

**SUMMARY OF PROCEEDINGS OF THE SITING OF THE ASSEMBLY HELD ON
MONDAY, THE 13th OCTOBER, 2025**

Proceedings of the House commenced with recitation from the Holy Qur'an followed by its Urdu translation, Hadith and National Anthem, at 11:00 A.M. Mr. Babar Saleem Swati, Speaker Provincial Assembly was in the Chair.

2. RULING OF THE CHAIR IN RESPECT OF THE RESIGNATION BY THE CHIEF MINISTER UNDER ARTICLE 130 (8) OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN 1973 AND ELECTION OF THE NEW CHIEF MINISTER, KHYBER PAKHTUNKHWA.

BACKGROUND

1) This ruling shall dispose of a question raised regarding resignation by the Chief Minister, Khyber Pakhtunkhwa and the election of the new Chief Minister to fill the vacancy. The question to be answered is as follows: Does Article 130 (8) of the Constitution of the Islamic Republic of Pakistan (hereinafter the 'Constitution') require acceptance by the Governor of the resignation tendered by the Chief Minister for the said resignation to become effective?

2) Background to this ruling is that Mr. Ali Amin Khan Gandapur, the then Chief Minister, tendered his resignation on 8th October 2025, duly addressed to the Governor of the Khyber Pakhtunkhwa, in terms of Article 130 (8) of the Constitution of Islamic Republic of Pakistan. This resignation was followed by a further hand-written resignation letter dated 11th October 2025 addressed to the Governor Khyber Pakhtunkhwa, duly received by the office of Governor Khyber Pakhtunkhwa on the same day. The resignation letter of 11th October 2025 declares that Mr. Ali Amin Gandapur has resigned from the office of the Chief Minister of Khyber Pakhtunkhwa. It also reiterates and confirms the resignation by Mr. Ali Amin Gandapur, made out of deep conviction and loyalty. The letters of 8th and 11th October 2025 are duly signed by Mr. Ali Amin Khan Gandapur. A further letter dated 11th October was also addressed by Mr. Ali Amin Khan Gandapur to the Speaker, Provincial Assembly of Khyber Pakhtunkhwa. This letter duly informed the Speaker of the resignation from the post of the Chief Minister of Khyber Pakhtunkhwa tendered by Mr. Ali Amin Khan. A copy of the resignation letter of 11th October 2025 was enclosed.

3) Later in the day, on 11th October 2025, the Governor of Khyber Pakhtunkhwa publicly acknowledged receiving the resignation letter dated 11th October 2025 through a post on the handle of the Governor of the Governor of Khyber Pakhtunkhwa on the social media platform X. The said post also reproduced an exact image of the handwritten resignation letter dated 11th October 2025 tendered by Mr. Ali Amin Khan Gandapur along with the official receipt issued by the office of the Governor Khyber Pakhtunkhwa. The Governor Khyber Pakhtunkhwa also confirmed receipt of the resignation by Mr. Ali Amin Gandapur in a widely reported statement made before the electronic and print media that has been duly published.

4) The receipt issued by the office of the Governor Khyber Pakhtunkhwa with respect to the aforesaid resignation letter dated 11th October 2025 is also on the record of the office of the

Speaker Provincial Assembly of Khyber Pakhtunkhwa. I, as Speaker of the Assembly of Khyber Pakhtunkhwa, have personally spoken with Mr. Ali Amin Gandapur who has confirmed that he has tendered his resignation from the post of the Chief Minister of Khyber Pakhtunkhwa through letters dated 8th and 11th October 2025. Copies of the resignation letters of 8th and 11th October 2025 has also been provided to me and are a part of the record of the office of the Speaker of the Assembly of Khyber Pakhtunkhwa.

RULING

5) The Chief Minister of a Province is a Constitutional office-holder in terms of Article 130 of the Constitution. Article 130 (8) of the Constitution provides for the tendering of resignation by the Chief Minister, under his hand (under his signature), addressed to the Governor of the Province. For ready reference, Article 130 (8) is reproduced hereunder:

“(8) The Chief Minister may, by writing under his hand addressed to the Governor, resign his office”.

