

BEFORE THE ELECTION COMMISSION OF PAKISTAN

PRESENT:

MR. NISAR AHMED DURRANI, MEMBER
MR. SHAH MUHAMMAD JATOI, MEMBER
MR. JUSTICE (R) IKRAM ULLAH KHAN, MEMBER

Case No. F.8(20)/2023-Law-III

In ref: **ALLOCATION OF SYMBOLS TO POLITICAL PARTIES FOR GENERAL ELECTION 2023 OF PROVINCIAL ASSEMBLIES OF PUNJAB & KHYBER PAKHTUNKHWA UNDER SECTION 216 OF THE ELECTIONS ACT, 2017.**

- 1) Pakistan Tehreek-e-Insaniyat
- 2) Pakistan Awami League
- 3) Pakistan Aman Tehreek
- 4) Tehreek-e-Tahafuz-e-Pakistan
- 5) Allah-o-Akber Tehreek Pakistan
- 6) Pakistan Markazi Muslim League
- 7) All Pakistan Muslim League (Jinnah)
- 8) All Pakistan Muttahida League
- 9) Pakistan Falahi Tehreek
- 10) Grand Democratic Alliance
 - i) Pakistan Muslim League Functional
 - ii) Pakistan Peoples Party Workers
 - iii) National People's Party
 - iv) Sindh United Party
- 11) Tehreek-e-Inqilab Political Movement
- 12) Tehreek Darveshan Pakistan
- 13) Pakistan Peoples Party
- 14) Pakistan Peoples Party Workers
- 15) Pakistan Peoples Party (Shaheed Bhutto)
- 16) Pakistan Awami Jamhuri Ittehad
- 17) Peoples Muslim League Pakistan

Respondents

For the Respondents

1) Pakistan Tehreek-e-Insaniyat	Muhammad Tufail
2) Pakistan Awami League	Syed Arsalan Bashir
3) Pakistan Aman Tehreek	Ali Sher Khan
4) Tehreek-e-Tahafuz-e-Pakistan	Badi-ur-Rehman
5) Allah-o-Akber Tehreek Pakistan	Muhammad Aslam Rabbani
6) Pakistan Markazi Muslim League	Khalid Masood Sandhu
7) All Pakistan Muslim League (Jinnah)	Muhammad Ali Faisal
8) All Pakistan Muttahida League	Fazal Qadir Khan, Advocate
9) Pakistan Falahi Tehreek	Fazal Aman Khan
10) Grand Democratic Alliance	Safdar Ali Abbasi, Advocate
v) Pakistan Muslim League Functional	
vi) Pakistan Peoples Party Workers	
vii) National People's Party	



viii) Sindh United Party	
11) Tehreek-e-Inqilab Political Movement	Nemo
12) Tehreek Darveshan Pakistan	Muhammad Naeem Khan
13) Pakistan Peoples Party	Nayyar Bukhari, Advocate
14) Pakistan Peoples Party Workers	Safdar Ali Abbasi, Advocate
15) Pakistan Peoples Party (Shaheed Bhutto)	Raheela Bibi, Advocate
16) Pakistan Awami Jamhuri Ittehad	Nasir Mehmood, Advocate
17) Peoples Muslim League Pakistan	Nemo

On behalf of ECP : Mr. Masood Akhtar Sherwanee, DG (PF)
 Mr. Zafar Masood, ADG (Pol. Finance)
 Mr. Musaddiq Anwar, DD (Confid.)
 Mr. M. Mehtab Ahmed Abbasi, AD (Confid.)

Dates of Hearing : 16.03.2023

ORDER

Nisar Ahmed Durrani, Member.— Brief facts of the case are that Under Section 216 of the Elections Act, 2017, every political party is required to apply for election symbol for each general election which is reproduced hereunder:-

“Section-216

“Application for symbol—Subject to fulfillment of the provisions of this Chapter and the Rules, a political party shall make an application to the Commission for allocation of a symbol of its choice for each general election within the period specified by the Commission in its press release, and the application shall contain,

- the list of symbols applied for in order of preference;
- symbol or symbols if any allocated to the political party during the previous general elections;
- every such application shall be signed by the Party Head, by whatever name designated;
- address of the head office of the political party; and
- such other particulars or information from the party as may be prescribed.”

