

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.F. 1(32)/2024-Legal Consultant alongwith
6 (4)/2024-Coord(P/F)-10)

Clubbed with
CASE No.F.6 (4)/2024-Coord(P/F)-2

Subject: CPLAS NO.1450 & 1503 OF 2024 TITLED AS HINA BIBI AND
JAMIAT ULEMA-E ISLAM,

JUI-Pakistan
Hina Bibi

.....Petitioners

Vs.

Sadaf Ehsan

.....Respondent

For the JUI-Pakistan	:	Kamran Murtaza, ASC
For the Hina Bibi	:	In-person
For the Sadaf Ehsan	:	In-person along with Farhan Tariq, AHC
For the Sadaf Yasmin	:	Muhibullah Tarichvi, AHC
Date of hearing	:	<u>15.01.2026</u>

ORDER

Sikandar Sultan Raja, Chairman- Brief background of the case is that the Federal Constitutional Court (FCC) vide order dated 24.12.2025 in CPLA Nos. 1450 and 1503/2024 titled Hina Bibi Vs. Sadaf Ihsan and Jamiat-e-Ulama-e-Islam Pakistan Vs. Sadaf Ihsan and Others set aside the impugned judgment dated 02.04.2024 passed by Peshawar High Court, Peshawar and remanded the matter to the Commission for decision afresh within one month time from the receipt of the order of FCC. The order dated 24.12.2025 was received to the Commission on 31.12.2025. The operative part of the order is reproduced as follows:-

"3. Since, an interim order was challenged in the writ petition before the Peshawar High Court, Peshawar and after the acceptance of the same, the proceedings initiated by the ECP were set-aside, against which leave has been sought from this Court through these petitions, which,



with consent of the parties are converted into appeals and allowed by setting aside the impugned judgment dated 02.04.2024 passed by the Peshawar High Court, Peshawar.

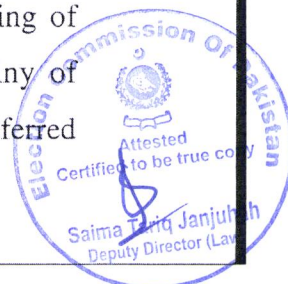
4. The status of the Notification dated 11th March, 2024 issued by the ECP will be reviewed, whereas Notification dated 04th March, 2024, declaring Sadaf Ihsan as returned candidate, will remain suspended till decision of the matters by the ECP. In this behalf, one month time is granted to the ECP for disposal of the matters from the receipt of this order, as the representatives of the ECP, present in the Court, confirmed that the matters will be decided within the stipulated period. The parties will be at liberty to raise their objections before the ECP and we expect that the same will be attended to and decided in accordance with law.

5. The petitions are disposed of."

02. Upon receipt of the copy of order supra the matter was fixed before the Commission for hearing on 14.01.2026 with notices to concerned parties issued on 02.01.2026.

03. On 14.01.2026 Mr. Kamran Murtaza, ASC appeared on behalf of JUI-P and advanced his arguments at length, while Miss Hina Bibi appeared in person and adopted the arguments advanced by the counsel for the JUI-P. The counsel for the Respondent Miss Sadaf Ihsan requested time to procure attested copy of the inquiry report for his arguments. The request was allowed and the matter was adjourned to 15.01.2026 at 10:00 A.M for further arguments in the matter. On 15.01.2026 the counsel for the Respondent Miss Sadaf Ihsan completed his arguments and JUI-P rebutted the same. In addition, the counsel Mr. Muhibullah Tarichvi, Advocate appeared and submitted power of attorney on behalf of Miss Sadaf Yasmin the power of attorney is taken on record and he was also asked to argue the matter. After hearing arguments of all the concerned parties, the matter was reserved for orders.

