

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

Mr. Justice Umar Ata Bandial, CJ
Mr. Justice Ijaz ul Ahsan
Mr. Justice Munib Akhtar

CONSTITUTION PETITION NO. 9 OF 2023

(Holding General Elections of National Assembly and
Provincial Assemblies on same date)

Sardar Kashif Khan

...Petitioner(s)

Versus

Federation of Pakistan, Law and
Justice Division through its Secy. to
the Law and Justice Division and
others

...Respondent(s)

For the Petitioner(s) : Mr. Shah Khawar, ASC

Respondent(s) : Not represented.

Date of Hearing : 19.04.2023

ORDER

Mr. Shah Khawar, learned ASC represents a concerned citizen who has approached the Court to highlight the alternate means of a political dialogue for ending the impasse on the issue of holding General Elections to the Punjab and KP Provincial Assemblies. Whereas the Court vide its judgment dated 04.04.2023 had directed the General Elections to Punjab Provincial Assembly to be held on 14.05.2023, there is resistance to compliance with the said direction by the Election Commission of Pakistan, Federal Government and the Ministry of Defence. The grounds of their reservations are not germane to the present petition.

2. Learned counsel has argued that for ensuring peaceful, honest, just and fair elections there must be understanding and mutual respect among the political parties that participate in the general elections. He contends that historically the holding of simultaneous elections to the National Assembly and four Provincial Assemblies has secured a more durable outcome than the staggered elections held in 1970 and 1977 as are being envisaged presently for the said two Provincial Assemblies.

3. *Prima facie*, the submission made by the learned counsel appears to have substance because elections are contested in the political arena and these can be best conducted with the feedback and input of all electoral political forces in the country would contest in such elections. However, the Court considers that the alternative route proposed by the learned counsel cannot operate to negate or erase the date fixed by the Court in its judgment dated 04.04.2023 for the holding of General Elections to the Punjab Provincial Assembly which is in line with the dictates of the Constitution. This is for the reason that political dialogue must not be made a means for avoiding the imperative obligation under Articles 112 and 224 of the Constitution of Islamic Republic of Pakistan, 1973 ("**Constitution**") to hold a general election to a provincial assembly with 90 days of its dissolution. Therefore, time is of the utmost essence in exploring the course suggested by the learned counsel. Correspondingly, we appreciate the initiative taken by the petitioner to propose the initiation of a political dialogue as a means for settling a practical and feasible date on which general

elections, that satisfy the requirement of Article 218(3) of the Constitution, are held.

4. Keeping the time constraint in view, notice is issued to the respondents No.3 to 12 in this petition as well as to the Jamat-e-Islami through its Ameer for arranging their representation through their duly authorized and instructed senior office bearers of the respective parties to appear in-person before the Court tomorrow. Notice shall also be issued to the Federation of Pakistan, the Election Commission of Pakistan and the Attorney General for Pakistan under Order 27A of the CPC. Office shall send the notices through the various modes provided in law including special messenger and shall request the electronic and print media to convey the Court's order to the respective political parties.

5. To come up tomorrow i.e. **20.04.2023 at 11:00 am.**

Sd/-
Chief Justice

Sd/-
Judge

Sd/-
Judge

Islamabad
19.04.2023