increase the number of Union Councils for providing proper representation to the voters. He added that number of people has been increased after official publication of census result. He further argued that the Honourable Islamabad High Court vide order dated 23-12-2022 has remitted the Writ Petitions to the Commission which will be deemed to be pending for decision afresh. He further added that Commission has not provided opportunity of hearing to the parties while issuing order dated 20-12-2022. He also argued that Section 4 and 6 of ICT Local Government Act, 2015 are distinct in nature and there is no restriction provided under Section 6 for the Federal Government to increase or decrease the number of Union Councils. He elaborated that Federal Government is competent to

issue Notification under Section 6(1) of the ICT Local Government Act, 2015 for increase in the number of UCs. He also added that the previous notification regarding 101 Union Councils is not in field and has therefore no effect, as and when Federal Government has issued Fresh Notification dated 19-12-2022. He contended that Commission is bound to implement the notification issued by the Federal Government. In support of his arguments, he referred and read out para 5, 6, 10 and 11 of the judgment passed by the Honorable Islamabad High Court dated 23-12-2022 in which the court has observed that the Federal Government is empowered to determine the number of Union Councils (hereinafter referred as UC) in terms of section 6 of ICT Local Government Act, 2015. He also elaborated the concept of local areas which according to him include Union Councils and Metropolitan Corporation. He while extending his arguments added that the definition of local area is not provided in definition clause but defined in Section 4 of ICT Local Government Act, 2015. In response to the query of the commission regarding concurrence as mentioned in section 4(4) of ICT Local Government Act 2015, he submitted that in case of increase in number of Union Councils under Section 6 of the said Act, concurrence of the Commission is not required and it is only for the alteration in the limits of local area. While concluding his arguments he assured the Commission that Government is ready to provide all the necessary assistance to the Commission for conduct of free and fair election in ICT and also added that in his opinion Commission is required to consider the new legislation and notification dated 19-12-2022 issued by the Federal Government and to initiate fresh process of delimitation on the basis of 125 union-councils.

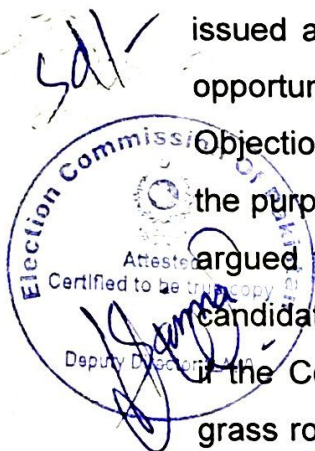


4. Mr. Jahangir Khan Jadoon Learned Advocate General appeared and adopted the arguments advanced by learned Attorney General for Pakistan. In addition, he also submitted that the previous notification regarding 101 Union Councils is not in field and has therefore no effect, as and when Federal Government has issued Fresh Notification dated 19-12-2022. He requested for implementation of the said notification.

5. Mr. Adil Aziz Qazi Advocate appeared on behalf of Petitioner Mr. Shehzad Aurangzeb in Writ Petition No. 4787/2022 and submitted that the Commission has earlier withdrawn its schedules when the number of Union Councils was increased from 50 to 101. He further submitted that now the Federal Government has increased the number of UCs from 101 to 125 and the order passed by the Commission dated 20-12-2022 is against its previous decision. He elaborated that the order passed by the

Honorable Islamabad High Court in Wp No.2235 of 2022 is still in field as it was not challenged before any forum and has attained finality. He prayed for implementation of Notification dated 19-12-2022 passed by the Federal Government.

6. Mr Babar Awan ASC, appeared on behalf of Ali Nawaz Awan in W.P No.4799/2022 and argued that there are three misconceptions in the arguments advanced by the Petitioners. He elaborated that the law referred by the Learned Attorney General for Pakistan is still a bill as the President of Pakistan has not assented to it. In support of his Arguments he referred Article 75 of the Constitution of Islamic Republic Of Pakistan (hereinafter referred as the Constitution) and argued that when a bill is presented to the President for assent, the President shall assent to it within 10 days or can return the bill to the Parliament (Majlis-e-Shoora) for reconsideration. He submitted that the order passed by the Commission dated 20-12-2022 is fully supported by him. He referred to para 14 and 15 of the judgment passed by the Islamabad High Court dated 23-12-2022 and highlighted the word "required" used by the Honorable Bench which according to him shows that the bench has not issued any directions to the Commission and just remitted the petitions for providing opportunity of hearing and decision of matter in accordance with Law. Second Objection raised by the Counsel was that the Commission has spent a lot of money for the purpose of delimitation and holding of Local Government Election in ICT. He further argued that Section 144 is imposed by the Government in the Capital due to which candidates are facing hurdles for carrying out election campaigns. He emphasized that if the Commission decides to postpone the Election in ICT it has to be started from grass root level which according to the Counsel is not in the best interest of public. He argued that the Federal Government while issuing the Notification dated 19-12-2022 has not taken concurrence of the commission which is a lacuna. He further added that section 4(4) of ICT Local Government Act, 2015 is a rider clause and powers of the Federal Government are limited. He further added that concurrence of the Commission is mandatory. He also referred Article 8 and argued that right of vote is a fundamental right and if any law is inconsistent with it, it would be void. He also referred Article 264 of the Constitution read with Section 6 of the General Clauses Act, 1897 and submitted that where a law is repealed and any right is accrued by the person under that Law, new Law shall not have effect to that extent. He prayed for conduct of Local Government Election in ICT as per schedule already issued by the Commission.



