

ELECTION COMMISSION OF PAKISTAN

F. No. 6(47)/2025-Law (III)

Subject: APPEAL UNDER SECTION 4 OF THE ELECTIONS ACT, 2017 READ WITH ARTICLE 140A OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 FOR MODIFICATION/ SETTING ASIDE THE LOCAL BODIES ELECTION IN QUETTA SCHEDULED FOR 28TH DECEMBER, 2025 AND ISSUANCE OF FRESH NOTIFICATION BY THE ELECTION COMMISSION OF PAKISTAN.

ORDER
09-12-2025

WHEREAS, Article 218(3) of the Constitution of Islamic Republic of Pakistan mandates the Election Commission of Pakistan to organize and conduct the election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against; AND

WHEREAS, the Election Commission of Pakistan is under Constitutional obligation in terms of Articles 140A(2), 219(d) of the Constitution, read with Section 219 of the Elections Act, 2017 to hold Local Governments Elections in the Provinces, Islamabad Capital territory and the cantonment boards; AND

WHEREAS, it is the duty of all executive authorities in the Federation and in the Provinces to assist the Commissioner and the Election Commission in the discharge of his or their functions in terms of Article 220 of the Constitution; AND

WHEREAS, the election program for the conduct of Balochistan Local Government Elections in Quetta District was issued on 19.10.2023 which was challenged before the Balochistan High Court. The Balochistan High Court vide order dated 30.10.2023 suspended the election program and the matter was finally disposed of vide order dated 06.10.2025 in following terms:-

"In view of what has been discussed herein above, we are not inclined to allow the instant petitions, which are hereby dismissed. However, since the interest of public at large is involved in the matters, therefore, we think it appropriate to direct the Election Commission to finalize the process of stated elections, as soon as possible and in accordance with law. The earlier interim orders passed in Constitutional Petition Nos. 1586/2023 & 1789/2023 are hereby recalled."
AND

WHEREAS, in terms of Article 140-A, 219(d) and Section 218 of the Elections Act, 2017 and in compliance with the order of Balochistan High Court election program for local government elections in District Quetta was issued on 03.11.2025 with poll date 28.12.2025. AND

WHEREAS, on 31.10.2025 a request from Chief Minister Balochistan was received for postponement of local government elections due to prevailing law and order situation and harsh weather conditions which was declined by the Commission through letter dated 03.11.2025. AND

WHEREAS, on 18.11.2025 the Governor Balochistan also requested for postponement of local government elections along with copies of representations from different political parties for



postponement of local government elections which was also declined by the Commission and the decision was conveyed vide letter dated 26.11.2025. AND

WHEREAS, the subject appeal/ review has been filed by the Chief Minister Balochistan which is received in this secretariat on 08.12.2025 at 04:00 P.M with the prayer to set-aside the schedule for local bodies elections in District Quetta on the following grounds:-

1. Modify or set-aside the local bodies election which is scheduled to be held on 28.12.2025.
2. Issue a fresh notification re-scheduling elections to a time when weather, security, administrative preparedness, constituency demarcation & voter rolls accuracy are ensured.
3. Direct Election Commission of Pakistan to conduct a thorough review of delimitation, voter lists and administrative readiness before announcing the revised schedule.

AND

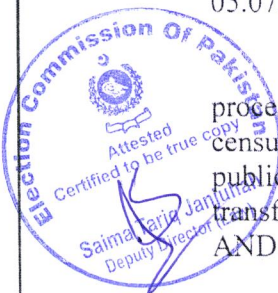
WHEREAS, the matter was placed before the Commission on 09.12.2025 along with the relevant record including the subject appeal/ review for deliberation, appropriate decision and order. AND

WHEREAS, the appellant has raised an objection regarding irregularities in demarcation of constituencies. The Commission observed that the process of delimitation of constituencies was completed after observing all legal process i.e. publication of preliminary list of constituencies for inviting proposals, objections on preliminary lists and the same was finalized after hearing and deciding the objections/ representations. Further, the process of delimitation has attained finality as the Balochistan High Court vide order dated 06.10.2025 dismissed the Constitution Petition Nos. 857/2022, 1586/2023, 1789/2023 & 1283/2023 filed by various petitioners on the same ground and directed the Commission to conduct the local government elections in Quetta as soon as possible. Therefore, the Commission announced the election program with poll date 28.12.2025. AND