04. Mr. Kamran Murtaza, ASC argued the matter on behalf of JUI-P and submitted that the controversy started from the party priority list submitted before the Returning Officer (RO) in respect of reserved seats for women for National Assembly from KP province. He submitted that the election programme for General Election 2024 for general seats and seats reserved for Women and Non-Muslims was initially issued on 15.12.2023 with certain stages for filing of nomination papers, its scrutiny, filing of appeals against the decision of RO, last date for deciding appeals by Appellate Tribunals and publication of revised list of candidates. He further added that the said election programme was revised on 22.12.2023 and 29.12.2023 in which the dates for filing of separate priority list for reserved seats for Women and Non-Muslims and scrutiny of nomination papers and issuance of list of contesting candidates were revised. He referred



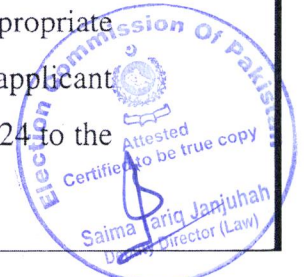
to the list submitted by JUI-P before the RO whereby, four names were mentioned on the list i.e. Shahida Begum, Naeema Kishwer, Hina Bibi, Sadaf Yasmin (without any details including ID card number and address), he has also attached ID card copies of the candidates in the priority list. He while referring to the notification dated 04.03.2024 stated that Miss Sadaf Ihsan is mentioned and notified at Sr. No. 6 belonging to JUI-P as Member National Assembly upon this an application dated 06.03.2024 was submitted by Miss Hina Bibi and second application dated 10.03.2024 was filed by JUI-P before the Commission with the contentions that Miss Sadaf Ihsan does not belong to JUI-P and she is not Sadaf Yasmin which was mentioned on the priority list submitted by the political party (JUI-P) before the RO concerned. He further argued that upon receipt of the application, the Commission suspended the notification dated 04.03.2024 to the extent of Miss Sadaf Ihsan as returned candidate for Women in National Assembly from KP province till further orders. He stated that order of the Commission was challenged by Miss Sadaf Ihsan before Peshawar High Court, Peshawar. He further stated that Peshawar High Court, Peshawar while accepting the writ petition of Miss Sadaf Ihsan restored the notification dated 11.03.2024 to the extent of Miss Sadaf Ihsan and directed the parties to approach to the Election Tribunal for decision in the matter. He further argued that JUI-P and Hina Bibi challenged the order of Peshawar High Court, Peshawar before Supreme Court of Pakistan through CPLA Nos. 1503/2024 & 1450/2024. Initially the matter was fixed for 22.04.2024 in which the impugned order of Peshawar High Court, Peshawar was suspended and in compliance with the order the notification of Miss Sadaf Ihsan was again suspended by the Commission.

05. The counsel for the party (JUI-P) further argued that the matter of Miss Hina Bibi is that her name was in the priority list of National Assembly, however, she mistakenly filed the nomination papers in respect of Provincial Assembly KP whereby her name was not in the list for the Provincial Assembly seat. He further argued that she filed an application which is available at page no. 32 of the documents provided by him. The said application was addressed to the RO/ Provincial Election Commissioner Khyber Pakhtunkhwa (KP) dated 24.10.2023 for consideration of her nomination papers for the reserved seats for Women in the National Assembly. He also referred to Form-31 containing the names of 97 candidates along with their details showing Miss Sadaf Ihsan at Sr. No. 37 while name of Hina Bibi was missing in the list. He further contended that the Provincial Election Commissioner and RO did not consider the request of Miss Hina Bibi so she filed writ petition No. 6258-P/2023 in which she got interim relief and the high court directed in the following terms:-



"notice. In the meanwhile, the respondent no. 3 and 6 shall allow to remedy the defect in the nomination papers under Section 62(9)(d)(ii) of the Elections Act, 2017. Adjourned to 16.01.2024."