6) It is clear from a reading of Article 130 (8) that no approval or acceptance by the Governor of the resignation tendered by the Chief Minister is required. The Governor is only the addressee of the resignation made by the Chief Minister. The Governor is not the appointing authority of the Chief Minister. The Governor has no authority to force an unwilling Chief Minister to remain in office.

7) Where the Constitution has intended for the Governor to give assent to a matter it has said so clearly. Article 116 of the Constitution provides for the assent of the Governor to Bills passed by the Provincial Assembly. The Governor may ask for a Bill to be reconsidered. No such power has been vested in the Governor with respect to a resignation tendered by the Chief Minister.

8) The Hon’ble Supreme Court of Pakistan has, in its judgment reported as *Hafiz Hamdullah vs Saifullah Khan*, PLD 2007 SC 52, distinguished between constitutional office holders whose resignations become effective when tendered without the need for acceptance and other officials or employees whose resignations become effective upon acceptance. It is clear that the Chief Minister being a constitutional office-holder, the resignation by the Chief Minister becomes effective as soon as it is tendered.

9) In view of the Constitutional provisions, judgments of the superior courts, including the Hon’ble Supreme Court of Pakistan, and the circumstances mentioned above, being custodian of the House and custodian of the rights of the people of the Province, it was my constitutional obligation to process the election of the Chief Minister of the Province of Khyber Pakhtunkhwa so as to ensure the continuity of the government of the Province of Khyber Pakhtunkhwa. Rule 17 of the Procedure and Conduct of Business Rules (2025) of the Khyber Pakhtunkhwa Assembly provides for the election of the Chief Minister and is reproduced below:

“17. Election of the Chief Minister to be without debate. - After the election of the Speaker and Deputy Speaker following a general election of the Speaker and Deputy Speaker following a general election, or whenever the office of the Chief Minister falls vacant for any reason, the

Assembly Shall, to the exclusion of any other business, proceed to elect without debate one of its Member as the Chief Minister.”

Based on the foregoing, I rule that pursuant to the resignation by Mr. Ali Amin Gandapur an election for the post of the Chief Minister of Khyber Pakhtunkhwa is being lawfully conducted on 13th October 2025 in accordance with the Constitution and the rules of the Assembly of Khyber Pakhtunkhwa.

3. ANNOUNCEMENT FROM THE CHAIR.-The Chair announced the procedure for recording votes for election of Chief Minister under rule 21 and Fifth Schedule read with clause (4) of Article 130 of the Constitution of the Islamic Republic of Pakistan.

4. ELECTION OF THE CHIEF MINISTER.- Before the commencement of the election, Mr. Speaker announced the names of the candidates in the order in which their nomination papers were received and declared valid i.e. Mr. Muhammad Sohail Afridi, MPA from PK-70 Khyber-II, Mr. Lutf-ur-Rahman, MPA from PK-114 Dera Ismail Khan-IV, Sardar Shah Jehan Yousaf, MPA PK-40 Mansehra-V and Arbab Zarak Khan, MPA from PK-80 Peshawar-IX, Bells were rung for five (05) minutes enabling members to enter in the Chamber and thereafter, the election was conducted in accordance with Fifth Schedule read with rule 21 of the Rules. Therefore, Mr. Muhammad Sohail Afridi, MPA was declared elected as the Chief Minister within the meaning of clause (4) of Article 130 of the Constitution by getting 90 votes against (0) votes of Mr. Lutf-ur-Rahman, MPA, (0) votes of Sardar Shah Jehan Yousaf, MPA and (0) votes of Arbab Zarak Khan, MPA.

5. THE SITTING OF THE ASSEMBLY WAS ADJOURNED TILL 02:00 P.M OF MONDAY, THE 27th OCTOBER, 2025.