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WHEREAS, the appellant has wrongly calculated the term of expiry of local government elections in Balochistan. As per Section 26 of Balochistan Local Government Act, 2010, the term of local government election is for four year. In the present case the Members and Chairman/ Vice Chairman of Union Councils, Municipal Committees and Municipal Corporations took oath on 09.02.2023 for which the expiry of term is 08.02.2027. However, the Members and Chairman/ Vice Chairman of District Councils took oath on 06.07.2023 for which the term of expiry is 05.07.2027. AND

WHEREAS, the Commission after the decision of Balochistan High Court carried out the process of reconciliation of Electoral Rolls wherever required to adjust voters in accordance with census blocks, wards and delimitation through door to door verifications. For the purpose vide publicity was given to facilitate the voters and inspiring contesting candidates for registration and transfer of their votes and after the completion of said exercise the election program was issued. AND

WHEREAS, it is evident from the record that the Election Commission of Pakistan has twice completed the exercise of delimitation and after a number of meetings with the Provincial Government of Balochistan issued the election programs twice. However, despite all the efforts by the Commission and due to change in number of Union Councils and Wards by the Provincial Government and pendency of the matter before the Balochistan High Court since 2022, the local government elections in Quetta District could not be held. AND



WHEREAS, the august Supreme Court of Pakistan in the case of Administrator Municipal Corporation, Peshawar Vs. Taimur Hussain Amin reported in 2021 SCMR 714 in its judgment dated 15.03.2021 has held as under:-

"6. The matter of holding local government elections lies within the domain of the Commission as per Article 219(d) of the Constitution and a province cannot dictate to the Commission, if and/ or when, the same can be held. On the contrary, Article 220 of the Constitution mandates that, 'It shall be the duty of all executive authorities in the Federation in the Provinces to assist the Commissioner and the Election Commission in the discharge of his or their functions.' In case the Federation and / or the Province(s) create hurdles in the way of the Commission holding elections, they will be violating the Constitution, which may attract serious consequences. " AND

WHEREAS, previously the Commission has not acceded to the request of KP Government regarding postponement of conduct of local government elections in Khyber Pakhtunkhwa on the same grounds including harsh weather and law and order situation through order dated 21.10.2021. The matter was taken up before the Supreme Court of Pakistan and the order of the Commission was upheld. Moreover, the Supreme Court of Pakistan also directed the provincial governments to make all possible efforts for timely conduct of local government elections in the provinces. AND

WHEREAS, the Constitutional duty of holding Elections and its importance has been elaborated by the august Supreme Court in the Workers Party Case reported in PLD 2012 Page 681; AND

WHEREAS, it is also observed that the process of printing of ballot papers has been already started and maximum number of ballot papers have been printed out.

NOW THEREFORE, in view of the above discussion, the Commission in exercise of Article 218(3) read with Articles 140-A, 220, 219 and 222 of the Constitution read with Sections 219 of the Elections Act, 2017 and the judgment reported as 2021 SCMR 714, reject the appeal/ review filed by the appellant being devoid of force and has decided to hold the local government elections in District Quetta as per the already announced election program dated 03.11.2025 with poll date 28.12.2025. The provincial government of Balochistan is directed under Article 220 of the Constitution of Islamic Republic of Pakistan, 1973 to assist the Election Commission and all other functionaries who have been entrusted responsibilities for the conduct of Local Government Elections in District Quetta in every possible manner. It is further directed to make fool proof security arrangements for safety and security of voters, contesting candidates, general public, polling staff and to ensure smooth conduct of poll in District Quetta.

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Sikandar Sultan Raja
Chairman

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Nisar Ahmed Durrani
Member

Shah Muhammad Jatoi
Member

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Babar Hassan Bharwana
Member

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Justice (R) Ikram Ullah Khan
Member



my Disent note is on next page
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Dissenting note:

I agree with the order passed by the Majority Members of the Commission to the extent of objection regarding delimitation, electoral rolls and term of local government election in Quetta District. However, I am of the view that there will be low turnout of the voters due to harsh weather during the month of December as most of the residents migrate from the District to another Districts. I am also of the considered view that the law and order situation in the province of Balochistan is not conducive for conduct of local government elections in the present scenario. Therefore, in my view, the local government elections in District Quetta scheduled for 28.12.2025 may be postponed till normalization of weather as well as law and order situation in the District Quetta.



Sd/-
Shah Muhammad Jatoi
Member