7. Mr Hassan Javaid Counsel on behalf of Mian Aslam Iqbal in Wp No.4824/2022 appeared and argued that last Election for ICT was conducted in 2015 and term of local government Election has been expired on 14-02-2021. He submitted that after lapse of almost two years Federal Government is still reluctant to conduct the local Government elections in ICT. He argued that the Honorable Islamabad High Court has remitted the matters to the Commission on the ground that opportunity of hearing was not provided to the parties while passing order dated 20-12-2022. He submitted that now the Commission has provided proper opportunity of hearing to all the concerned parties and according to the Counsel the Commission can pass the same order for holding of local government Elections in ICT on 31-12-2022. He while negating the argument of Learned Attorney General for Pakistan submitted that the requirement of concurrence provided under Section 4 (4) of ICT Local Government Act, 2015 is mandatory. He emphasized that there is clear malafide on the part of Government and according to him it is an unending process and it will also curtail the powers of the Commission. He concluded his arguments with the prayer to conduct Local Government Election as per notified schedule.

8. Mr Shabbir Khan Khattak Joint Secretary Ministry of Interior appeared and submitted that he is adopting the arguments advanced by the Learned Attorney General for Pakistan and also requested to conduct the ICT Local Government election in accordance with the new Notification issued by the Federal Government dated 19-12-2022.

9. Learned Attorney General for Pakistan in rebuttal submitted that Election Commission of Pakistan is a Constitutional Body and there are three types of legislations. He elaborated that first type of law is law made by the Parliament, second judicial precedents or judge made laws and third is sub-ordinate legislation. He added that if the bill is not assented by the President even then Notification passed by the Federal Government is in filed and is binding upon the Commission.

10. We have heard the arguments of the parties and their respective counsels and perused the record.

11. Before going into the details of the case relevant provisions of law are reproduced for easy reference.

Constitution of Pakistan 1973

Article 218(3)....

(1)

(2)

(3) It shall be the duty of the Election Commission 4 [Omitted] 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.

Article 219.

The 1 [Commission] shall be charged with the duty of—

(a) preparing electoral rolls for election to the National Assembly and the Provincial Assemblies, and revising such rolls annually;

(b) organizing and conducting election to the Senate or to fill casual vacancies in a House or a Provincial Assembly; and

(c) appointing Election Tribunals 2 [:] 3

(d) the holding of general elections to the National Assembly, Provincial Assemblies and the local governments



Article 140A

140A. (1) Each Province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments.

(2) Elections to the local governments shall be held by the Election Commission of Pakistan.]

Article 220.

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.

ELECTION ACT 2017

SECTION 219

(1)) The Commission shall conduct elections to the local governments under the applicable local government law, and the Rules framed thereunder, as may be applicable to a Province, cantonments, Islamabad Capital Territory or Federally Administered Tribal Areas.....

(2)

(3)

(4) The Commission shall hold elections to the local governments within one hundred and twenty days of the expiry of the term of the local governments of a Province, cantonment, Islamabad Capital Territory or Federally Administered Tribal Areas.

ISLAMABAD CAPITAL TERRITORY CONDUCT OF ELECTION ACT 2015

Section 4

"4. Local Area:--- (1) For purposes of this Act, the Government shall, by notification, specify the local area within Islamabad Capital Territory as Union Councils and for the Metropolitan Corporation, as the case may be.

(2) The Government may, by notification, after inviting public objections and suggestions, alter the limits of a local area and declare that any area shall cease to be a Union Council.

(3) Any two or more adjoining Union Councils within Islamabad Capital Territory may, after inviting public objections through a resolution passed by two-third majority of the total membership of each of the Union Councils, make a proposal to the Government for a change in their respective boundaries subject to the condition that no revenue estate shall be divided and the size of population in the relevant Union Council shall, as far as possible, be closed to the average population of similar Union Council in Islamabad Capital Territory.

