

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)**

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|-----------------------|--|
| For the Petitioner(s) | : Mr. Shah Khawar, ASC |
| For Federation | : Mr. Mansoor Usman Awan, AGP
Ch. Aamir Rehman, Addl. AGP
Malik Javed Iqbal Wains, Addl AGP |
| For Jamat-e-Islami | : Mr. Siraj-ul-Haq, Ameer |
| For PPPP | : Mr. Farooq H. Haek, Sr. ASC
Mr. Qamar Zaman Kaira |
| For PML(N) | : Kh. Saad Rafique
Sardar Ayaz Sadiq |
| For PTI | : Mr. Salman Akram Raja, ASC
Mr. Faisal Fareed Ch. ASC
Mr. Makhdoom Shah Mahmood
Hussain Qureshi
Mr. Fawad Ahmed Ch. |
| For PML(Q) | : Mr. Tariq Basheer Cheema |
| For ECP | : Mr. Sajeel Shehryar Sawati, ASC
Mr. Omer Hamid Khan, Sec. ECP
Mr. M. Arshad, DG ECP |
| For PML (Awami) | : Sh. Rasheed Ahmed |
| For MQM (P) | : Engr. Sabir Hussain Kaim Khani |
| For BAP | : Mr. Israr Ullah Tareen |

JUI(P) : Nemo

Date of Hearing : 20.04.2023

ORDER

Pursuant to our yesterday's order dated 19.04.2023, the representatives of the respondent No.1 and 2 and the senior leadership of all political parties who have duly been instructed and represent their respective parties are present in Court today to inform us of the position of their parties on a political dialogue being held for settling a single date for holding General Elections to National Assembly and four Provincial Assemblies.

2. On behalf of Pakistan Peoples Party Parliamentarians ("PPPP"), Mr. Faooq H. Naek, Sr. ASC has appeared and stated that a process for conducting such dialogue has been initiated within the coalition partners of Pakistan Democratic Movement ("PDM") and that it is agreed that heads of all political parties shall meet with the Opposition parties to arrive at a consensus date for holding the General Elections to the said Assemblies simultaneously.

3. Khawaja Saad Rafique has appeared on behalf of Pakistan Muslim League (Nawaz) ["PML(N)"] and endorsed the statement made on behalf of PPPP. He also has expressed the willingness of his party to enter into negotiations with all political parties to arrive at a consensus date for holding of General Elections of the National Assembly and four Provincial Assemblies simultaneously.

4. Mr. Qamar Zaman Kaira, for PPPP; Engineer Sabir Hussain Kaimkhani for MQM(P); Mr. Tariq Bashir Cheema,

PML(Q); Mr. Israr Ullah Tareen for BAP and Sardar Ayaz Sadiq duly instructed on behalf of BNP (Mengal) also addressed the Court and supported the views expressed by Mr. Farooq H. Naek and Khawaja Saad Rafique.

5. Mr. Makhdoom Shah Mahmood Hussain Qureshi, Vice President, Pakistan Tehreek-e-Insaaf ("**PTI**") also addressed the Court. He assured that notwithstanding the misgivings of his party with the political environment and disposition, his party was willing to move forward within the framework of the Constitution of Islamic Republic of Pakistan, 1973 ("**Constitution**") to negotiate on an agreed date for holding of General Elections of the National Assembly and four Provincial Assemblies simultaneously. However, he emphasised that the process of negotiations should not be open ended and not to be turned into a ploy for delaying elections, which is the apprehension of his party. He emphasised that such process should be regulated by a timeframe to ensure that the outcome is accomplished expeditiously, failing which the Court's decision for General Elections for the Provincial Assembly of Punjab to be held on 14.05.2023 be complied.

6. Mr. Siraj-ul-Haq, Ameer Jamat-e-Islami has appeared and stated that dialogue and consultation (مشاورت) is not an option in public affairs but a duty as enunciated in the Holy Qurán. The 1973 Constitution forms the inalienable basis for our political structure through democratic government for which elections are indispensable. According to him the election is not a matter concerning two political parties only but the will of the nation as a whole. The world is changing and Pakistan must

resolve its own issues. He has further stated that for a political dialogue it is essential for all participants to be flexible about their respective positions and the approach of the parties should not be dictated by ego or pride. He suggested a timeframe under which two important events ought to be accounted for: firstly, the wheat harvesting season in May and secondly the occasion of Hajj. According to him General Elections could be held immediately thereafter.

7. Having heard the positive statements of political leadership of the country representing all major political parties with respect to the simultaneous holding of General Elections of the National Assembly and four Provincial Assemblies gives cause for optimism that they would agree to an election date sooner rather than later. However, the Court is also impressed to note that all political leaders affirmed their fidelity to the Constitution of Pakistan which is supreme and must be adhered to. We are cognizant that if political dialogue extends to address all grievances, then it is likely to be a lengthy process and the correct forum for that is the political arena and political institutions. However, we did not find any reservations to the negotiations being centred solely on a one-point agenda, namely, consensual fixation of a date for holding of General Elections of the National Assembly and four Provincial Assemblies which is a constitutional and legal question. It is important that such result is accomplished expeditiously because our judgment rendered in Constitution Petition No.5 of 2023 on 04.04.2023 has already fixed the date of elections to the Punjab Provincial Assembly as 14.05.2023. That judgment holds the field and, therefore, its

ruling is binding on all judicial and executive authorities in the country under Article 189 and Article 190 of the Constitution. Therefore, the proposal that the first meeting of the representatives of all political parties be held today was appreciated and welcomed by the Court. The Court adjourned the matter till 4:00 pm. The Attorney General for Pakistan was directed to report the progress made in the matter today in Chambers.

8. Thereafter, the learned Attorney General for Pakistan along with Mr. Farooq H. Naek, learned Sr. ASC met the Bench in Chambers and apprised them of deliberations amongst the senior Cabinet members of the Government and their interaction with a senior officer bearer of the PTI. They submitted that a recess is being taken on account of Eid-ul-Fitr holidays because several political leaders and party heads have already left or leaving Islamabad for their hometowns to celebrate Eid-ul-Fitr. However, a meeting has been scheduled amongst the said leaders on 26.04.2023. The proceedings and progress of which shall be reported to the Court on 27.04.2023.

To come up on **27.04.2023** for report and further proceeding.

Chief Justice

Judge

Judge

Islamabad
20.04.2023