

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 ND 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, Mirza Asif Abbas, ASC, Qamar Inayat Raja,
ASC, Tanvir Hussain, Adv & Saeed Ahmed Khan

Date of hearing:

20-07-2023

ORDER

Sikandar Sultan Raja, Chairman- Facts in brief of the instant case are that the respondent Mr. Fawad Ahmed Chaudhary, alleged contemnor, during a media talk on 24.01.2023, used intemperate, unparliamentarily language and passed contemptuous remarks as well as leveled baseless allegations against the Election Commission. The Commission took cognizance of the matter and a notice dated 27-01-2023, was issued to the respondent to appear in person or through counsel on 28.02.2023 before the Commission along with written reply to the notice.

However, respondent did not appear nor any Counsel ^{entered} ~~turned~~ appearance on his behalf. On the adjourned date i.e. 14.03.2023, the respondent appeared in-person and submitted that he has high respect and esteem for the Election Commission and he may be allowed to adopt the proper procedure for closure of subject proceedings of contempt. His request was allowed



and he was directed to appear in-person on the next date i.e. 28.03.2023, on which date matter was delisted due to certain reasons and was re-fixed for similar proceedings on 18th April, 2023. On the said date, the respondent did not appear and a proxy Counsel of Mr. Anwar Mansoor Khan, Sr. ASC appeared and sought adjournment on the ground that the respondent is busy before the Hon'ble Islamabad High Court. Matter was again adjourned to 02.05.2023, on which date, again adjournment was sought by a proxy Counsel and matter was adjourned to 16.05.2023. On 16.05.2023, the proxy Counsel appeared and stated that the respondent is detained in police custody and adjournment was sought on this ground which was allowed by adjourning the matter on 23.05.2023. Eventually, on 23.05.2023, reply to notice dated 27.01.2023, was submitted on behalf of the respondent and respondent was again absent. The Counsel Mr. Faisal Fareed Ch. contended on the said date that he intends to assist the Commission qua legal points raised in the reply to the notice. His request was allowed and matter was again adjourned to 06.06.2023, for in-person appearance of the respondent and arguments on the questions raised in the reply to the notice. On 06.06.2023, proxy Counsel appeared and sought adjournment on account of engagement of the respondent in a Court of law. The Commission on the basis of available record and keeping in view several opportunities granted to the respondent, decided the questions so raised in the reply to the notice vide order dated 06.06.2023 and directed to issue show-cause notice to the respondent for 21.06.2023, to the effect that as to why contempt proceedings may not be initiated against him. On 21.06.2023, only proxy Counsel appeared and sought time for submission of reply to show-cause notice which request was not acceded to and the office was directed to issue bailable warrant of arrest of the respondent for 06.07.2023. On the said date, respondent did not appear again and Mr. Qamar Inayat Raja, ASC sought time for submission of reply to the notice and on query of the Commission, he was unaware about respondent's whereabouts. Report of the Islamabad Police in regard to execution of bailable warrants of arrest, was also received wherein it was stated that the respondent is unavailable at the given available address i.e. House 13-A, Street 8, Sector F-7/3, Islamabad. On this account, non-bailable warrants of arrest of the respondent were issued for 20.07.2023.

2. Today, the matter was fixed for submission of reply to the show-cause notice as well as for personal appearance of the respondent. The respondent is present in person as well as Mr. Faisal Fareed, ASC representing the respondent. They have produced an order of the Hon'ble Islamabad High Court dated 18-07-2023, passed in Writ Petition No. 2257/2023,



filed by the present respondent Mr. Fawad Ahmed, challenging the orders of this Commission dated 06.07.2023 and 21.06.2023. The order, *inter alia*, provides as under:-

"3. As the learned counsel for the petitioner undertakes that the petitioner will appear, in person, before the Election Commission of Pakistan on 20.07.2023, therefore, the operation of the impugned orders dated 21.06.2023 and 06.07.2023, is suspended till the said date. The petitioner is directed to appear before Election Commission of Pakistan on the date already fixed in the order date 06.07.2023 i.e. 20.07.2023 and place on record the certified copy of the proceedings of the said date, before the next date of hearing.

4. Notice to the respondents.

5. Re-list on 26.07.2023.

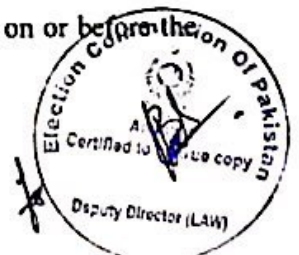
C.M. No. 01 of 2023

Notice. Operation of the impugned orders is suspended till 20.07.2023. Restraining order shall cease to exist and expire automatically after the working hours of Election Commission of Pakistan on the said date."

3. The learned counsel has also moved an application for correction of postal addresses of the respondent. He has alleged that the respondent never received any bailable warrant as orders/warrants have been issued on wrong addresses, which has caused confusion. In the application two addresses i.e. PO Khas Ladhar, Tehsil Dina, District Jehlum and 863-W, Defence Housing Authority, Lahore have been mentioned for the purpose of future correspondence and service of notice, etc. The said application is taken on record.

4. In the meanwhile, Mr. Fawad Ahmed came to the rostrum and stated that he has high respect and esteem for the Election Commission and he seeks apology from the Commission in his personal capacity. In response to a query, he states that use of alleged intemperate, unparliamentary language and passing of contemptuous remarks, etc were in accordance with the party policy/narrative to which he was associated at that time and that was not his personal narrative.

5. The matter is pending since long in which several opportunities have been granted to respondent and the respondent on one pretext or the other has been avoiding due process of law. Therefore, the Commission is not inclined to accept the verbal apology of the respondent. However, the respondent may submit the same in written form on or before the



next date in the matter i.e. 01.08.2023, for consideration of the Commission. Otherwise, the respondent shall submit reply to the show-cause notice on the next date, by all means and shall also appear in person on the said date.

6. Adjourned accordingly.

Sd-
Sikandar Sultan Raja
Chairman

Sd-
Nisar Ahmed Durrani
Member

Sd-
Shah Muhammad Jatoi
Member

Sd-
Babar Hassan Bharwana
Member

Sd-
Justice (R) Ikram Ullah Khan
Member

