

JUDGMENT SHEET IN THE HIGH COURT OF BALOCHISTAN QUETTA

Constitution Petition No.2018 of 2025
(CC#100107804610)

Kaleem Ullah
Vs.
The Election Commission of Pakistan,
Through the Chief Election Commissioner,
Provincial Election Office, Quetta
& others

Date of hearing: 09.12.2025 Announced on: 12.12.2025

Petitioner by: M/s. Ahmed Khan, Dost Muhammad Kakar and
Shams-ur-Rehman Kakar, Advocates.

Respondent Nos.
1 to 3 by: M/s. Shehzad Aslam, Assistant Director (Law)
and Naseer Ahmed, Senior Personal Assistant,
Election Commission of Pakistan ("ECP").

Respondent No.
5 by: Syed Abdul Salam, Advocate.

JUDGMENT

Muhammad Aamir Nawaz Rana, J.- The petitioner, who himself is contesting the Local Bodies Elections for the seat of General Councilor from Union Council-32, Ward-01, Zarghoon Town, Quetta, has raised objections regarding candidature of respondent No.5 namely *Syed Meer Ali*, who had submitted his nomination papers from Union Council-32, Ward-03, Zarghoon Town, Quetta.

2. It is the case of the petitioner that the nomination forms of respondent No.5 were rejected by the concern Returning Officer on the ground that respondent No.5 is not a registered voter of the Union Council-32, Ward-03, Zarghoon Town, Quetta; but subsequently, the Appellate Authority, without

considering the relevant facts, allowed the appeal so filed by respondent No.5 and directed the concern Returning Officer to include the name of respondent No.5 in the list of contesting candidates of Union Council-32, Ward-03, Zarghoon Town, Quetta; per learned counsel, the Appellate Authority did not confirm from the relevant authority whether the vote of respondent No.5 was registered in Union Council-32, Ward-03, Zarghoon Town, Quetta or not.

3. When the learned Law Officer, ECP was confronted with this factual and legal position, he candidly conceded that, in fact, respondent No.5 is not the registered voter of Union Council-32, Ward-03, Zarghoon Town, Quetta and the statement given by the representative of ECP before the Appellate Authority is incorrect.

4. Learned counsel for respondent No.5, while refuting the submissions of learned counsel for the petitioner, stated that respondent No.5, in fact, is a registered voter of Union Council-32, Ward-03, Zarghoon Town, Quetta; but subsequently, his vote at Serial No.480 was transferred without his request by the relevant authority; per learned counsel, on 22.10.2025, respondent No.5, through WhatsApp, confirmed that his vote at Serial No.480 is in CBC No.451080510.

5. We have heard the arguments advanced by the learned counsel for the petitioner, learned Law Officer, ECP, learned counsel for respondent No.5 and have examined the available record with their assistance.

6. In view of the Section 24 (1) (c) of the Balochistan Local Government Act, 2010 (hereinafter the “Act, 2010”), it is mandatory that a contesting candidate has to be voter of the same constituency from where he/she is contesting the election; see Section 24 (1) (c) of the Act, 2010. In the same manner, Section 46 of the Elections Act, 2017 (hereinafter the “Act, 2017”) provides that validity of Electoral Roll is not affected by any mistake. For facility, the referred Section 46 of the Act, 2017 is reproduced as: -

“46. Validity of electoral rolls not affected by any mistake:

An electoral roll shall not be invalid by reason of any mis-description of a person enrolled thereon or of omission of the name of any person entitled to be so enrolled or of inclusion of the name of any person not so entitled.”

7. The election process is time-bound activity, in which, there are certain timelines/ deadlines in which certain acts have to be performed in order to ensure timely completion of election process and if any voter had any objection, he could have applied to the Competent Authority for correction of Voter List to his extent by transferring his vote or including his vote in certain Census Block Code.

8. Learned counsel for respondent No.5, though, has vehemently pointed out that at the relevant time, respondent No.5 had confirmed that his vote, in fact, was in the same Ward from where, he is contesting the elections, but the record speaks otherwise, as the Vote Certificate of respondent No.5 indicates

that his Census Block Code is **451080504** and not **451080510**, therefore, in view of Section 46 of the Act, 2017, no amendment could have been made in the Electoral Roll. It is relevant to point out that, as mentioned above, the learned Law Officer, ECP has also confirmed that respondent No.5 is not the registered voter of Union Council-32, Ward-03, Zarghoon Town, Quetta.

In the wake of above deliberations and considering the legal provisions mentioned above, it is declared that the nomination forms of the respondent No.5 were illegally accepted by the Competent Authority, as respondent No.5 is not the registered voter of the constituency from where, he is contesting the elections; consequently, the petition is allowed and the impugned order passed by the Appellate Authority is hereby set-aside. The concern Returning Officer is directed to **exclude** the name of respondent No.5 from the list of validly nominated candidates of Union Council-32, Ward-03, Zarghoon Town, Quetta.

Copy of this order be transmitted to the concern Returning Officer for information and compliance.

Announced in open Court:
Quetta, on 12th December, 2025.

JUDGE

JUDGE