

# BEFORE THE ELECTION COMMISSION OF PAKISTAN

## PRESENT:

MR. NISAR AHMED DURRANI	MEMBER
MR. SHAH MUHAMMAD JATOI	MEMBER
MR. BABAR HASSAN BHARWANA	MEMBER
MR. JUSTICE (R) IKRAMULLAH KHAN	MEMBER

## Case No. F.8(5)/2022-Cord

In ref: APPLICATION OF DR. YASMIN RASHID PRESIDENT PAKISTAN  
TEHREEK E INSAF (PTI) CENTRAL PUNJAB FOR APPROPRIATE  
ORDER REGARDING APPOINTMENT OF POLLING AGENTS.

Dr. Yasmin Rashid President Pakistan Tehreek e Insaaf (PTI), Central Punjab  
...Petitioner

For the Petitioner : Mr. Ali Bukhari, ASC (Informed  
through Phone call and Voice Note  
that he represents Dr. Yasmin  
Rashid)

Date of Hearing : 15.7.2022

## ORDER

*Sd*  
**Nisar Ahmed Durrani, Member.**— The petitioner Dr. Yasmin Rashid has approached this Commission for issuance of appropriate order regarding nomination of polling agents. According to the petitioner the bye-elections in 20 constituencies of the Punjab Assembly are scheduled to be held on 17<sup>th</sup> July, 2022. She has requested that the contesting candidates appoint their polling agents which are objected to by the Returning Officers and the Presiding Officers on the ground that the agents are not voters of the constituency. She has further averred that it is the constitutional responsibility of the Election Commission to ensure that the bye-elections in the province of Punjab are conducted and organized in accordance with constitution and the Election laws and has prayed for issuance of instructions to the Returning Officers to allow the nomination of polling agents in accordance with the provisions of Elections Act.

2. The order of the worthy Lahore High Court in writ petition No. 44244 / 2022 filed by petitioner Dr. Yasmin Rashid was received via WhatsApp from the Provincial Election Commissioner, Punjab. The worthy High Court has



observed that the Election Commission is competent to decide the issue, therefore, this Court observes Judicial restraint. The worthy High Court has further observed that verbal instructions, on an issue not expressly dealt with in relevant law, can neither be given by the Election Commission nor can be enforced by the Returning Officer or any other agency deputed at the polling station. The worthy High Court has directed that the application of petitioner Dr. Yasmin Rashid be decided expeditiously enabling the petitioner to seek remedy in case of any adverse order.

3. The application of petitioner Dr. Yasmin Rashid was already in process, however, on receipt of the order passed by the Lahore High Court, Lahore, she was contacted by the Deputy Director (Law), Election Commission of Pakistan via her cell No. 0300-8444009 and was requested to enter appearance in person or through her counsel. According to the Deputy Director (Law), the petitioner informed that she has instructed her counsel Mr. Ali Bukhari, Advocate to adopt the arguments advanced by Mr. Babar Awan, ASC on the application of petitioner Mr. Omar Ayub Khan which was already fixed for hearing before the Commission today i.e. 15.7.2022. The Deputy Director (Law) further informed that Mr. Ali Bukhari, ASC was also contacted via his cell No. 0300-9555015. The Deputy Director (Law) informed that counsel for Yasmin Rashid through phone call and voice note informed that he would adopt the arguments of Mr. Babar Awan, ASC in application filed by Mr. Omar Ayub Khan.

4. For detailed reasons recorded in the similar matter in case No. F. 23(231)/2022-Law filed by Mr. Omar Ayub Khan, the Commission has instructed all the Returning and Presiding Officers to ensure that the polling agents shall be the voter in the constituency concerned. The same order shall be read in the instant application.

*Sd*  
(Nir Ahmed Durrani)  
Member

*Sd*  
(Babar Hassan Bharwana)  
Member

*Sd*  
(Shah Murtaza Jatoi)  
Member

*Sd*  
(Justice (R) Ikramullah Khan)  
Member

Islamabad  
the 15<sup>th</sup> July, 2022