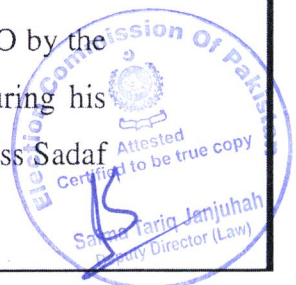
06. In pursuance of the order of Peshawar High Court, Peshawar dated 29.12.2023 notice was issued to Miss Hina Bibi by the RO to appear for scrutiny of her nomination papers on 13.01.2024 at 12:00 P.M. Thereafter, Form-32 was issued by the RO on 13.01.2024 showing the name of Miss Hina Bibi at Sr. No. 27. Thereafter, on 17.01.2024 the Peshawar High Court, Peshawar converted the writ petition number 6258-P/2023 into appeal and directions were issued to the Appellate Tribunal for its decision. The Appellate Tribunal numbered the writ petition transmitted by the Peshawar High Court, Peshawar into E.A No. 188-P/2024 and dismissed it vide order dated 17.01.2024. The order of Appellate Tribunal was challenged by Miss Hina Bibi before Peshawar High Court, Peshawar in writ petition No. 419-P/2024 which was dismissed by the High Court on 24.01.2024. He further informed the Commission that Miss Hina Bibi challenged the order of Peshawar High Court, Peshawar before the Supreme Court of Pakistan in CP No. 274/2024. The counsel referred the order of Supreme Court of Pakistan dated 02.02.2024 in CP No. 274/2024 whereby the directions were issued to place the name of Miss Hina Bibi at the bottom of party list and to revise the list of validly nominated candidates issued by Commission on 13.01.2024. He argued that SCP also issued notice to Miss Hina Bibi being necessary party in the case however; a CMA No. 666/2024 was filed before the Supreme Court of Pakistan stating wherein that as Miss Sadaf Yasmin did not file her nomination papers therefore, she (Hina Bibi) would be satisfied if her name be placed at the bottom of priority list of her party. He also argued that Miss Sadaf Ihsan was not nominated by the Political party on the seats reserved for Women for the National Assembly and she is also not known by the political party. He also referred to Article 51(6)(b) read with Article 224(6)(c) of the Constitution and Section 104 of the Elections Act, 2017 and stated that the party has no affiliation with Miss Sadaf Ihsan therefore, her name may be excluded and deleted as Member of National Assembly (MNA). He also emphasized that Sections 4, 8, 9 & 139 of the Elections Act, 2017 read with Article 225 of the Constitution deals with the subject matter. He also argued that it is not provided in the Election Act, 2017 that a political party can challenge an election of a contesting candidate through filing of an objection before the RO or through an appeal before the Appellate Forum. He further submitted that Election Commission of Pakistan is an appropriate forum for a political party to raise such types of objections. The counsel for the applicant while concluding his arguments prayed that the Notification dated 04th March, 2024 to the



extent of Miss Sadaf Ihsan D/o Ihsan Ullah be set-aside and consequently, Miss Hina Bibi D/o Khursheed Khan be notified as a Member of National Assembly for Reserve Seat for Women.

07. Miss Hina Bibi appeared in person and adopted the arguments advanced by the counsel of JUI-P.

08. The counsel for Respondent Miss Sadaf Ihsan submitted additional documents in support of his arguments which were placed on record. He at the very outset stated that the counsel for the Petitioner JUI-P has stated that JUI-P has no-affiliation with Miss Sadaf Ihsan and she is the wrong person mentioned in the list, however, he submitted an attested copy of power of attorney submitted by Mr. Kamran Murtaza and 6 others before Peshawar High Court, Peshawar in writ petition No. 1272-P/2024 on behalf of Respondent No. 22 namely Miss Sadaf Ihsan. He also stated that the power of attorney was submitted by panel of Jamiat Lawyer Forum. He stated that the submission of power of attorney on behalf of Miss Sadaf Ihsan is dated 07.03.2024 on which date she was notified as Member of National Assembly by the Election Commission of Pakistan. He further submitted documents of membership of Miss Sadaf Ihsan and her family members with JUI-P before the Commission and he also filed a list of members of Jamiat-Ulema-Islam-P (JUI-P) for the year 2018-2019 prepared and signed by Molana Shams-ur-Rehman and argued that Miss Sadaf Ihsan is at Sr. No. 4 in the list with membership number, ID card number and details of her address since 2018. He also stated that her father, mother, brother, sister, brother-in-law & other family members having membership cards are shown at page No. 86 to 90 of the documents submitted by Molana Shams-ur-Rehman before the Commission in support of his arguments. Molana Shams-ur-Rehman was also present before the Commission and submitted original membership cards along with list of membership of JUI-P before the Commission (original seen and copy retained). Molana Shams-ur-Rehman has also submitted authority letter (ittilla taqarare) and ailaania for his appointment of Molana Shams-ur-Rehman by JUI-P for the purpose of according approval and allocation of membership to the political workers of the party. The counsel for the Respondent has also argued that there is no existence of Miss Sadaf Yasmin in the political system of JUI-P and it is evident from the fact that despite notice from the Supreme Court of Pakistan in CP No. 274/2024, she did not appear before the august forum nor she appeared before any court/ tribunal or authority in support of her stance. He referred to the annexures of the inquiry report conducted against the RO by the Commission and stated that the representative of JUI-P namely Mufti Ibrar during his cross examination has confirmed that the fact of filing of nomination papers of Miss Sadaf



