

ELECTION COMMISSION OF PAKISTAN

PRESENT

MR. SIKANDAR SULTAN RAJA, 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.12(3)/2023-E/Rolls-Vol-II

Subject: REQUEST FOR REGISTRATIOIN OF NAME IN THE
VOTER LIST

Nawabzada Mir jamal Khan Raisani S/o Nawabzada Siraj Raisani (Late)

R/o Raisani House, Raisani Road, Quetta

.....Applicant

For the Applicant: Malik Akhtar Abbas, AHC

Date of hearing: 10-01-2024

ORDER

Sikandar Sultan Raja, Chairman- Brief background of the instant matter is that the applicant filed an application dated 23-09-2023 for registration/ Entry of Name in Voter List which was received on 20.12.2023. Application was rejected vide office letter dated 23.12.2023 as the cut-off date for registration and transfer of votes was 28.10.2023, thereafter the electoral roll was frozen for the conduct of General Election, 2024. Applicant filed W.P 26/2024 before the Honourable Islamabad High Court Islamabad against the rejection of his application. The Hon'ble Islamabad high Court Islamabad remanded the matter to the Commission with the following terms:-

"6. In view of the foregoing and notwithstanding with even earlier application, filed before the Election Commission of Pakistan, office is directed to remit copy of the petition along with annexure to Election Commission of Pakistan, which shall treat the same as an application on behalf of the petitioner and decide the same in accordance with law after providing an opportunity of hearing to the petitioner. Disposed of."



2. In light of the Hon'ble High Court's order dated 05.01.2024 , matter is fixed for hearing on 10.01.2023 with notice to the applicant.

3. Malik Akhtar Abbass, Advocate appeared on behalf of the applicant and stated that applications dated 23.09.2023 and 27-09-2023 were sent to ECP through courier on 27.09.2023 before the cutoff date of registration of vote. He further stated that applicant seeks inclusion of his name in the Voter list formed in respect of Elections, 2024 on the basis of Pakistan Origin Card (POC) issued by NADRA which is valid till 04.01.2025 under Section 11 of the NADRA Ordinance, 2000. He also stated that family of the petitioner has been into the mainstream national politics since decades who have served this country in difference capacities. He also stated that the petitioner has surrendered the dual nationality of Thailand and NADRA has issued National Identity Card bearing No. 54401-7437811-1 to him. In support of his arguments he referred to Article 19 of the NADRA Ordinance, 2000 wherein it is stated that *"A card including a National Identity Card, issued to a person under this Ordinance shall be proof of his identity as could be established from the contents of such card for any purpose for which his identity is required to be established"*. He also referred to Section 4 & 5 of the Pakistan Citizenship Act, 1951. He further contended that NIC and POC are one and the same things having similar effects. In support of his arguments he referred to PLD 2019 Supreme Court 133. He further argued that the applicant is also the candidate in upcoming General Elections, 2024 so he prayed for the registration of his vote in the best interest of justice so that he can contest General Elections, 2024. In support of his arguments he also referred the order passed by the Honorable Islamabad High Court in Writ Petition No. 2294/2018 titled as Kanwal Shauzab versus Election Commission of Pakistan dated 27.06.2018 and cases reported in PLD 20023 Lahore 521 and 1999CLC79

3. We have heard the arguments of the Counsel for the petitioner and perused the available record.


4. The applicant has informed the Commission about his two applications dated 23-09-2023 and 27-09-2023 which according to him were forwarded to the Commission. Application dated 23-09-2023 was received to the Commission. The said application was disposed off after due process and applicant was informed accordingly.





vide letter dated 23-12-2023. The said application dated 23-09-2023 was received to the Commission on 20-12-2023 which was hopelessly time barred as the schedule for the General Elections, 2024 has been announced on 15-12-2023. However, the application dated 27-09-2023 supported by UMS receipt No 95647205 dated 27-09-2023 is being searched and the same is not traceable, which was prior to the date i.e. 28-10-2023 whereby the Electoral rolls were frozen for the General Elections 2024. The applicant has attached the copy of application and its UMS receipt along with the copy of Writ Petition No. 26/2024 filed before the Honorable Islamabad High Court which has been referred to the Commission for decision. Admittedly the applicant has renounced his dual Nationality of Thailand and NADRA has issued National Identity Card to him which is available on record.


05. Right to vote and right to contest election is a fundamental right to every citizen under Article 17(2) of the Constitution. Reliance is placed on PLD 2014 SC 72, and PLD 2012 SC 681. The application dated 27-09-2023 and UMS receipt clearly shows that the Petitioner has approached the Commission in time. Section 39 bars transfer and registration of votes after the announcement of Election Schedule. A person cannot be deprived of his fundamental right of vote and contest elections.

06. Therefore the Commission in exercise of powers under Article 218(3) read with Article 17(2) of the Constitution of Islamic Republic of Pakistan and Section 4 and 8 (c) of the Elections Act, 2017 accept the application of the applicant and directs the officer to take follow up action.


Sikandar Sultan Raja
Chairman


Nisar Ahmed Durrani
Member


Shah Muhammad Jatoi
Member


Babar Hassan Bharwana
Member


Justice (R) Ikram Ullah Khan
Member

