

ELECTION COMMISSION OF PAKISTAN

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

ORDER

Whereas, numerous applications, received from various persons, that many interested candidates are intending to violate law and deceive the Election Commission and in clear term violate the affidavit already given with their nomination papers and the provisions contained in section 66 of the Elections Act, 2017, prescribes that:

"66. Candidate to file certificate of party affiliation.— A contesting candidate, before seeking allotment of a prescribed symbol, shall file a declaration before the Returning Officer about his affiliation with a particular political party, if any, along with a certificate from the political party showing that he is that party's candidate from the constituency."

Whereas, the provision of sub section 3 of section 203 of Elections Act, 2017 provides that:

"203. Membership of political parties.—
(1)
(2).....
(3) *A person shall not be a member of more than one political party at a time."*

Whereas, the provision contained therein section 205 of the Elections Act, 2017 provides that:




“205. Suspension or expulsion of a member.— (1) A member of a political party may be suspended or expelled from the political party's membership in accordance with the procedure provided in the constitution of the political party.
(2) Before making an order for suspension or expulsion of a member from the political party, such member shall be provided with a reasonable opportunity of being heard and of showing cause against the action proposed.”

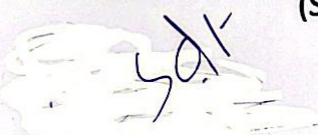
Whereas, it is mandatory for every candidates to file an affidavit (form B) in order to verify on oath form(A) as well as verification in form(A) in regard to affiliation of any political party or otherwise and many candidates, who had filed their nomination papers with declaration under section 66 of the Elections Act, 2017 being members of a specific political party and intending to contest election on the symbol of that very political party of which that candidate was member; now without leaving his previous party, become member of another political party, in order to contest election on symbol of other political party, which is against the provision of section 203 (3) of Elections Act, 2017 and such acts of such candidates is violation of Affidavit filed along with the nomination papers which strictly come within the punitive clause of judgment of the august Supreme Court of Pakistan reported as (PLD 2018 SC 678) Speaker, National Assembly of Pakistan, Islamabad and others v. Habib Akram and others. The operative part is read as follows:




"8. It is clarified that failure to file such Affidavit before the Returning Officer would render the Nomination Papers incomplete and liable to rejection. If the Affidavit or any part thereof is found false then it shall have consequences, as contemplated by the Constitution and the law. Since the Affidavit is required to be filed in pursuance of the orders of this Court, therefore, if any false statement is made therein, it would also entail such penalty as is of filing a false affidavit before this Court."

Therefore, in exercise of powers, confers upon the Commission under section 4 of the Elections Act, 2017, the Commission hereby direct that no symbol of any other political party be allocated to any such candidate who is member of one political party and seeks allocation of symbol of other political party. All such applications be rejected, accordingly, and be proceeded in accordance with law, strictly in terms of direction of Apex Court *ibid*.

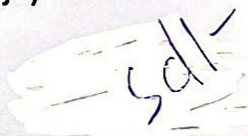

(Sikandar Sultan Raja)
Chairman


(Nisar Ahmed Durrani)

Member


(Babar Hassan Bharwana)

Member


(Shah Mohammad Jatoi)

Member


(Justice (R) Ikram Ullah Khan)

Member

Islamabad
The 13th January, 2024