Ihsan was in knowledge of the political party from the date of issuance of Form-32 by the RO i.e 13.01.2024. The counsel argued that Mr. Mufti Ibrar has also admitted that no remedy before any forum has been availed by the political party against Miss Sadaf Ihsan. He also read out the conclusion of the inquiry report before the Commission and stated that the political party (JUI-P) was in knowledge of the fact that Miss Sadaf Yasmin was infact Miss Sadaf Ihsan as her mother's name is Yasmin Bibi. He also pointed out the text messages attached with additional documents which according to him are sent by the son of Molana Fazal-ur-Rehman and his PA to the brother of Miss Sadaf Ihsan regarding successful nomination of Miss Sadaf Ihsan as MNA. While concluding his arguments he requested the Commission that the application may be rejected and the notification of Miss Sadaf Ihsan may be issued as Member of National Assembly (MNA) accordingly.

09. Mr. Kamran Murtaza (counsel for Petitioner No. 2) in rebuttal stated that Miss Sadaf Yasmin is not fake as her ID card has been attached along with file and her husband is also present in the court. He also stated that the political party was remedy less as no appeal could be filed by the political party in terms of Section 62 of the Elections Act, 2017. He further stated that the cause of action accrue to the political party upon distribution of seats and the political party is liable to decide the party representation in the Assembly. He stated that Molana Shams-ur-Rehman is the member of JUI-P but every membership of the party is revised after a term of five years. He further contended that ECP is a quasi judicial forum and departmental proceedings were conducted by the Commission against the RO. He referred to Section 4, 8 & 9 of the Elections Act, 2017 read with Section 21 of General Clauses Act and stated that JUI-P has approached the Commission and does not own Miss Sadaf Ihsan as candidate of JUI-P.

10. Miss Hina Bibi adopted the arguments of rebuttal of Mr. Kamran Murtaza.

11. Counsel for Miss Sadaf Yasmin Mr. Muhibullah Tarichvi Advocate High Court appeared and stated that Miss Sadaf Yasmin filed an application for impleadment as party in the Supreme Court of Pakistan, however, in the meanwhile the case was remanded back to the Commission for decision. He further stated that Miss Sadaf Ihsan filed nomination papers before the RO and therefore, Miss Sadaf Yasmin did not file her nomination papers as candidate. He further confirmed that her client discussed the matter with the representatives of political party and she did not went to any forum for redressal of her grievances.

12. Arguments heard and record perused.

13. Election Commission of Pakistan is a Constitutional body, constituted under Article 218(2) of the Constitution and is charged with the duty to organize and conduct



elections and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law and the corrupt practices are guarded against. Section 104 of the Elections Act, 2017 provides that for the purpose of election to the seat reserved for Women and Non-Muslims in an Assembly, a political party contesting election for such seat shall, file separate list of their candidates in order of priority within the period fixed by the Commission for submission of nomination papers. Section 104 of the Act, 2017 also provides that the list may also be submitted with the Provincial Election Commissioner or any other authorized officer of the Commission with the directions of the Commission who shall forthwith cause such list to be published for public information. Similarly, the list mentioned in Section 104 of the Elections Act, 2017 shall be provided to the Commission or authorized representative of the Commission in shape of Form-66 provided under Election Rules, 2017. The Form-66 contains priority number, name of the candidate, father/ husband name, identity card number and address of the candidates for election to the reserved seats for Women and Non-Muslims in an Assembly.

14. During the conduct of General Elections 2024 JUI-P submitted priority list on its letter head with serial number and name of the candidates while the details of the candidates were missing. The list was revised and corrected later on within the time fixed by the Commission for its submission to the Returning Officer. The second list which was revised by JUI-P is also attached by the counsel for the JUI-P along with his additional documents submitted before the Commission for arguments. The name of the candidates at Sr. No. 1, 2 & 3 are given with details of father/ husband name, ID card number and their addresses while the name of Miss Sadaf Yasmin is left without father/ husband name, ID card number and address. Upon receipt of the applications dated 06.03.2024 and second application dated 10.03.2024, the Commission ordered an inquiry against the RO concerned in which the statements of all the concerned persons were recorded including written statement of Molana Fazal-ur-Rehman (while cross examination was conducted to his authorized representative namely Mufti Ibrar), the RO, Miss. Sadaf Ihsan & Miss Hina Bibi. The copy of ID card of Miss Sadaf Yasmin was provided by JUI-P and notices were also issued to Miss Sadaf Yasmin by the inquiry committee who did not appear before it for recording her evidence/ statement. Furthermore, during the service of the notice of inquiry committee it was revealed that Miss Sadaf Yasmin was not residing on the addresses mentioned on her ID card provided by JUI-P during the process of inquiry. The counsel for Miss Sadaf Ihsan has also placed on record the copy of inquiry report in which the relevant portion of the statement of concerned persons are attached. We have gone



