

ELECTION COMMISSION OF PAKISTAN

PRESENT

MR. SIKANDAR SULTANRAJA, CHAIRMAN
MR. NISAR AHMED DURRANI, MEMBER
MR. SHAH MUHAMMAD JATOI, MEMBER
MR. BABAR HASSAN BHARWANA, MEMBER
MR. JUSTICE (R) IKRAM ULLAH KHAN, MEMBER

CASE No. F. 4(2)/2018-MCO

Subject: USE OF INTEMPERATE LANGUAGE AND CONTEMPTUOUS
REMARKS AGAINST ELECTION COMMISSION OF
PAKISTAN DURING MEDIA TALK ON 24.01.2023.

On Commission Notice.

Fawad Ahmed S/o Chaudhary Naseem Hussain, r/o

- 1) Village and post of Ladhar, District Jhelum; &
- 2) 863-W, Defence Housing Authority Lahore

.....Respondents

For the respondents:

.....
Fawad Ahmed Choudhary (In person), Faisal Fareed,
ASC, Qamar Inayat Raja, ASC, Tanvir Hussain, Adv

Date of hearing:

20-07-2023

ORDER

Sikandar Sultan Raja, Chairman-Today the matter was fixed for personal appearance of the respondent as well as for submission of written apology by him and alternatively submission of reply to the show cause notice. Mr Fawad Ahmed Choudhary appeared in person along with his counsel Mr. Faisal Fareed and submitted his written apology which is taken on record. The contents of such apology are reproduced as under:

"Without prejudice to the legal exceptions and his legal and constitutional rights, in furtherance to his verbal statement before the learned Commission, the undersigned states as under;

"That the under signed was spokesperson of PTI. The statements made basis of instant litigation were made as a party spokesperson and not in his individual capacity. The undersigned/ respondent holds all the institutions of Pakistan unto highest esteem



and never intended to disrespect or disregard the Commission or The Honourable Chief Election Commissioner.


Nevertheless, the respondent has resigned from the party position, therefore he seeks apology from the commission and requests to drop the instant contempt proceedings, forthwith."


2. The Commission has perused the apology so submitted by the respondent which is conditional and does not show any regret on his part. The allegations so leveled and contemptuous remarks so passed by the respondent are of sensitive nature and cannot be covered under the apology so submitted. Moreover, we are mindful that under the law an apology must fulfill the following principles for its acceptance:-

- (a) The apology must be unqualified, unreserved and totally unconditional;
- (b) The apology should not seem to be tendered but should also demonstrate sincere and genuine remorse to the satisfaction of the court. At any event, a half hearted or an apology in the nature of mere formality cannot be deemed as unconditional; and
- (c) The contemnor should not endeavour to justify his conduct.


3. We are also mindful that mere submission of apology, that too, conditional, and acceptance thereof, is not a condition precedent. Moreso, acceptance of an apology is discretion of the Court herein the Commission.

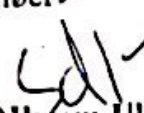
4. Therefore, the apology submitted by the respondent is not accepted. Matter is adjourned to 15.08.2022 for submission of reply to Show Cause notice dated 13.06.2023 by the respondent and for his personal appearance. Office to send copy of this order to the respondent for compliance.


Sikandar Sultan Raja
Chairman


Nisar Ahmed Durrani
Member


Shah Muhammad Jatoi
Member


Babar Hassan Bharwana
Member


Justice (R) Ikram Ullah Khan
Member

