

ELECTION COMMISSION OF PAKISTAN

ORDER
03-08-2023

Subject: ALLOCATION OF ELECTION SYMBOL UNDER SECTION 215&216 OF THE ELECTIONS ACT, 2017.

WHEREAS, the Election Commission of Pakistan is a Constitutional body constituted under Article 218(2) of the Constitution of Pakistan, 1973(hereinafter referred as the "Constitution").

AND WHEREAS, that the Election Commission of Pakistan is mandated under Article 218(3) of the Constitution to organize and conduct the election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against.

AND WHEREAS, every citizen is entitled to form a political party under Article 17(2) of the Constitution read with Section 200 of the Elections Act, 2017.

AND WHEREAS, in term section 215, a political party enlisted under this Act shall be eligible 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, 208, 209 and 210.

AND WHEREAS, in term of Section 216 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. The Commission through press release circulated last date for submission of application which was 19th July, 2023.

AND WHEREAS, the following political parties have submitted application(s) after the due date mentioned above i.e. 19-07-2023. The names of the political parties are under;

Sr. No.	Name of Political Party	Whether eligible (Yes/No)	Demand of Symbol	Date of submission
1	Awami Justice Party Pakistan	Yes	Tumbler	21-07-2023
2	Pakistan AamAdmi Movement	Yes	Flower Pot	24-07-2023
3	All Pakistan Minority Movement Pakistan	Yes	Giraffe	27-07-2023
4	Tehreek-e-Labbaik Islam	Yes	Cannon	27-07-2023

AND WHEREAS, the Commission deliberated upon the allotment of symbol to the above-mentioned Political Parties after due date, in the light of Article 17(2) of the

Constitution read with Section 215 and 216 of the Elections Act, 2017. The Commission also considered the delay in submission of applications.

AND WHEREAS, during discussion, it has been considered that formation of the political party is a fundamental right of citizen under Article 17(2) of the Constitution and allocation of symbols is one of the requirement for Political party to contest election which again is a fundamental right in terms of Article 17(2) of the Constitution. The right to form a political party is a fundamental right which cannot be taken away through ordinary legislation as provided in Article 8 of the Constitution. The august Supreme Court in the famous Worker's party case reported in PLD 2012 SC 681 and in case titled as "Benair Bhutto Vs. Federation of Pakistan" reported as PLD 1988 SC 416 held that right to vote, right to contest election and right to form a political party are fundamental rights guaranteed under the Constitution.

NOW THEREFORE, the Commission by taking into consideration the legal and constitutional provisions referred herein above and in exercise of its powers under Article 218(3), Article 17(2) read with Section 215 of the Elections Act, 2017 and all other enabling provision in this behalf condone the delay in submission of application for allocation of symbols and direct that symbol applied for by the aforementioned political parties may be allotted in accordance with law.

-Sd-

SIKANDAR SULTAN RAJA
Chairman

-Sd-

SHAH MUHAMMAD Jatoi
Member

-Sd-

NISAR AHMED DURRANI
Member

-Sd-

BABAR HASSAN BHARWANA
Member

-Sd-

JUSTICE (R) IKRAMULLAH KHAN
Member