through the complete record of inquiry committee including the statements, cross examination and findings. It is also observed that Mr. Aziz Bahadur/ RO for the reserved seats for Women and Non-Muslim has confirmed the contents of the list of reserved seats from the political party JUI-P before filing of nomination papers by its candidates. It is also evident from the record that the list was updated by the political party, however, the name of Miss Sadaf Yasmin was repeated without mentioning the details of the candidate.

15. It is also observed from the record that the election programme and the different stages including the filing of nomination papers, its scrutiny and date of decision of Appellate Tribunal were revised thrice. The details mentioning the changes in dates for different stages are given below:-

Sr. No.	Date of issuance of election programme.	Different dates for filing of nomination papers till publication of revised list of candidates.
1.	15.12.2023	From 20.12.2023 to 12.01.2024
2.	22.12.2023	From 24.12.2023 to 12.01.2024
3.	29.12.2023	From 13.01.2024 to 23.01.2024

16. The RO issued Form-31 (notice in respect of nominated candidates) on 24.12.2023 containing 97 names in which the name of Miss Sadaf Ihsan is reflected at Sr. No. 37. Form-32 (list of validly nominated candidates) was issued on 13.01.2024 and Form-33 (list of contesting candidates) was also issued on 23.01.2024. It is also mentioned here that Form-31, 32 & 33 are public documents and even Form-31 and 32 are affixed in the office of the RO for filing of objections on the nomination papers filed by contesting candidates.

17. Miss Hina Bibi stated before the Commission that she wrongly/ mistakenly filed her nomination papers in respect of Provincial Assembly seat instead of seat reserved for Women in National Assembly. It is observed that her name was in the priority list for National Assembly and not in the priority list of Provincial Assembly seat. After filing of her nomination papers at wrong forum, she filed an application before the Provincial Election Commissioner Khyber Pakhtunkhwa dated 27.12.2023 with the request to consider her nomination papers for the seat reserved for women for the National Assembly. The request of Miss Hina Bibi was not allowed by the PEC-KP and she approached Peshawar High Court, Peshawar through W.P No. 6258-P/2023. It is



pertinent to mention here that at the time of filing of writ petition, Form-31 dated 24.12.2023 was issued containing the name of Miss Sadaf Ihsan at Sr. No. 37. The Hon'ble High Court vide order dated 29.12.2023 granted interim relief to Miss Hina Bibi and directed the RO to remedy the defect in nomination papers under Section 62(9)(d)(ii) of the Elections Act, 2017. The nomination papers of Miss Hina Bibi were scrutinized by the RO and her name was entered in Form-32 at the bottom at Sr. No. 27. **It is also highlighted that the name of Miss Sadaf Ihsan was reflecting at Sr. No. 16 of list of validly nominated candidates (Form-32) and Miss Hina Bibi used Form-32 before Peshawar High Court, Peshawar in the above mentioned writ petition.** No relief was granted to Miss Hina Bibi by the Peshawar High court, Peshawar. The writ petitioner No. 6258-P/2023 was converted into appeal and transmitted to the Appellate Tribunal for its decision. The Appellate Tribunal vide order dated 17.01.2024 dismissed the appeal and thereafter, revised Form-32 was issued on 20.01.2024. The order of Appellate Tribunal was challenged before the Peshawar High Court, Peshawar in Writ Petition No. 419-P/2024 which was also rejected by the Hon'ble High Court on 24.01.2024. **It is important to note here that at that time Form-33 (list of contesting candidate) was issued on 23.01.2024 with party affiliation and Miss Sadaf Ihsan was at Sr. No. 14 affiliated with JUI-P.**