2. In compliance of aforementioned provision, Press Releases were issued inviting political parties to submit applications for allocation of symbol for General Elections of Provincial Assemblies of Punjab & Khyber Pakhtunkhwa upto 08th March, 2023.



3. At that time, 165 political parties are enlisted in this Commission, 13 political parties have not applied for symbol so far since their enlistment leaving behind 152 parties eligible for the purpose. 126 applications from political parties and one application from an Alliance "**Grand Democratic Alliance**" consisting four parties have been received within due date, total comes to 127 applications. Remaining political parties have not responded / submitted application contrary to Section-216 of the Act *ibid*.

4. After receiving the application, eligibility of each party has been examined & ascertained in the light of Section-215 of the Elections Act *ibid*, which is reproduced hereunder:-

"Section 215 Eligibility of party to obtain election symbol.—

- (1) Notwithstanding anything contained in any other law, a political party enlisted under this Act shall be to obtain an election symbol for contesting elections for Majlis-e-Shoora (Parliament), Provincial Assemblies or local government on submission of certificates and statements referred to in sections 202, 206, 209 and 210.
- (2) A combination of enlisted political parties shall be entitled to obtain one election symbol for an election only if each party constituting such combination submits the certificates and statements referred to in sections 202, 206, 209 and 210.
- (3) An election symbol already allocated to a political party shall not be allocated to any other party political or combination of political parties.

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(4) Where a political party or combination of political parties, severally or collectively, fails to comply with the provision of section 209 or section 210, the Commission shall issue to such political party or parties a notice to show cause as to why it or they may not be declared ineligible to obtain an election symbol.

(5) If a political party or parties to whom show cause notice has been issued under sub-section (4) fails to comply with the provision of section 209 or section 210, the Commission may after affording it or them an opportunity of being heard, declare it or them ineligible to obtain an election symbol for election to Majlis-e-Shoora (Parliament), Provincial Assembly or a local government, and the Commission shall not allocate an election symbol to such political party or combination of political parties in subsequent elections."

5. It has been decided by the Commission that the political parties which applied for a unique distinct election symbol (1st Preference) having no conflict / dispute be allocated symbols as per their choice and such parties may not be called in the meeting of Hon'ble Commission to be held on 16th March, 2023.

6. Today only those political parties (8 Groups of parties) were called to attend the meeting of the Commission in the court room who have demanded for a common / similar symbol by more than one party creating conflict / dispute of symbol.

7. Representatives of Respondents No.1 & 2 (1st Group) appeared. There is a dispute on the symbol of "Hockey" between them. The representative of Respondent No.1 has requested for allocation of Symbol of "Hockey" in place of symbol "Scissor". We have informed him that this symbol is not available because it was already allocated to Respondent No.2 in the previous General Election. He has



prayed for allocation of symbol of "Dear" being his 2nd Preference or symbol of "Stage" being his 3rd Preference. We have informed him that his 2nd and 3rd preferences are also not available. Section 215(3) of the Elections Act, 2017 provides that an election symbol already allocated to a political party shall not be allocated to any other political party. He has requested for allocation of his previous symbol of "Scissor". **His request is allowed and symbol of "Scissor" is allocated to Respondent No.1.**

8. Representatives of Respondents No.3 & 4 (2nd Group) appeared. There is a dispute on the symbol of "Missile" between them. The representative of respondent No.4 has stated that they have contested General Elections 2013 and bye-election from PK-8 on the symbol of "Missile" but in the General Elections, 2018 at the time of allocation of symbols his party was not attended the meeting and symbol has been withdrawn. We have informed him that this symbol is not available because it was already allocated to Respondent No.3 in the previous General Elections, 2018. Section 215(3) of the Elections Act, 2017 provides that an election symbol already allocated to a political party shall not be allocated to any other political party. Representative of the Respondent No.3 has stated that first time this symbol was allocated to the Party of Dr. Abdul Qadeer Khan and when his party was delisted this symbol was available and in the previous General Election, 2018 symbol "Missile" was allocated to his party. **We are of the considered view that symbol "Revolver" already allocated in previous General Election is again allocated to Respondent No.4 being his 2nd Preference for the next General Election.**

9. Representatives of Respondents No.5 & 6 (3rd Group) appeared. There is a dispute on the symbol of "Chair" between them. Representative of Respondent No.5



has requested for allocation of symbol of "Jug" being his 1st preference in place of symbol of "Chair". Request is allowed. Symbol of "Jug" available in the list and the same is allocated to Respondent No.5. Since Symbol of "Chair" become available in the list and on the request of Respondent No.6 the same is allocated to him.

