

ELECTION COMMISSION OF PAKISTAN

PRESENT:

MR. SIKANDAR SULTAN RAJA,	CHAIRMAN
MR. NISAR AHMED DURRANI,	MEMBER
MR. SHAH MOHAMMAD JATOI,	MEMBER
MR. BABAR HASSAN BHARWANA,	MEMBER
MR. JUSTICE (R) IKRAM ULLAH KHAN,	MEMBER

Case No. 2(12)/2024-Cord .

In Reference to: APPLICATION FOR RECOUNTING UNDER SECTION 65(6) OF THE ELECTIONS ACT, 2017.

Ali Hassan Zehri Candidate, PB-21 Hub-Balochistan

Date of hearing : 11-02-2024

ORDER

Sikandar Sultan Raja, Chairman: An application for recounting of votes of a contesting candidate Ali Hassan Zehri of polling stations No. 1 to 25 of Tehsil Doreji and 48, 49, 50, 51, 57, 58, 61, 62, 65, 66, 67, 68, 81, 82, of Tehsil Hub of PB-21 Hub, addressed to the Chief Election Commissioner of Pakistan has been received through Provincial Election Commissioner, Balochistan (PEC). The PEC, Balochistan has also forwarded copy of a complaint addressed to him by the said candidate and letter dated 10-02-2024 of the District Returning Officer (DRO) addressed to the Secretary Election Commission and copy of the letter of Returning Officer PB-21 addressed to the DRO Hub of the even number date 10-02-2024.

2. The Returning Officer (RO) vide his letter addressed to the DRO has sought advice of the Commission in the matter of recounting in the light Section 95(5) of the Elections Act, 2017. According to him the margin of victory between the leading candidate and the runner up is 13910 votes and the difference between the 3rd position holder and the leading candidate is 16790 votes. According to the RO, the application addressed to him for recounting is to be turned down in the light of Section 95(5) of the Act. The DRO vide his letter 10-02-2024 has informed that the national highway (RCD) road has been blocked in different points by the protestors since morning who are demanding recount of PB-21 Hub and the law and order situation has been created.

3. The Commission has gone through the letters of the RO, DRO and recounting application of Mr. Ali Hassan Zehri contesting candidate. Section 95(5) is attracted where an application is addressed to the RO and he has to apply his mind independently. However, the RO is of the opinion as would appear from his letter that keeping in view the margin of votes between the contesting candidates, request for recount of the votes has to be turned down. Section 95(6) is not dependent upon the conditions provided in sub-section 5. The powers of the Commission to order recount is not made subject to percentage or difference of votes between the leading and other candidates. The Commission is under obligation to ensure that election is conducted honestly, justly, fairly and in accordance with law in terms of Article 218(3) of the Constitution.

4. In view of the above, the Commission in exercise of powers under Section 95(6) of the Elections Act, 2017 and Article 218(3) of the Constitution and all other powers enabling in this behalf, orders recount in the subject constituency of the polling stations mentioned herein above. The RO is directed to issue notices to the contesting candidates of the time, date and venue of the recounting.


(SIKANDAR SULTAN RAJA)
Chief Election Commissioner/
Chairman


NISAR AHMED DURRANI
Member


SHAH MUHAMMAD JATOI
Member


BABAR HASSAN BHARWANA
Member


JUSTICE (R) IKRAMULLAH KHAN
Member

Announce date: 11-02-2024