

**PRESIDENT**  
**Islamic Republic of Pakistan**

No. 7/3/D(FA&PA)/2023  
8<sup>th</sup> February, 2023

Subject: **ANNOUNCEMENT OF DATE FOR HOLDING ELECTIONS OF PROVINCIAL ASSEMBLIES OF PUNJAB AND KHYBER PAKHTUNKHWA.**

My Dear Chief Election Commissioner, السلام عليكم

In the context of the prevailing conditions, dissolution of two Provincial Assemblies i.e. Punjab & Khyber Pakhtunkhwa and consequential elections to be held there, attention of the Chief Election Commissioner (CEC) is invited to some of the relevant provisions of the Constitution of Pakistan.

2. Firstly, its Preamble/Objectives Resolution [Article 2A] may be seen. It says in unambiguous words that; *'the State shall exercise its power and authority through the chosen representatives of the people'*. Such is the unflinching resolve and commitment by the forefathers of the Nation who drafted the Objectives Resolution duly made part of the Constitution (Article 2A). Thus, there remains no obscurity about the democratic principles and values that are to be adhered, observed and followed.

3. With reference to the instant subject, the dissolution of a Provincial Assembly can happen either under Article 105 or Article 112. In either situation, election of the Assembly is to be held within 90 days of the dissolution. Such a mandate stands further fortified by Article 224(2) emphasizing the holding of election in 90 days. The conduct and

holding of elections is the primary and essential duty of Election Commission of Pakistan (ECP) as per PART VIII of the Constitution- in particular Article 218 (3) casts a duty on the ECP to ensure holding of fair and free election. Thus, it is ultimately the Commission, which if it fails to discharge its functions and duties, is to be held responsible and answerable for the violation of our Constitution.

4. As the President of Pakistan and the Head of State, I am under Oath [Article 42 Third Schedule] '*to preserve, protect and defend the Constitution*'. It is my constitutional responsibility to remind the CEC and Members of the Commission about their fundamental duty as per their Oath [Article 214 Third Schedule] that '*I will discharge my duties.....faithfully in accordance with the Constitution of Islamic Republic of Pakistan*' and the Elections Act, 2017, to avoid serious consequences of breach/violation of the Constitution/law and announce election schedule of the two dissolved Assemblies forthwith.

5. One of the oldest democracies of the current era, the United States of America is strong, I believe also because it has never delayed its elections.

**The first war time election was when they were held despite of US being at war with Great Britain in 1812** under President James Madison (during the war even Washington DC was captured and burnt).

**The second war time election was in 1864 during the American Civil War.** Top advisors of the then President Abraham Lincoln wanted to postpone elections because of the Civil War. Many feared President Abraham Lincoln would not win re-election, and further that with civil war going on, elections cannot be held. Lincoln agreed with his Advisors that his chances for winning re-election looked very grim, but he disagreed with those who suggested he delay the election.

Lincoln insisted and said that *“the Civil War was, number one, about democracy, and if you suspend democracy in the middle of the war, you are basically undercutting the whole purpose of the war.”* Even when he thought he was going to lose, he never really contemplated suspending the election.

Two days after the election, on November 10, 1864, he made a speech saying *“We cannot have free government without elections,”* Lincoln told the audience, *“and that if the rebellion could force us to forego, or postpone a national election, it might fairly claim to have already conquered and ruined us.”*

6. I am of the firm view that there are no such circumstances as may furnish any justification for delaying or postponing of elections, in fact if such postponements of constitutionally mandated elections are evaluated throughout the world in recent history, they have morphed into serious long term set-backs to democracy.

7. The Commission itself has already taken an appropriate constitutional step and has announced the holding of bye-elections of National Assembly seats of various differently situated constituencies.

8. It will thus be in the fitness of things and in accordance with Constitution and law i.e. Elections Act, 2017, to immediately announce the date of polls by issuing election schedule and put an end to such dangerous speculative propaganda for these and future general elections.

*With best regards,*

**(DR. ARIF ALVI)**

**Mr. Sikandar Sultan Raja,  
Chief Election Commissioner,  
Election Commission of Pakistan,  
Islamabad.**

Copy to:

- (i) The Speaker, National Assembly of Pakistan, Islamabad.
- (ii) The Governor of Punjab, Governor's House, Lahore.
- (iii) The Governor of Khyber Pakhtunkhwa, Governor's House, Peshawar.
- (iv) The Speaker, Provincial Assembly of Punjab, Lahore.
- (v) The Speaker, Provincial Assembly of Khyber Pakhtunkhwa, Peshawar.