

ELECTION COMMISSION OF PAKISTAN

MR. SIKANDAR SULTAN RAJA,	CHAIRMAN
MR. NISAR AHMED DURRANI,	MEMBER
MR. SHAH MUHAMMAD JATOI,	MEMBER
JUSTICE (R) IKRAMULLAH KHAN,	MEMBER

Case No. 21(1)/2025-Elec-I

&

Case No. 6(42)/2025-Law-III

Subject: NOTICE UNDER ARTICLE 218(3) OF THE CONSTITUTION READ WITH SECTION 4, 8(C), 15, 170, 175, 180 AND 234 OF THE ELECTIONS ACT, 2017 AND VIOLATION OF CODE OF CONDUCT ISSUED BY THE COMMISSION FOR CONDUCT OF BYE ELECTION IN NA-18 HARIPUR.

CLUBBED WITH

COMPLAINT UNDER ARTICLE 218(3) OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973 READ WITH SECTION 4, 8, 15, 233 AND 234 OF THE ELECTIONS ACT, 2017 FILED BY MR. BABAR NAWAZ KHAN, CONTESTING CANDIDATE OF BYE-ELECTION IN CONSTITUENCY NA-18 HARIPUR, TEHSIL HAVELLIAN.

On Commission's Notice

- i. Mr. Muhammad Sohail Khan Afridi, Chief Minister of KP (Respondent No. 1).
- ii. Mst. Shehar Naz Omar Ayub Khan, Contesting Candidate NA-18 Haripur (Respondent No. 2).

In Complaint:

Mr. Babar Nawaz Khan, Contesting Candidate NA-18 Haripur (Complainant).

Vs.

1. Mr. Sohail Khan Afridi (CM KP),
2. Mst. Shehar Naz Omar Ayub Khan, Contesting Candidate NA-18 Haripur.

.....Respondent(s)

Attendance on Commission's Notice:

For the Respondent No. 1: Syed Mohammad Ali Bokhari, ASC along with Raja Hassan Sajjad, AHC & Zakria Arif, AHC.

For the Respondent No. 2: Barrister Hassan Qadir Khan.

For the ECP : Secretary ECP, Special Secretary, Special Secretary (Law), ADG (Elections), ADG (Law), Director (Law), DD (Law) & DD (MCO).

In Complaint's Case:

For the Complainant : Barrister Sajeel Sheryar Swati, ASC, along with Zia-ur-Rehman, Advocate and Dua Wajid Khan, Advocate



Date of hearing : 21-11-2025

ORDER

Sikandar Sultan Raja, Chairman- Brief facts of the case are that schedule for the conduct of bye-election in NA-18 Haripur has been issued with poll date on 23.11.2025 and Code of Conduct was issued by the Commission for the contesting candidates, political parties, media and security personnel. The District Monitoring Officer (DMO) vide his report dated 19.11.2025 informed the Commission that the Chief Minister KP Mr. Sohail Khan Afridi addressed a public gathering in Tehsil Havellian District Abbottabad in connection with election campaign of contesting candidate Mst. Shehar Naz Omar Ayub Khan of the bye-elections going to be held in NA-18 Haripur in violation of Clauses 10 and 18 of Code of Conduct. He also informed that during his speech he has used threatening language for the election officials and the officers appointed by the Commission. The speech of Mr. Sohail Khan Afridi has been reported through media. Therefore, notices were issued to Respondent Nos. 1 & 2 for appearance before the Commission and to explain their position. A Complaint of the same nature and allegation was also filed by the Contesting Candidate Mr. Babar Nawaz Khan which has been clubbed with the notice case and is also fixed for hearing today.

02. Today, Syed Mohammad Ali Bokhari, ASC appeared on behalf of respondent No. 1 Mr. Sohail Khan Afridi and submitted Memo of appearance with the request for exemption from personal appearance of Mr. Sohail Khan Afridi (CM-KP) and also informed the Commission that he is engaged in different meetings regarding law and order situation in the Southern Belt of KPK Province. Barrister Hassan Qadir Khan, appeared on behalf of Respondent No. 2 and submitted memo of appearance. Mr. Sajeel Sheryar Swati, ASC appeared on behalf of Complainant (Mr. Babar Nawaz Khan) and submitted his power of attorney. The memo of appearance submitted by the Counsels for Respondent Nos. 1 & 2 and power of attorney on behalf of Complainant are taken on record. The copies of the Complaint and Transcripts are provided to the Counsels for the parties during hearing.

03. The Secretary and Special Secretary (Law) initially briefed the Commission regarding the relevant provisions of Constitution, Code of Conduct and the Elections Act, 2017. They also informed the Commission that CM KP has used threatening language for the election officials and the officers appointed by the Commission for conduct of bye-elections in the constituency of NA-18, Haripur. They also added that the act of CM-KP is against the clear mandate of Article 218(3) of the Constitution and also falls within the ambit of offences of corrupt and illegal practices. The Special Secretary (Law) invited attention of the Commission towards Sections 3(1) & 4(1) of the Elections Act, 2017 and added that these Sections provide



that for the performance of functions, duties and in exercise of the powers of Commission, the Commission shall regulate its own procedure. He further added that the Commission has the power to issue directions for securing the personal attendance of any person.

04. The initial briefing and arguments have been heard on behalf of counsels for the parties and representatives of the Commission and available record have been perused.

05. From the perusal of record it is revealed that the notice to CM-KP (Respondent No. 1) was issued for his personal appearance before the Commission. However, the counsel Mr. Ali Bokhari, ASC has requested for exemption from his personal appearance and has also mentioned the reason for his non-appearance before the Commission. The counsels for the Respondents have submitted undertaking in writing and also requested the Commission for submission of power of attorney on the next date of hearing. As the memo of appearance is submitted for only one date of hearing i.e 21.11.2025, therefore, request of the counsels is accepted in the interest of justice and they are directed to submit the power of attorneys on the next date of hearing. Furthermore, the request for exemption of Mr. Sohail Khan Afridi (Respondent No. 1) is accepted for today. Therefore, the Commission is exercise of powers under Article 218(3) of the Constitution read with Section 4(1) of the Elections Act, 2017 directs Respondent No.1 Mr. Sohail Khan Afridi to appear in person on the next date of hearing.

06. The case is adjourned for **25.11.2025 at 12:00 P.M** for submission of power of attorneys by the Respondent Nos. 1 & 2 along with written reply of the notices issued by the Commission and the complaint filed by the complainant Mr. Babar Nawaz Khan and for further proceedings.




Nisar Ahmed Durrani
Member


Sikandar Sultan Raja
Chairman


Shah Muhammad Jatoi
Member


Justice (R) Ikram Ullah Khan
Member