

# ELECTION COMMISSION OF PAKISTAN

\*\*\*\*\*

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

## CASE No.2(13)/2024-Coord. Vol-IV

Subject: ACCEPTANCE OF INDEPENDENT CANDIDATE IN PAKISTAN  
MUSLIM LEAGUE (N) IN TERMS OF THE CONSTITUTION OF  
THE ISLAMIC REPUBLIC OF PAKISTAN, 1973.

### On Commission's Notice

- i. Mr. Ali Hadi, MPA PK-96
- ii. The president Pakistan Muslim League N through General Secretary PML (N)  
.....Respondent(s)

For Mr. Ali Hadi, MPA : In person  
For President PML N : Nemo  
For the ECP : Secretary ECP, Special Secretary, Special  
Secretary Law, Additional Director General, Law,  
Date of hearing : 02-12-2025

### ORDER

**Sikandar Sultan Raja, Chairman-** Brief facts of the case are that a letter dated 01.03.2024 received on 02.07.2025 from President PML(N) whereby, it was informed that Mr. Ali Hadi an independent returned candidate from constituency PK-96 Kurram-II has joined PML(N) and his application was accepted by the party President and the same was also confirmed under the Article 63A(2) of the Constitution. It was observed by the Commission that the affidavit of Mr. Ali Hadi was dated 01.03.2024 pertaining to joining of PML(N), which was received after one year to the Commission. Therefore, for obtaining the confirmation of his affidavit/ consent along with application dated 01.03.2024 it was decided to fix the matter for hearing on 02.12.2025 with notices to the President PML(N) and Mr. Ali Hadi (MPA).

02. The Special Secretary and Special Secretary (Law) appeared before the Commission and briefly explained the facts of the case along with relevant provisions of the Constitution of Islamic Republic of Pakistan, 1973 and Elections Act, 2017 and Election Rules, 2017.

03. Mr. Ali Hadi appeared in person and stated that he had submitted an application along with affidavit to the President PML(N) for joining the political party PML(N). He was



confronted with the affidavit submitted by him to the President PML(N) for joining of political party PML(N) for confirmation. He after going through the affidavit has confirmed the affidavit/ declaration and application correct and stated that the both the application and declaration bears his signature.

04. We have gone through the available record and perused the relevant provisions of law including Article 63A(2) of the Constitution, Section 104-A of Elections Act, 2017 and relevant rules. After the recent amendment in Section 104-A of Elections Act, 2017 it is specifically provided that *"the declaration consent or affidavit whatever name called, of an independent returned candidate once given for joining a political party shall be irrevocable and cannot be substituted or withdrawn."* The case was fixed for getting confirmation from Mr. Ali Hadi regarding his affidavit dated 01.03.2024. Mr. Ali Hadi was initially declared as independent returned candidate from constituency PK-96 Kurram-II and he was required to join a political party by 20<sup>th</sup> February, 2024 within three days in terms of Article 106 of the Constitution and Rule 92(6) of the Election Rules, 2017 for the purpose of allocation of reserved seats. However, after the said period and after becoming a Member of Provincial Assembly he was at liberty to join any political party except for the purpose of allocation of reserved seats. After his confirmation today and statement made before us, given at para-3, thereby, Mr. Ali Hadi is declared as Member of Provincial Assembly KP affiliated with PML(N). Office is directed to take further necessary steps accordingly.

(Nisar Ahmed Durrani)  
Member

(Sikandar Suran Raja)  
Chairman

(Shah Muhammad Jatoi)  
Member

(Babar Hassan Bharwana)  
Member

(Justice (R) Ikram Ullah Khan)  
Member