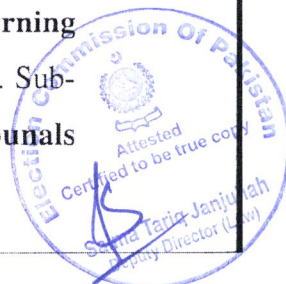
18. Being aggrieved by the order of Peshawar High Court, Peshawar in W.P No. 419-P/2024, Miss Hina Bibi approached the Supreme Court of Pakistan through CP No. 274/2024 in which the Hon'ble Supreme Court of Pakistan directed to issue notice to Miss Sadaf Yasmin vide order dated 30.01.2024 who did not appear before the Court and instead of her appearance Miss Hina Bibi on the very next day i.e 01.02.2024 through CMA No. 666/2024 shown her consent to the august Court that her name may be placed at the bottom of the priority list on the ground that Miss Sadaf Yasmin did not file her nomination papers. The august Court vide order dated 02.02.2024 allowed the request of Miss Hina Bibi and directed to place her name as candidate on the reserved seats for Women of JUI-P for National Assembly by placing her name at the bottom of the priority list submitted by JUI-P. The august court also directed to revise Form-32 accordingly. **Form-32 and Form-33 were revised on 07.02.2024 showing Miss Hina Bibi affiliated with JUI-P at Sr. No. 4, Miss Shahida Begum of JUI-P at Sr. No. 9, Miss Sadaf Ihsan of JUI-P at Sr. No. 15 and Naeema Kishwer of JUI-P at Sr. No. 23. Form-33 was initially issued on 23.01.2024 which was revised on 07.02.2024 in which Miss Sadaf Ihsan was reflected having party affiliation of JUI-P, however, Miss Hina Bibi being a contesting candidate did not file any objection before any forum regarding**



acceptance of nomination papers of Miss Sadaf Ihsan as a nominee of JUI-P. Even Form-32 & 33 were used by Miss Hina Bibi before the Supreme Court of Pakistan in C.P No. 274/2024.

19. It is also available on record that the matter regarding allocation of reserved seats to the political party, Sunni Ittehad Council (SIC) remained pending before the Commission with first date of hearing on 27.02.2024 in which notice was also issued to Molana Fazal-ur-Rehman, Ameer JUI-P along with other political parties and Mr. Kamran Murtaza ASC represented the party before the Commission. The matter was regarding allocation of reserved seats to the political parties as per their shares in the Assembly. The detailed order of the Commission was passed on 28.02.2024 after hearing the arguments of all the political parties including JUI-P. **Form-33 was initially issued on 23.01.2024 which was revised on 07.02.2024**, was available on record showing the name of Miss Sadaf Ihsan as candidate of JUI-P but no objection was raised before the Commission even at the later stages when the order of the Commission was challenged before the Peshawar High Court, Peshawar. Miss Sadaf Ihsan was made party by SIC at Sr. No. 20 along with another candidate of JUI-P Miss Naeema Kishwer. JUI-P was represented by Mr. Kamran Murtaza ASC and no objection was raised at that stage by the party. Thereafter, the case landed before the august Supreme Court of Pakistan and JUI-P was at Sr. No. 11, Miss Naeema Kishwer at Sr. No. 19 and Miss Sadaf Ihsan was at Sr. No. 20. It is pointed out that Miss Hina Bibi who was declared as contesting candidate of JUI-P by the Supreme Court of Pakistan on 02.02.2024, however, she did not file any application before any forum including the Commission, Peshawar High Court, Peshawar & Supreme Court of Pakistan to become party in the proceedings nor she objected that Miss Sadaf Ihsan is not a relevant person nor nominee of the party in the proceedings.

20. Section 62 of the Elections Act, 2017 specifically provides that "any voter of the constituency may file objections to the candidature of a candidate of the constituency who has been nominated or whose name has been included in the party list submitted by a political party for election to an Assembly before the Returning Officer within the period specified by the Commission for the scrutiny of nomination paper of candidates contesting election to an Assembly". Furthermore, Section 63 of the Elections Act, 2017 states that "a candidate or the objector may within the time specified by the Commission, file an appeal against the decision of the returning officer rejecting or accepting the nomination paper to an Appellate Tribunal". Sub-Section 4 of Section 63 of the Elections Act, 2017 "empowers the Appellate Tribunals

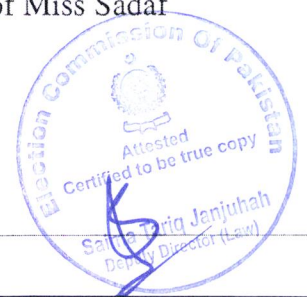


to take suo-moto action upon receipt of any information by any source regarding willful concealment of facts and any other disqualifications to become a member of an assembly and can also reject the nomination papers of the candidate.”