(4) The Government may, with the concurrence of the Election Commission, alter the limits of a local area under this Section after the initiation of proceedings of delimitation of constituencies by the Election Commission but the Government shall not alter the limits of a local area after the announcement of election schedule for election in local area.

Section 6

6. Local Government and Delimitation.—(1) The Government shall, by notification in the official gazette, determine the number of Union Councils within Islamabad Capital Territory.



(2) After the demarcation of the local Government under Section 5 and determination of number of Union Councils, the Election Commission, shall delimit Union Councils.

(3) The Election Commission shall delimit and notify [in the official gazette] the Councils on the basis of the principles laid down in Section 7, as nearly as possible, under the delimitation of Constituencies Act, 1974 (XXXIV of 1974) or any other Act of Majlis –e- Shoora (Parliament).||

12. That the Election Commission of Pakistan is an independent constitutional body constituted under Article 218(2) of the Constitution and is mandated in terms of Article 218 (3) of the Constitution of Pakistan to organize and conduct elections and also to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law and also to evade the corrupt practices. The importance of role of Election Commission has been discussed in the Case Titled Workers Party Pakistan through Akhter Hussain Advocate, General Secretary versus Federation of Pakistan reported in PLD 2012 SC 681.

41. "The Election Commission may also exercises powers in anticipation of an ill that may have the effect of rendering the election unfair. In the case titled as In Re "petition filed by Sayed Qaim Ali shah Jelani(PLD 1991 JOUR 41) the election commission exercise its powers under Article 218(3) preemptively, by making all necessary arrangements to ensure that certain class of people would be allowed to vote. This case implies that where a violation of the standards mentioned in article 218(3) has not as yet taken place, the election commission is legally empowered under Article 218(3) to exercise its power preemptively in order to avoid a violation of these standards. Furthermore Musamat Qamr sultana vs public at large(1989 MLD 360) and In Re " complaint of male practices in constituency number NA 57 Sargodha 4 (SUPRA) both reinforce the arguments that the election commission is fully empowered by Article 218(3) to make such orders as may in its opinion be necessary for ensuring that the election is fair, honest, etc. these decisions recognized that the election commission enjoys broad powers not only to take preemptive action but also to pass any and all orders necessary to ensure that the standards of honesty, justness and fairness mentioned in Article 218(3) are met.



13. That Article 140-A (1) of the Constitution binds the Provincial Governments to establish Local Government system and devolve political, administrative and financial responsibility/authority to the elected representatives of the Local Government. Article 140-A (2) and Article 219-d of the constitution obliges the Election Commission to hold the Local Government Elections.

14. The plain reading of Section 4(1) shows that it explains the concept of local area which is to be notified by Government [Federal Government as defined in Section 2 (t) of the Act of 2015] as Union Councils and for the Metropolitan Corporation, as the case may be. Under this scheme, it seems that the local area within Islamabad Capital Territory would be notified as Union Councils and Metropolitan Corporation; Subsection 2 of Section 4 allows alteration of a local area. Under Section 6(1) of the Act of 2015 the Government is to determine the number of Union Councils within Islamabad Capital Territory. Section 5 divides local Government into different categories i.e. Union Councils or Metropolitan Corporation and then Section 6 allows the Government to determine the number of Union Councils. Naturally after notification of areas into Union Councils or Metropolitan Corporation, the divide is made into types of Local Government (as provided in Section 5) and the number of Union Councils is determined by the Federal Government. Subsection 4 allows the Government to alter the local areas with concurrence of the Commission after initiation of process of delimitation.

15. The Honorable Islamabad High Court while deciding the same issue in writ petition no.2235 of 2022 whereby number of union councils were increased from 50 to 101 observed that ;

It is the statutory duty of the Commission to hold elections is subject to the notification issued by the federal government under sub section 1 of section 6 of the Act of 2015. The notification whereby 50 union councils were determined by the federal government was withdrawn and did not exist with effect from 18-05-2021. The notification is a pre requirement/ pre condition for setting the wheels in motion.it also appears that Election Commission is not empowered to issue the election schedule in the Absence of a notification issued under section 6(1) of the Act of 2015.

