

## ELECTION COMMISSION OF PAKISTAN

**ORDER**  
**24-01-2024**

Subject: ORDER PASSED BY THE HONOURABLE HIGH COURT OF SINDH IN WRIT PETITION NO 213/2024 AND GUIDANCE SOUGHT BY RETURNING OFFICER NA-223 BADIN-II IN RESPECT OF ALLOTMENT OF SYMBOL OF GDA TO MS. FEHMIDA MIRZA.

**WHEREAS**, the Election Commission of Pakistan (hereinafter referred as the "Commission" is a Constitutional body constituted under Article 218(2) of the Constitution of Pakistan, 1973 (hereinafter referred as the "Constitution"). The Commission under Article 218(3) of the Constitution to organize and conduct the election and to make such arrangements as is 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**, Election Commission of Pakistan announced the Programme for the Conduct of General Election, 2024 on 15-12-2023 wherein the date for withdrawal of candidature was 12-01-2024 and symbols were allocated on 13-12-2024.

*- Sd/-* **AND WHEREAS**, the Writ Petitioner Ms. Fehmida Mirza submitted her nomination papers from NA-223 Badin-II which were initially rejected by the concerned Returning Officer and Appellate Tribunal; however she got relief from the Honorable Sindh High Court and her nomination papers were accepted on 18-01-2024.

**AND WHEREAS**, Muhammad Hassam Mirza Contesting Candidate submitted his nomination papers from NA-223 Badin-II with party affiliation of Grand Democratic Alliance (GDA), which were accepted and he later, on the provision of GDA ticket was allocated symbol "Star" as party symbol of GDA.

**AND WHEREAS**, after the acceptance of the Writ Petition filed by Ms. Fehmida Mirza, she filed an application to the Provincial Election Commissioner which was forwarded by the PEC to the Concerned Returning officer for information and necessary action.

**AND WHEREAS**, the Returning Officer concerned sought guidance from the Provincial Election Commissioner regarding allocation of symbol "Star" to Ms. Fehmida Mirza. The Provincial Election Commissioner has sought guidance in the matter from the Commission vide letter dated 21-01-2024.

**AND WHEREAS**, meeting of the Commission is convened and all the available record, details of the Writ Petition has been perused.

**AND WHEREAS**, Section 67 of the Elections Act, 2017 deals with contested elections and allotment of symbols. Form 33 reveals that Muhammad Hassam Niazi has been allocated symbol "Star" being nominated and awarded party ticket of GDA. The said Contesting



Candidate is still in field and has not withdrawn his nomination till date. A party symbol cannot be allotted to two candidates of the same Political Party at the same time. The Honorable High Court has accepted the Writ Petition of Ms. Fehmida Mirza to the extent of acceptance of Nomination Papers. The allotment of symbols in-terms of Section 67 of the Elections Act, 2017 is the mandate of the Returning Officer subject to any direction from the Commission.

**NOW THEREFORE,** the Commission by taking into consideration the material available on the record has come to the conclusion that the stages of allotment of symbol and awarding of party certificate/ticket has passed. In presence of nominee of GDA who has been allotted symbol by the RO duly reflected in Form 33 cannot be reviewed at this belated stage. The Commission in exercise of its powers under Article 218(3) read with Sections 4 and 8(c) and 67 of the Elections Act, 2017 and all other enabling provision in this behalf directs the Returning Officer to revise Form-33 by including the name of Ms. Fehmida Mirza as Contesting Candidate in compliance with the order passed by the Honourable Sindh High Court in Writ Petition mentioned in the subject. The Returning Officer has already allotted symbol of GDA to Muhammad Hassam. The Returning Officer may allot symbol to Ms Fehmida Mirza from available symbols for independent candidate.

*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

