

ELECTION COMMISSION OF PAKISTAN

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

CASE No.2(14)/2025-LGE-B P.F-1

Subject: **ADMINISTRATION OF OATH TO MEMBERS ELECTED AGAINST RESERVED SEATS IN MUNICIPAL COMMITTEE-ZIARAT DURING LOCAL GOVERNMENT ELECTION FOR SECOND HALF TERM OF THE COUNCIL IN BALOCHISTAN PROVINCE.**

1. Imran Ullah, Peasant Member
2. Muhammad Zaman, Worker Member
3. Shamina Bibi, Women Member

.....Petitioner(s)

Versus

Israr Ahmed, Chairman Municipal Committee, Ziarat

.....Respondent(s)

For the Petitioners	:	Mr. Naimat Ullah Achakzai, ASC
For the Respondent	:	Mr Israr Ahmed Khan Chairman MUNICIPAL COMMITTEE Ziarat present
		In person
For the Secretary	:	Mr. Tahir Iqbal Khattak, AAG, Balochistan
For the ECP	:	Special Secretary, ECP alongwith Director Law
Date of hearing	:	<u>30-04-2025</u>

ORDER

Sikandar Sultan Raja, Chairman- Brief facts of the case are that a letter dated 27-03-2025 was received from JPEC, Balochistan, forwarding a copy of a letter dated 24-03-2025 from the Secretary, Local Government Department, Quetta, along with an application submitted by members of the Municipal Committee, Ziarat, Balochistan Province. The applicants Mr. Imran Ullah (Peasant Member), Mr. Muhammad Zaman (Worker Member), and Ms. Shamina Bibi (Women Member) contended in their application that, despite clear instructions issued by the Election Commission of Pakistan (ECP), the Chairman of the Municipal Committee, Ziarat, has refused to administer the oath to them for the second half of their term.



citing a tribal dispute. They accordingly requested that alternative authorities be designated to administer the oath.:-

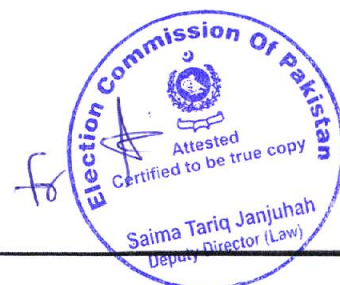
- i. Chairman, District Council Ziarat**
- ii. Assistant Director, Local Government Ziarat**
- iii. Chief Officer, Municipal Committee Ziarat**

2. Furthermore, the Secretary, Local Government Department, Quetta, through a letter dated 12-03-2024, informed that although instructions have been issued to all Chairmen of Local Councils in Balochistan to administer the oath to all members whose second half term in the Local Councils has commenced, guidance from the Commission is sought regarding the authority competent to administer the oath in cases where the office of Chairman, Local Council is vacant or where the Chairman is unavailable or unwilling to do so.

3. Matter was placed before the Commission and after deliberation it was decided to fix it for hearing with notices to the parties concerned.

4. The Special Secretary appeared and assisted the Commission in light of the provisions of the Balochistan Local Government Act, 2010 and the Balochistan Local Government (Elections) Rules, 2013. He stated that, in accordance with Rule 42, where members secured an equal number of votes, the term of office was determined by the drawing of lots conducted by the Returning Officer. He further submitted that the applicants — Mr. Imran Ullah (Peasant Member), Mr. Muhammad Zaman (Worker Member), and Ms. Shamina Bibi (Women Member) — were elected as members of the Municipal Committee, Ziarat for the second half of the term, and under the applicable Rules, were required to take oath before the Chairman, Municipal Committee, Ziarat, who has, however, refused to administer their oaths.

5. The Special Secretary also apprised the Commission that the aforementioned members initially approached the Commission on 14-02-2025, following which directions were issued on



26-02-2025 to the Secretary, Local Government, Balochistan for ensuring administration of oath to the applicants. Subsequently, another application dated 13-07-2025 was submitted by the applicants to the Commission. In response, the Commission issued further directions on 07-04-2025 to the Provincial Election Commissioner, Balochistan, for implementation of its earlier directions dated 26-02-2025. Meanwhile, on 24-03-2025, the Secretary, Local Government, sought the Commission's guidance on the competent authority to administer the oath in cases where the office of the Chairman, Local Council is vacant, or where the Chairman is unavailable or unwilling to perform this function. The Special Secretary recommended that the Commission pass appropriate orders in this case and in similar matters, authorizing an alternative officer, including the Returning Officer concerned or their successor in office, to administer the oath.

