

**IN THE SUPREME COURT OF PAKISTAN**

(Original/Appellate Jurisdiction)

**PRESENT:**

Mr. Justice Jawwad S. Khawaja

Mr. Justice Sh. Azmat Saeed

Mr. Justice Maqbool Baqar

**CIVIL MISC. APPLICATION NO.4109 OF 2015**  
**IN CONSTITUTION PETITION NO.77 OF 2010**

(Application of ECP seeking directions to the Federal Government to expedite the passing of the bill and framing of rules in order to enable ECP to hold Local Government Elections in ICT)

President, Balochistan High Court Bar Association ... Applicant (s)

Versus

Federation of Pakistan and others ... Respondent (s)  
&

**CIVIL PETITION NO.1413 & 1455 OF 2015**

1. Qamar Mustafa and others ... Petitioner (s)  
(In CP No.1413 of 2015)

2. Muhammad Saleem and others  
(In CP No.1455 of 2015)

Versus

The Election Commission of Pakistan through the Secretary and others ... Respondent (s)  
&

**CONSTITUTION PETITION NO.39 OF 2015**

Syed Zafar Ali Shah ... Applicant (s)

Versus

Election Commission of Pakistan and others ... Respondent (s)

For the applicant(s) : Mr. Muhammad Arshad, Addl. DG, ECP  
Mr. Abdul Qayyum, DD  
(In CMA No.4109/2015)

For the petitioner(s) : Mr. Mobeenuddin Qazi, ASC  
(In CP No.1413 of 2015)

Sardar Muhammad Aslam, ASC  
(In CP No.1455 of 2015)

Syed Zafar Ali Shah, Sr. ASC (In person)  
(In Constn. P No.39 of 2015)

For the Federation : Mr. Salman Aslam Butt, AGP  
(In Chamber hearing)  
Mr. Aamir Rehman, Addl. AGP

Date of Hearing : 08.07.2015

**ORDER**

**Jawwad S. Khawaja, J.-** When we had taken up this matter at Sl. No.1 first thing in the morning, Mr. Aamir Rehman, learned Addl. AGP stated that there is a meeting in progress on this matter and if the case can be taken up after 12:00 noon, he will be able to place complete information before the Court. At 11:15 a.m., we have exhausted the cause list. In these circumstances, let the hearing of this matter continue in Chambers at 12:00 noon.

**In Chambers at 12:00 noon**

2. The learned Attorney General for Pakistan is also now present. He states that the matter in the Senate has passed the Committee Stage on 30.6.2015. The proposed legislation has now been placed in the current session of the Senate on 6<sup>th</sup> July, 2015 and there is a reasonable expectation that the Senate will take a decision on the matter during the current week.

3. The reason for our concern in this matter is that the citizens of the Islamabad Capital Territory still appear to be waiting

for Local Government Elections. The last such elections were held in the Islamabad Capital Territory in 1992 and already a period of 23 years has elapsed since then. The urgency in the matter and the need to provide elected Local Governments at the grass-roots level, at the earliest, cannot be gainsaid, particularly in view of the fact that Local Government Elections have already been held in Balochistan, KPK and in the Cantonment Boards while such election in Sindh and Punjab are scheduled for mid-September.

4. Needless to say, in view of the fact that the expected legislation is not as yet in place, the Election Commission of Pakistan may notify a revised schedule for the said elections if this becomes necessary on account of delays in Parliament. We may note that the National Assembly passed the Local Government Bill on 26.3.2015 and since then it is pending with the Senate.

5. To come up on 03.8.2015 when we may consider the possibility of Local Government Elections under previously existing legislation, so that the citizens of ICT are not discriminated against and receive their right to elect their local bodies.

Judge

Judge

Islamabad, the  
08.07.2015  
Safdar/\*

Judge