17. It is also pertinent to mention here that the Honorable Islamabad High Court while referring the matter to the Commission had observed that in absence of notification in terms of section 6(1) of the ICT Local Government Act, 2015, which is a pre-condition and is independent section, Election Commission is not empowered to issue election schedule

18. The Hon'ble High Court while remitting the matters to this Commission, vide order dated 23-12-2022 has held in paragraph 10 of the Judgment that fair, transparent and effective election is mandate of the Election Commission in terms of Article 218(3) of the Constitution and the Commission ought to have understood the perspective of the Federal Government before passing the order dated 20.12.2022 which on the face of it violates section 4(4) of the ICT Local Government Act, 2015. The Hon'ble High Court in paragraph 11 of the judgment has further held that the bar contained in sub-section (4) of section 4 does not seem to be applicable in the case of section 6(1) of the ICT Local Government Act, 2015, but is only confined to alteration made pursuant to sub-section (4) of section 4 of the Act *ibid*. The Hon'ble High Court was pleased to further observe that the Federal Government under the law and as per its mandate is competent to devolve power in true spirit to the locality and increase in the number of Union Councils to 125 is reflection of its wisdom that 125 Union Councils will serve best the Islamabad Capital Territory. The Hon'ble High Court in its judgment while referring to its earlier order dated 22.06.2022, observed that the Commission is expected to consider the contentions of the Petitioners in light of the then notification of the Federal Government under Section 6 of the Act of 2015 and would consider the extending date for filing of nomination papers as well as the Commission would also consider the issue of enhancement in number of Union Councils afresh after providing opportunity of hearing to all the concerned parties.

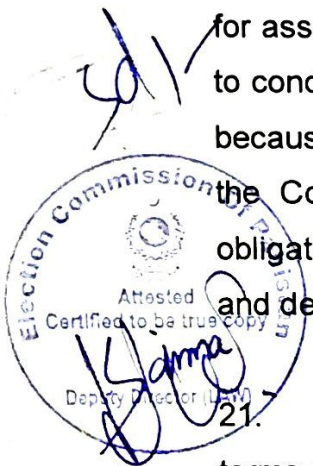
19. The Commission is mindful of its duties enshrined in Article 218(3) of the Constitution as well as in the landmark judgment reported as PLD 2012 SC 681 (Workers Party case) wherein duties and powers of the Election Commission have elaborately been discussed. The Commission has always made efforts for conduct of free, fair and transparent election which is its Constitutional and legal mandate. It is pointed out that Federal Government and the Provincial Governments take advantage of Section 219(1) of the Elections Act, 2017 whereby it is mentioned that the



Commission shall conduct the Local Government Elections under the applicable Local Government laws. The Commission has already proposed certain amendments in the Constitution and the Elections Act, 2017 so that Local Government Elections may be conducted in time without any delay and ~~can~~^{may} not be delayed by the Provincial Governments on one pretext or the other. It is once again being proposed to the Federal Government/Provincial Governments and the Parliament to make necessary amendments in Article 140-A of the Constitution and Section 219 of the Elections Act, 2017 so that Local Government Laws should not be amended near to the conduct of Local Government Elections or at least such late amendments should not be applicable to the immediate next elections.

20. It was brought to the notice of the Commission that the Parliament has passed a bill amending Section 12 of the ICT Local Government Act, 2015 (X of 2015). The Commission took note of the amendment in Section 12 of the Act *ibid* which provides that the mayor and deputy mayor shall be directly elected as joint candidates by the voters and that the said election shall be held on the day of election of members of Union councils under Section 11 of the Act *ibid*. The bill has been sent to the President for assent under Article 75 of the Constitution. At this stage, the Commission is unable to conduct elections of mayor and Deputy Mayor as per new legislation on 31-12-2022 because no schedule for the election of mayor and deputy mayor has been issued by the Commission. Under the amended law, the Election Commission will be under obligation to conduct election on the same day for all the categories including mayor and deputy mayor.

21. For what has been discussed above, we have arrived to the conclusion that in terms of Article 140-A(1) of the Constitution of Islamic Republic of Pakistan, the Federal Government is competent to establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments. Likewise, in terms of sub-section (1) of section 6 of the Islamabad Capital Territory Local Government Act, 2015, determination of number of Union Councils within the Islamabad Capital Territory is mandate and prerogative of the Federal Government and thereafter the Election Commission has to delimit the constituencies after such demarcation. Therefore, keeping in view the legal provisions and the judgment of the Hon'ble Islamabad High Court dated 23-12-2022 referred *supra* regarding the subject matter, ~~we~~^{while} exercising the powers under Article 218(3)



of the Constitution read with Rule 11(2) of ICT Local Government (Conduct of Elections) Rules, 2015 and Section 58 of the Elections Act, 2017 and all other enabling provisions, hereby postpone the Local Government Election in the Islamabad Capital Territory scheduled to be held on 31st December, 2022 for the time being. Fresh Schedule will be issued in due course.

22. All the above matters stand disposed off accordingly.

Sd/-
(SIKANDAR SULTAN RAJA)
Chief Election Commissioner/
Chairman

Sd/-
NISAR AHMED DURRANI
Member

Sd/-
SHAH MUHAMMAD JATOI
Member

Sd/-
BABAR HASSAN BHARWANA
Member

Sd/-
JUSTICE (R) IKRAMULLAH KHAN
Member

Date of Announcement; 27-12-2022

