

**IN THE SUPREME COURT OF PAKISTAN**

(Appellate Jurisdiction)

**PRESENT:**

Mr. Justice Iftikhar Muhammad Chaudhry, CJ

Mr. Justice Jawwad S. Khawaja

Mr. Justice Sh. Azmat Saeed

**Constitution Petition No. 77 of 2010**

(President Balochistan High Court v. Federation of Pakistan etc.)

**On Court's Notice:**

For the Federation: Mr. Shah Khawar, Addl. AGP

For the Govt. of Punjab: Mr. Hanif Khatana, Addl. A.G.

For the Govt. of Balochistan: Mr. Abdul Latif Kakar, Asstt. A.G.

For the Govt. of KPK: Mr. Naveed Akhtar, Addl. A.G.

For the Govt. of Sindh: Mr. Adnan Karim, Addl. A.G.

For the ECP: Mr. Ishtiaq Ahmed Khan, Secretary.  
Syed Sher Afghan, Acting Addl. Secretary.

Date of hearing: 14.10.2013 (AT LAHORE)

**ORDER**

**Iftikhar Muhammad Chaudhry, CJ.** In response to our order dated 11.10.2013, the Advocate Generals of all the Provinces alongwith the Additional Attorney General for Pakistan have not placed on record the view points of all the respective Governments as well as the Federal Government to adopt interim measures for enforcing the Constitutional provisions under Articles 32 and 140A of the Constitution. The relevant paragraph of our order dated 11.10.2013 is reproduced herein below:-

*"We adjourn this case to 14.10.2013. To be heard at Supreme Court Branch Registry Lahore enabling all the learned Advocates General to put up view point of their Governments with reference to the instant order and to point out that how immediate effect the constitutional provision under Article 140A are likely to be enforced. Similarly, the learned Additional Attorney General shall also make the statement of adopting the interim measures to enforce the constitutional provision in the Federal Government".*

2. It may not be out of context to note that this Court, on various dates of hearing starting from 5.4.2012 and on 17<sup>th</sup>, 18<sup>th</sup>, 23<sup>rd</sup>, 24<sup>th</sup> and 26<sup>th</sup> September, 2013, had been insisting that the respective Governments enforce the mandatory Constitutional provisions of law as noted herein above. In fact there should not have been any necessity for this Court to enquire from the concerned Governments as to why they are not holding the Local Bodies Elections as all the Governments have been created by the Constitution after the general elections and the concerned functionaries i.e. representations of the people of Pakistan are bound to protect and preserve the Constitution instead of allowing non-adherence of any one of its provisions for one or the other reasons. Needless to observe that not only this provision of the Constitution but all other provisions are required to be enforced fully without any excuse.

3. Be that as it may, we provide the respective Governments another opportunity to point out on the next date of hearing about

the interim steps which now the Governments are contemplating so as to enforce the Constitutional provisions noted herein above, immediately without any loss of time. We are exercising our judicial restraint otherwise in view of our directions/observations of various dates of hearing, noted herein above, it is not difficult for this Court to pass an order but we are of the opinion that let the Governments discharge their own functions and duties as the Constitution requires.

To come up on **21.10.2013 at Islamabad.**

Chief Justice

Judge

Lahore

14.10.2013.

'NOT APPROVED FOR REPORTING'

A.Rehman/\*

Judge