

RBEFORE THE ELECTION COMMISSION OF PAKISTAN

PRESENT:

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

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

In ref: **ADMINISTRATION OF OATH TO MEMBERS OF LOCAL COUNCILS
ELECTED DURING LOCAL GOVERNMENT ELECTION FOR SECOND
HALF TERM OF THE COUNCIL IN BALOCHISTAN PROVINCE.**

1. Haji Abdul Sheerani, Peasant/Member MC Sheerani;
2. Abdul Ahad Sheerani, Worker/Member MC Sheerani; &
3. Muzleefa, Women/Member MC Sheerani

....Applicants (s)

VERSUS

Chairman, Municipal Committee, Sheerani

...Respondent

For the Complainants : Mr. Aimal Khan Mandokhel, Adv.
For the Respondent : In person a/w Mr. Muhammad
Akram Shah, ASC
For ECP : Mr. Zafar Iqbal Hussain, Special
Secretary
Date of Hearing : 29.07.2025

ORDER

Babar Hassan Bharwana, Member.— Through instant applicant, applicants/Members namely Haji Abdul Sheerani (Peasant), Abdul Ahad (Worker) and Muzalfa (Women), district Sheerani have prayed that necessary directions may be passed for administration of their Oath.

2. Notices were issued to all concerned. Leaned counsel for the applicants vehemently contended that applicants and their rival candidates secured equal number of votes and their term of office was determined by the drawing of a lot carried out by the concerned Returning Officer. He contended that as a result of a



lot, applicants were elected for 2nd half term which has already commenced. He emphasized that immediately on commencing 2nd half term, the Chairman, MC Sheerani was legally bound to administer Oath of applicants, but he has deliberately refused to take oath on one or the other pretext in violation of rule 57 of the Balochistan Local Government (Election) Rules, 2013. He prayed that necessary directions may be passed for administration of oath of applicants.

3. Learned counsel for the respondent contended that a lot was drawn due to equal votes between certain candidates obtained equal votes, however, the members who won the draw were elected for 1st half term. He further contended that time of 1st and 2nd half term is not defined in the Notification. He emphasized that many general members are also working even after expiry of their 1st half term which would cause legal implications. He prayed that application may be dismissed.

4. We have heard the arguments and perused the record. The entire arguments revolves around non-administration of Oath by the Chairman, MC Sheerani. To resolve the controversy sub-rule 5 of Rule 57 of Balochistan Local Government (Election) Rules-2013 is reproduced as below:

"57. Manner of making oath.-

- 1.....
- 2.....
- 3.....
- 4.....
5. If a member of a local council is unable to attend the meeting convened under sub-rule (1), the Chairman of the Local



Council shall, at any subsequent meeting, administer oath of office to such member, whereupon such member shall be deemed to have taken his seat in the local council."

It is quite obvious from a plain reading of above quoted sub rule that a Chairman shall administer oath at any subsequent meeting, if a member of local council is unable to attend the meeting convened under sub rule (1).

5. It reveals from the record that term of members elected for 1st half term namely Gul Badin (Peasant), Rodaf Fawad (Worker) and Lando (Women) has expired on 08.02.2025. It is also admitted fact that the applicants had already been notified vide notification dated 14.01.2023 for 2nd half term under the law. On expiry of 1st half term, the Chairman, MC Sheerani in the light of above provision of law was bound to take oath from applicants.

6. Apart from above, it reveals that directives were issued vide letter dated 26.02.2025 for administration of oath of Members elected for 2nd half term. It also reveals from record that the Provincial Election Commissioner vide his letter dated 15th April, 2025 while referring the letter of District Election Commissioner Sheerani dated 28th March, 2025 has intimated that Chairman, MC, Sheerani has not implemented the directives of ECP.

7. The functioning of local council is a Constitutional as well as statutory requirement. The Commission as the regulator of the electoral process, is Constitutionally obliged under Article 218 (3) read with Article 140A of the Constitution of Islamic Republic of Pakistan, 1973 to ensure conduct of election to local councils and completion of their phases in a smooth and lawful manner. In such



circumstances, we in exercise of 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 Balochistan Local Government (Election) Rules 2013, sections 4 and 8 of the Elections Act, 2017, direct that Deputy Commissioner, Sheerani shall take oath of applicants in accordance with rule 57 (1) of Rules, soon after receipt of the order. Moreover, the Secretary, Local Government and Rural Development Department Balochistan is directed to ensure compliance with this order and to take all necessary steps in this regard.

-sd-
(Sikandar Sultan Raja)
Chairman

-sd-
(Babar Hassan Bharwana)
Member

-sd-
(Nisar Ahmed Durrani)
Member

-sd-
(Shah Mohammad Jatoi)
Member

-sd-
(Justice (R) Ikram Ullah Khan)
Member

Islamabad
The 30th July, 2025