6. Mr. Naimat Ullah Achakzai, ASC, appeared on behalf of the applicants and submitted that the Chairman, Municipal Committee, Ziarat, with malafide intent, had refused to administer the oath to the applicants following the expiry of the first half of their term. He further alleged that the Chairman had issued unlawful tenders with the ulterior motive of misappropriating public funds amounting to millions. In support of his submissions, learned counsel placed on record a set of documents. Concluding his arguments, he prayed that the documents submitted be taken on record and that appropriate directions be issued to the Chairman, Municipal Committee, Ziarat, to administer the oath to the applicants without further delay. He also requested that measures be taken to restrain the Chairman from misusing public funds and, in view of the above allegations, prayed for the suspension of the Chairman's powers. Additionally, he urged the Commission to order an inquiry into the alleged misuse of public funds by the Chairman.

7. Mr. Tahir Iqbal Khattak, Additional Advocate General, Balochistan, appeared on behalf of the Secretary, Local Government, Balochistan, and submitted that instructions had been issued to the Deputy Commissioner, Ziarat, for administering the oath to the applicants:



however, the oaths have not yet been administered. He further apprised the Commission that the Secretary, Local Government, was unable to appear due to his engagement in an ongoing Cabinet meeting and assured that a report on the matter would be furnished in due course.

8. Mr. Israr Ahmed Khan, Chairman, Municipal Committee, Ziarat, appeared in person and admitted that he had not administered the oath to the members of the local council, without offering any plausible justification. Upon being asked to explain the reasons for his failure to do so, instead of providing a specific response, he raised his voice and conducted himself in a discourteous and inappropriate manner before the Commission. He further objected that notice had been issued to the Chairman, District Council, Ziarat, instead of to him; however, he acknowledged his presence before the Commission and accepted the notice in the matter. Concluding his appearance, he requested that time be granted to engage counsel to represent him and plead his case.

9. Arguments advanced by the Special Secretary, Election Commission of Pakistan, and the Assistant Advocate General, Balochistan, on behalf of the Secretary, Local Government and Rural Development Department, Government of Balochistan, were heard. Mr. Israr Ahmed Khan, Chairman, Municipal Committee, Ziarat, Balochistan, was also present in person.

10. The entire controversy centers on the refusal of the Chairman, Municipal Committee, Ziarat, to administer the oath to the elected members of the Committee, despite clear directions issued by both the Commission and the Provincial Government. Upon its inability to arrange for the administration of the oath to the applicants, the Provincial Government sought guidance from the Commission on the matter. During the course of proceedings, the Commission posed specific questions to the Chairman regarding his failure to administer the oath to the applicants/members and reminded him of his statutory obligations under the Balochistan Local Government Act, 2010, and the Rules framed thereunder. The Chairman, however, admitted his



failure to administer the oath without offering any plausible justification. It is pertinent to note that Rule 57(1) of the Balochistan Local Government (Elections) Rules, 2013 provides that:-

"the Returning officer appointed for election of a Local Council shall, as soon as may be, but before the expiry of 30 days after the issue of notification of the result of election of a local council call a meeting of a local council by issuing a notice thereof, for the purpose of administering oath. Sub Rule 5 of Rule 57 of the rules Ibid provides that if a member of a local council is unable to attend a meeting convene under sub rule 1 the chairman of the local council shall, at any subsequent meeting, administer oath of office of such member, whereupon such member shall be deemed to have taken his seat in the local council".

