

# **ELECTION COMMISSION OF PAKISTAN**

Present:

Mr. Sikandar Sultan Raja, Chairman  
Mr. Nisar Ahmed Durrani, Member  
Mr. Shah Mohammad Jatoi, Member

**Case No.3(10)/2022-Confid-Vol-II.**

## **PAKISTAN TEHREEK-E-INSAF, INTRA-PARTY ELECTION & AMENDMENT IN ITS CONSTITUTION**

### **On Commission's Notice:**

Jamal Akbar Ansari, CEC, PTI  
(on behalf of Respondent)

Respondent In-person alongwith  
Barrister Gohar Ali Khan, ASC

Date of hearing

28-03-2023

### **ORDER**

*-sd-* **M.J. Sikandar Sultan Raja, Chairman.**— The present proceedings have their genesis in the amendment brought by the political party i.e. Pakistan Tehreek-i-Insaf (PTI-party) in its Constitution of 2019, whereby clause/Article V clause (5) was amended by the party in June, 2022 and said amendment was sent to this Commission for updating the record. However, in order to satisfy the requirement of law that the amendment was made by the appropriate forum and in accordance with the procedures laid down in the party's Constitution, matter was sent back to the party thrice with certain observations to the effect that:

- (i) the intra-party elections are incomplete and not on proper pattern;
- (ii) Form-65 (certificate of intra-party elections) is missing;
- (iii) Notification of party's chairman and party's Election Commission is also missing;
- (iv) Attested copies of the CNIC's of office bearers are also not appended;
- (v) Copy of resolution of National Council purportedly approved by 2/3<sup>rd</sup> majority of members lacks signatures and stamps;
- (vi) Term of office bearers is not mentioned in the amended Constitution;
- (vii) The intra—party elections and amended Constitution contradict each other.



2. The party responded to the same and provided requisite documents which were also found deficient and were returned back to the party for removing of shortcomings. However, the party did not provide an amended set of party's Constitution after incorporating amended Article V clause 5, as required from it. Later on, it submitted an amended Constitution of the party, 2022 – replacing the earlier Constitution of 2019.

3. That the party, in the meantime, also filed intra-party election results with the Commission under the said amended Article V clause 5. In response to this, following observations were conveyed to the party:-

- a) Amendment of Article V clause 5 of the Constitution was only required to be inserted in PTI Constitution of 2019 and updated copy of the same was required to be submitted in terms of resolution dated 08.06.2022;
- b) The resolution dated 08.06.2022 has approved amendment in Article V clause 5 of the Constitution only, whereas no proof is attached with regard to amendments of the whole Constitution;

4. In response to the above observations, the party submitted following documents:-

- a) A letter from Mr. Jamal Ansari, CEC PTI informing the Commission that PTI's National Council has approved, amended and updated Constitution in accordance with Article XVI of the Constitution;
- b) The resolution has been approved unanimously by the National Council by 2/3<sup>rd</sup> majority;
- c) A copy of resolution moved in the National Council regarding amendment; and
- d) An amended copy of party's Constitution.

5. That again scrutiny of the above submitted documents was carried out by the Commission and it was observed that: Resolution dated 01.08.2022 is provided, signed by Mr. Jamal Ansari CEC that Constitution has been amended by 2/3<sup>rd</sup> majority; A photocopy of signed list of 495 members (with district name and cell No) has been enclosed titled as National Council Attendance Sheet. (Interestingly, this sheet does not reflect date, venue and purpose of attendance. Each page is however stamped by PTI CEC.) The referred Article XVI of the PTI Constitution 2019, under which the amendment in Article V clause 5, was effectuated, was also considered by the Commission, which contained the following:





- 1) An amendment to the constitution can be moved by Central Executive Committee before the National Council.
- 2) The constitution can be amended by the National Council provided that the proposed amendment is approved by at least 2/3<sup>rd</sup> members present.
- 3) Provided that the proposed amendment shall be circulated amongst the member of National Council at least 14 days prior to the meeting.
- 4) After every amendment the amended copy of the constitution shall be deposited with PTI Federal EC who in turn shall submit it to the ECP.

6. It was also observed by the Commission that CEC of PTI Mr. Jamal Ansari, is an authorised officer to submit amendments to the Commission. However, he should have enclosed a list of authentic attendance sheet unambiguously conveying date, purpose, venue, time and agenda of the meeting, together with its proceedings in order to conspicuously relate it to the resolution, which is requirement of section 201 of the Elections Act, 2017, *inter alia*, stipulating that every political party shall specify in its party's Constitution the method and manner of making amendments; provision of a printed copy of its constitution to the Commission and any change in the constitution of a political party shall be communicated to the Commission within 15 days of incorporation of the change and the Commission shall maintain updated record of the constitution of political parties.

7. The crux of the amendment in Article V is that the amended Article V clause 5 allowed single stage intra-party election without secret ballot and party replaced its 90 page constitution of 2019, by 30 page constitution through a resolution by National Council after intra-party elections.

8. In a nutshell, the inter-related issues of the party as observed by the Commission are as under:

- a) Amendment in Article V clause 5 was made in June, 2022, which was with regard to manner of holding of intra party elections of the party;
- b) Party's intra-party election results filed with the Commission ECP in June, 2022, were held under amended Article V clause 5;
- c) Amended party's constitution was submitted by PTI CEC in September, 2022.


9. In order to resolve the controversy of the above inter-related issues of the party, the matter was fixed by the Commission for hearing before it with notice to Mr. Jamal Akbar Ansari, CEC of PTI to clarify the position. The instant matter was fixed for hearing today i.e. 28.03.2023.




10. Mr. Jamal Akbar Ansari, CEC of PTI, entered appearance and shortly briefed the Commission with regard to the amendment and the fate of intra-party elections conducted pursuant to the amendments in Article V of the party's Constitution. However, he submits that in order to resolve the controversy of in question amendment and intra-party elections, he intends to withdraw the amendment so submitted before the Commission alongwith the result of intra-party elections conducted on the basis thereof.

11. Order accordingly. Office to take action, if so required under the law.

  
**Sikandar Sultan Raja,**  
Chairman

  
**Shah Mohammad Jatoi,**  
Member

  
**Nisar Ahmed Durrani,**  
Member