10. Representatives of Respondents No.7 & 8 (4th Group) appeared. There is a dispute on the symbol of "Eagle" between them. The representative of Respondent No.7 has requested for allocation of Symbol of "Eagle" in place of symbol "Bicycle". We have informed him that this symbol is not available. Section 215(3) of the Elections Act, 2017 provides that an election symbol already allocated to a political party shall not be allocated to any other political party. He has requested for allocation of symbol of "Bicycle" being his 2nd Preference. His request is allowed and symbol of "Bicycle" being his 2nd Preference is allocated to Respondent NO.7. The representative of Respondent No.8 has also requested for the allocation of symbol of "Eagle" in place of symbol of "Bear" but in view of above said situation he has requested for allocation of symbol of "Kangro" being his 2nd preference/option. We accept his request. Symbol of "Kangro" being his 2nd Preference available in the list is allocated to respondent No.8.

11. Representatives of Respondents No.9 & 10 (5th Group) appeared. There is a dispute on the symbol "Star" between them. The representative of Respondent No.9 has requested for allocation of Symbol of "Star" in place of symbol "Lotus". We have informed him that this symbol is not available because it was allocated to Respondent No.10 in the previous General Election. Section 215(3) of the Elections Act, 2017 provides that an election symbol already allocated to a political party shall



not be allocated to any other political party. He has requested for allocation of symbol of "Thermos" being his 3rd preference. His request is allowed and symbol "Thermos" being his 3rd Preference available in the list is allocated to Respondent No.9.

12. There is a dispute on the symbol "Wrist Watch" between Respondents No. 11 & 12 (6th Group). No one has appeared on behalf of respondent No.11. Representative of Respondent No.12 appeared and has requested for allocation of Symbol "Wrist Watch" in place of symbol "Tap". We have informed him that this symbol is not available because it was allocated to Respondent No.11 in the previous General Election. Section 215(3) of the Elections Act, 2017 provides that an election symbol already allocated to a political party shall not be allocated to any other political party. He has requested for allocation of symbol of "Waist Coat" being his 2nd preference. His request is allowed and symbol of "Waist Coat" available in the list is allocated to Respondent No.12.

13. Representatives of Respondents Nos.13, 14 & 15 (7th Group) appeared. There is a dispute on the symbol of "Sword" between them. The representatives of Respondents Nos. 14 and 15 have insisted for the allocation of this symbol. We have informed them that this symbol is not available because it was already allocated to Respondent No.13, who have an alliance with Pakistan Peoples Party (Patriots). Section 215(3) of the Elections Act, 2017 provides that an election symbol already allocated to a political party shall not be allocated to any other political party or combination of political parties. In this situation, Respondents No.14 & 15 have requested for allocation of symbols as their 2nd Preferences. Requests are allowed. Symbol of "Victory Sign" being his 2nd preference is allocated to Respondent



No.14 and Symbol of "Fist" being his 2nd preference is allocated to Respondent No.15.

14. There is a dispute on the symbol "Cup & Saucer" between Respondents No. 16 & 17 (8th Group). No one has appeared on behalf of respondent No.17. Representative of Respondent No.16 appeared and has requested for allocation of Symbol of "Cup & Saucer" in place of symbol "Leaf". We have informed him that this symbol is not available because it was allocated to Respondent No.17 in the previous General Elections. Section 215(3) of the Elections Act, 2017 provides that an election symbol already allocated to a political party shall not be allocated to any other political party. He has not submitted any 2nd preference. **Hence we are of the considered view that symbol of "Leaf" already allocated to Respondent No.16 is again allocated to him for the next General Election.**


(Nisar Ahmed Durrani)
Member


(Shah Muhammad Jatoi)
Member


(Justice @ Ikram Ullah Khan)
Member

Islamabad
the 16th March, 2023