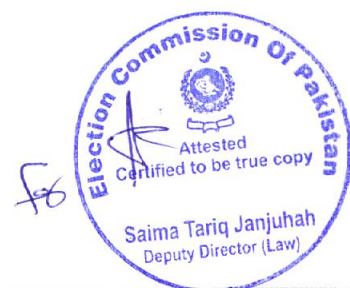
11. The Commission took serious notice of the misconduct and irresponsible attitude exhibited by the Chairman for his refusal to administer the oath to the applicants. Instead of providing any plausible explanation, he raised his voice in an attempt to divert the course of justice and evade his statutory responsibility to administer the oath. The Commission cautioned him to maintain decorum and conduct himself appropriately; however, he persisted in speaking loudly, thereby disrupting the proceedings and undermining the dignity of the Commission. In view of the contumacious conduct of the said Chairman, the office is directed to issue a notice to the alleged contemnor under Section 10 of the Elections Act, 2017, read with Section 17 of the Contempt of Court Ordinance, 2003, and to open a separate file in this regard.

12. The learned counsel for the applicants submitted an application alleging that the respondent, Chairman Israr Ahmed Khan, has been misusing the funds of the Municipal Committee and unlawfully released approximately Rs. 4 (Four) Crore through the issuance of tenders after the expiry of the first term of the members, in clear violation of the applicable laws




and rules. Furthermore, the respondent Chairman has willfully and repeatedly refused to administer the oath to the members of the Committee, in defiance of the directions of the Commission. It is pertinent to note that under Section 16(4) of the Balochistan Local Government Act, 2010 and the Balochistan Local Government (Elections) Rules, 2013, the provisions of the Representation of the People Act, 1976 (now the Elections Act, 2017) are applicable *mutatis mutandis* to the Balochistan Local Government Act, 2010, by virtue of Section 8 of the General Clauses Act, 1897.

13. The functioning of a local council is both a constitutional and statutory requirement, and the Commission, as the regulator of the electoral process, is constitutionally obligated under Article 218(3) read with Article 140A(2) of the Constitution to ensure the conduct of elections to local councils and the completion of their phases in a smooth and lawful manner, in accordance with the relevant laws and rules. In view of the deliberate and willful refusal of the Chairman, Municipal Committee, Ziarat, to administer the oath to the applicants, and in exercise of its powers under the Balochistan Local Government Act, 2010, the Balochistan Local Government (Elections) Rules, 2013, Article 218(3) of the Constitution, read with Rule 57(1) of the 2013 Rules, Sections 4 and 8 of the Elections Act, 2017, and in light of the authoritative pronouncements of the Hon'ble Supreme Court of Pakistan reported in PLD 67 2025 SC and 2024 SCMR 997, the Commission deems it appropriate to direct that the Returning Officer, Assistant Commissioner, Ziarat, or his successor in office, shall administer the oath to the members of the Municipal Committee, Ziarat, elected against the reserved seats for the second term, as referred to hereinabove, in accordance with Rule 57(1) of the Rules *ibid*, as soon as the members/applicants approach the Returning Officer for the administration of the oath. Furthermore, the Secretary, Local Government and Rural Development Department, Balochistan, is directed to ensure compliance with this order and to take all necessary steps for the prompt administration of oath to the applicants.





14. The respondent Chairman is also alleged to have engaged in the misuse and misappropriation of public funds. In light of these serious allegations, the Secretary, Local Government, Balochistan, is hereby directed to initiate a thorough inquiry into the matter and submit a detailed report to the Commission within one month of receiving this order.


15. Therefore, in exercise of the powers conferred upon it under Article 218(3) of the Constitution, read with Sections 4 and 8(c) of the Elections Act, 2017, and in light of the authoritative pronouncements of the Hon'ble Supreme Court of Pakistan as reported in PLD 67 2025 SC and 2024 SCMR 997, along with all other enabling powers in this regard, the Commission hereby suspends Israr Ahmed Khan, Chairman, Municipal Committee, Ziarat, until further orders. In the interim, the Secretary, Local Government, Balochistan, is directed to conduct a thorough investigation into the matter and submit a comprehensive report to the Commission within 15 working days from the receipt of this order. The matter shall be re-fixed for hearing after 15 days. The office is further directed to take necessary follow-up action in accordance with the directions provided.


SIKANDAR SULTAN RAJA
Chairman


Nisar Ahmed Durrani
Member


Shah Muhammad Jatoi
Member


Babar Hassan Bharwana
Member


Justice (R) Ikram Ullah Khan
Member

Announced on 09-05-2025

