



Association of Arts Council of Pakistan. As said by him, the voters list was circulated/published on the official website of Council and also affixed on the Notice Board. The Deputy Commissioner resolutely articulated that in order to set forth levelheaded and pragmatic "Code of Conduct" for the elections, he has already convened a meeting with representatives of each panel contesting the elections and set up a code with their concurrence.

3. The learned counsel for the petitioner could not deny or controvert the position taken by the Deputy Commissioner, however he argued that in last elections some unpleasant or unseemly incidents had ensued between the supporters of competing panels so he raised some apprehensions with regard to the security and safety measures in the forthcoming elections. The counsel for the petitioner further argued to uphold and keep up fair and transparent elections, the elections must be conducted under the supervision of respondent No.3 (Registrar Joint Stock Companies Sindh Karachi).

4. The learned counsel for the respondent No.7 and 8 opposed the petition. He further argued that Deputy Commissioner, Karachi, South is conducting elections as per bylaws after complying with all requisite formalities. The petitioner has approached this court with unclean hands just to exploit the situation by leveling false allegations with malafide intention. It was further contended that request of the petitioner that elections must be conducted under the supervision of Registrar Joint Stock Companies Sindh Karachi is beyond the purview and scope of Memorandum and Articles of Association of Arts Council of Pakistan.

5. When we queried the Deputy Commissioner what security measures have been planned by him to conduct fair and transparent elections, he responded that he will deploy Police force, Rangers as well as Lady Constables to maintain law and order and foolproof security of all members/voters throughout

the elections so that no untoward and or disorderly incident should take place. The Deputy Commissioner also raised no objection if Registrar Joint Stock Companies Sindh Karachi is allowed to oversee and give assistance to the Election Commissioner.

6. The learned Additional Advocate General is of the view that there was no question of any personal bias against the Election Commissioner, who is going to conduct the elections as per mandate and responsibility conferred upon him under the bylaws of the Arts Council. So far as request of the petitioner's counsel that elections must be conducted under the supervision of Registrar Joint Stock Companies, Sindh, Karachi, the learned A.A,G raised no objection.

7. It is apparent from the Notification dated 1.12.2020, issued by Commissioner Karachi whereby in terms of Article 10 (i) of the Memorandum and Articles of Association, the Deputy Commissioner, Karachi, South was notified as Election Commissioner to conduct the annual elections for five office bearers and 12 members of governing body of the Arts Council of Pakistan, Karachi for next two years. He was also authorized to requisite the services of assistant commissioners of all six Districts, their functionaries including Mukhtiarkars and Assistant Mukhtiarkars for smooth and peaceful conduct of annual governing body elections to be held on 20.12.2020. It is clear that election commissioner was appointed by ex-officio Chairman in accordance with the Memorandum and Articles of Association. Neither the petitioner objected this appointment nor shown any personal bias or malice against the election commissioner rather during course of arguments he shown complete trust on the election commissioner but requested to ensure the presence of Registrar Joint Stock Companies, Sindh, Karachi for the help and assistance of Election Commissioner. After hearing the arguments, this petition is disposed of in the following terms:

(i) The respondents No.4 to 6 shall ensure fair and transparent elections of Arts Council of Pakistan Karachi scheduled to be held on 20.12.2020 in accordance with the Memorandum and Articles of Association of Arts Council of Pakistan, Karachi.

(ii) The respondents No.4 to 6 shall also ensure foolproof security measures to maintain law and order. In order to avoid and circumvent any untoward or unpleasant incident in the election process, the Deputy Commissioner, Karachi, South (Election Commissioner) has already assured us that he will deploy police, rangers and lady constables during the course of elections and will also requisite the services of assistant commissioners of all six Districts, their functionaries including Mukhtiarkars and Assistant Mukhtiarkars for smooth and peaceful conduct of annual governing body elections.

(iii) The Registrar Joint Stock Companies, Sindh, Karachi (respondent No.3) shall oversee the election process to ensure fair and transparent elections of Arts Council of Pakistan, Karachi on 20.12.2020.

(iv) The Election Commissioner shall also attend and resolve the complaint if any lodged in writing with regard to any mismanagement, violation of Code of Conduct for the elections or any irregularity during electoral by any voter/member or representative/convener of any contesting panels/candidates.

(v) The Election Commissioner shall also make sure and watch out that Coronavirus (Covid-19) Standard Operating Procedure is strictly followed by everyone throughout the electoral.

(vi) Office is directed to transmit copy of this order to the Commissioner Karachi, Deputy Commissioner Karachi South, Registrar Joint Stock Companies, Sindh, Karachi and learned Advocate General Sindh for compliance.

**Judge**

**Judge**