21. The counsel for JUI-P raised objections that political party cannot raise objection regarding wrong entry in the nomination papers or in respect of acceptance or rejection of nomination papers of a candidate as no remedy is provided under the law which is incorrect. The provisions of law mentioned in para above specifically provides that any voter of the constituency, objector or the Appellate Tribunal upon receipt of information through any source can file an objection or appeal regarding acceptance or rejection of nomination papers of a candidate. Furthermore, the list for the reserved seats for Women was prepared by the political party and it was revised twice. The said fact has been confirmed by the party representative namely Mr. Mufti Ibrar during inquiry proceedings before the inquiry committee and by the counsel of JUI-P in the present proceedings before the Commission.

22. The stance of JUI-P having no knowledge of the name of Miss Sadaf Ihsan is also contradictory. On one side the JUI-P through its application dated 10.03.2024 stated that the party got information regarding Miss Sadaf Ihsan on 04.03.2024 which is also confirmed by the counsel for the applicant party, however, on the other side during the cross examination before the inquiry committee the authorized representative Mr. Mufti Ibrar stated that the party was in knowledge of the fact from the date of issuance of Form-32 dated 13.01.2024. Mr. Mufti Ibrar authorized representative of JUI-P in response of question No. 5 replied that “Form-32 was checked which was issued on 13.01.2024” containing 27 candidates and the name of Miss Sadaf Ihsan was in Form-32. He also stated that they did not file any objection before the RO nor approach any forum regarding misstatement and wrong filing of nomination papers by Miss Sadaf Ihsan.

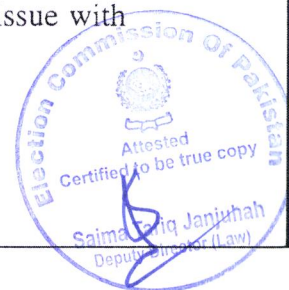
23. The party was at liberty to file objection before the Commission at any time but JUI-P approached the Commission after considerable delay. It is the duty of every political party to prepare the list for the reserved seats for Women and Non-Muslims with due diligence and care and proper format (Form-66) has been provided under the Election Rules, 2017. JUI-P was given an opportunity by the RO to provide well drafted list containing all the requirements including name and details of contesting candidates on proper Form-66, however, the political party while submitting the second version of priority list only corrected three names at Sr. No. 1 to 3, however, the name of Miss Sadaf Yasmin was again left incomplete.



24. Miss Hina Bibi who was also in the priority list and contested her case for acceptance of her nomination papers till the stage of Supreme Court of Pakistan could file objection upon the acceptance of nomination papers of Miss Sadaf Ihsan but she remained quiet for the reason best known to her. She was the contesting candidate in the list of JUI-P and in terms of Section 66 of the Elections Act, 2017 being the voter of the constituency and contesting candidate, she could file objections before the RO, Appellate Tribunal, High Court, Supreme Court of Pakistan and even before the Commission, however, she chose to remain silent for more than two months.

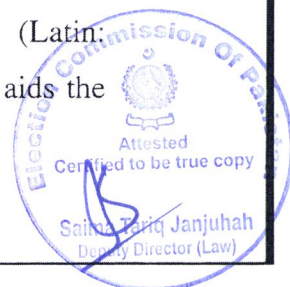
25. The existence of Miss Sadaf Yasmin is also doubtful as during the entire episode she did not appear before any forum including the inquiry committee and Supreme Court of Pakistan despite issuance of notice by different forums. However, suddenly on the last date of hearing, without notice from the Commission the counsel for Miss Sadaf Yasmin appeared before the Commission and submitted power of attorney. It is also observed that two different copies of the Identity Card of Miss Sadaf Yasmin have been provided by the counsel for the Petitioner along with the set of documents submitted by him. Upon perusal of the ID cards it is observed that in the first ID card her temporary and permanent address is Gulshan Kareem, Flat No. C-15, Mohallah Gulzar-e-Hijri Scheme 33, Karachi East with date of issue 11.04.2017 and date of expiry 11.04.2027, while on second copy of ID card which was issued on 18.02.2025 the temporary address has been changed to Mohallah Gazaanda Danin, Chitral with issuance date 18.02.2025 and date of expiry 18.02.2035, temporary and permanent addresses are changed. Temporary address is Mohallah Gazaanda Danin, Chitral and the permanent address is House No. C-15 Mohallah Chandni Chowk Sabzi Mandi, Karachi East. It is observed that Miss Sadaf Yasmin was not the voter of the Constituency at the time of submission of the list by the political party as she was resident of District Karachi East. Her ID card was changed on 18.02.2025 one year after the conduct of General Election 2024.

26. Upon query of the Commission from the counsel for the Respondent regarding non-submission of nomination papers and non appearance of Miss Sadaf Yasmin before any forum, the counsel for the Miss. Sadaf Yasmin replied that the fact of filing of nomination papers by Miss Sadaf Ihsan was in knowledge of Miss Sadaf Yasmin, therefore, she did not file her nomination papers which shows that Miss Sadaf Yasmin was also in the knowledge of the fact that Miss Sadaf Ihsan was the nominee of JUI-P. The counsel also informed the Commission that Miss Sadaf Yasmin discussed this issue with the political party JUI-P as well.




27. It is also relevant to mention here that the political party JUI-P and the counsel for the political party in its application dated 10.03.2024 has stated that Miss Sadaf Ihsan does not belong to JUI-P and the counsel for JUI-P also stated before the Commission that Miss Sadaf Ihsan is alien for the political party. The said statement of the political party is incorrect as Miss Sadaf Ihsan is member of JUI-P since 2018 and all the original relevant documents regarding membership of Miss sadaf Ihsan have been provided by Molana Shams-ur-Rehman (duly authorized person by the political party). Upon perusal of the record it is observed that Miss Sadaf Ihsan was entered into the list of membership for the year 2018-19 at Sr. No. 4 with membership NO. 506885 and she has the membership card issued by the political party. Furthermore, twenty Nine (29) other persons of her family are also members of (JUI-P) including her mother, father, brother, sister-in-law, brother-in-law etc, whose membership cards were also presented to the Commission (Original seen and returned). Upon submission of the documents by Molana Shams-ur-Rehman during hearing, political party did not provide any document which reflects that she is not the member of JUI-P.

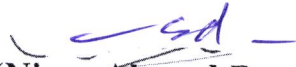
sd → 28. The Election Commission of Pakistan is a Constitutional Body and is empowered under the Constitution and Elections Act, 2017 to issue directions and pass such orders which are necessary to do complete justice in the matters. The Commission is a Quasi-Judicial forum and even can act as an Election Tribunal under Section 9 of the Elections Act, 2017. Section 3 of the Elections Act, 2017 provides that "in performance of its functions and duties and in exercise of its powers the Commission shall regulate its own procedure". Furthermore, Section 4 of the Election Act, 2017 empowers the Commission to issue such directions or orders as may be necessary for the performance of its functions and duties, including an order for doing complete justice in any matter pending before it. Sub-Section 2 of Section 4 further specifies that "such directions or orders shall be enforceable throughout Pakistan and shall be executed as if it had been issued by the High Court". Furthermore, Section 8(b) provides power to the Commission to review an order passed by an officer under this Act or the Rules to ensure fair elections. Specific mechanism is provided in the law under Chapter-V & VI of the Elections Act, 2017 for filing of objections and appeals regarding any objection in respect of nomination papers of a contesting candidate. The procedure and Forms are also available for the political parties and candidates for election to the seats reserved for Women and Non-Muslim. There is a maxim that "Law helps the vigilant, not the indolent" (Latin: Vigilantibus non dormientibus jura subveniunt) and delay defeats equity (equity aids the vigilant).




29. In view of the aforementioned discussion the Commission has come to the conclusion that the applications filed by JUI-P and Miss Hina Bibi are dismissed being devoid of merits and facts. The parties may approach the Election Tribunal concerned for re-dressal of their grievances if so desire and if so advised in accordance with law.


30. Office is directed to take follow up action accordingly.


(Sikandar Sultan Raja)
Chairman


(Nisar Ahmed Durrani)
Member


(Shah Muhammad Jatoi)
Member


(Babar Hassan Bharwana)
Member


(Justice (R) Ikram Ullah Khan)
Member

Announced on 28.01.2026

