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## PTI lost party symbol due to ECP errors, Justice Akhter on SIC reserve seats case

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KARACHI:

Justice Munib Akhtar Akhtar during the full court hearing on reserved seats case highlighted a string of legal mistakes made by the Election Commission of Pakistan (ECP) that compelled PTI-backed candidates to contest elections as independents. He further stated that the issue regarding reserved seats came down to whether these candidates should be “denied those reserved seats simply because now they have taken shelter under [the Sunni Ittehad Council].” These remarks were made as the full bench of the apex court resumed hearing the SIC’s plea on Tuesday against the denial of reserved seats in assemblies for women and minorities. A 13-member bench headed by Chief Justice of Pakistan Qazi Faez Isa and comprising Justices Syed Mansoor Ali Shah, Munib Akhtar, Yahya Afridi, Aminuddin Khan, Mandokhail, Muhammad Ali Mazhar, Ayesha Malik,

Athar Minallah, Syed Hasan Azhar Rizvi, Shahid Waheed, Irfan Saadat Khan and Naeem Akhtar Afghan, resumed the hearing today. SIC's lawyer, Advocate Faisal Siddiqui, asserted that although the SIC didn't participate in the elections as a party, independent candidates did indeed take part. He further emphasized that the SIC did provide a list of its candidates, but the ECP rejected it, claiming that the party hadn't contested the elections. CJP Isa pointed out that the SIC had identified itself as a parliamentary political party twice and as a political party once. In response, Advocate Siddiqui argued that a political party could also be a parliamentary political party. "The Constitution makes a distinction between a parliamentary political party and a political party," noted the chief justice. "We were a political party before the February 8 elections and became a parliamentary political party after [winning] independent candidates joined us," the SIC lawyer replied, emphasizing that the Constitution doesn't include the term "parliamentary party" except in Article 63A. Responding to the SIC lawyer's argument that there wouldn't have been any issue if the apex court had clarified its verdict on the bat symbol, the chief justice stated that the matter of reserved seats would not exist if the PTI had conducted its intra-party elections. "The PTI deprived its people of democratic rights [...] if the elections had been held, PTI members themselves would have benefited. "If you want to talk about democracy, then adhere to it strictly," the chief judge remarked. Meanwhile, Justice Akhtar, recalling that the

independent candidates had indicated their affiliation with the PTI, and that their nomination papers were accepted and they won the elections, stated that a candidate who presents themselves as part of a party will be considered affiliated with it. He remarked, “Only those will be considered as independent candidates who submit an affidavit that he is not affiliated with any political party.” “How can the ECP’s law could declare PTI’s candidates as independents,” Justice Akhtar noted. Responding to Justice Akhtar’s comments that the controversy arose after a political party was deprived of its electoral symbol, the chief justice questioned why the PTI didn’t challenge the court’s orders in this regard. “Why did you not ask for the bat as an independent candidate,” the CJP asked Advocate Siddiqui. “All independent candidates cannot ask for bat,” the counsel replied, stressing that Salman Akram Raja had even requested the ECP to be declared as a PTI candidate. However, he added, Raja’s request was dismissed. “There’s a different form for each constituency, why can’t you ask for it,” the judge stressed. He said that the party should’ve declared its candidates as independent and should’ve then sought the bat symbol. “You should’ve at least tried to secure the bat symbol. The SC would then would have seen whether it was to be allotted to you or not,” the CJP said. In yesterday’s hearing, the SIC’s lawyers approached the rostrum, with Siddiqui reading out the May 6 order. He argued that assigning reserved seats to other parties violated specific articles of the Constitution. Siddiqui referenced an ECP letter to support the

SIC's entitlement to reserved seats in the National Assembly. CJP Isa then asked Siddiqi for details on the beneficiaries and a breakdown of the additional seats allocated to ruling coalition parties. Siddiqi noted discrepancies in the numbers provided by the electoral watchdog. Justice Isa further inquired about the party-wise allocation of these additional seats, which Siddiqi provided along with details for provincial assemblies. The ECP counsel was summoned to clarify the number of additionally allocated reserved seats for women in the NA, confirming 23 seats. Siddiqi also presented the number of general seats won by each party in the recent elections, emphasizing the SIC's status as a parliamentary party. Questions arose regarding the candidates' affiliations during the nomination process, and whether they were considered independent despite their party ties. Siddiqi explained that the candidates were instructed by the ECP to contest as independents. CJP Isa asked if any beneficiary parties were supporting the SIC, to which Siddiqi responded with a smile. Opposing counsels from several parties then presented their stance to the court. When asked about the SIC's registration as a political party, Siddiqi affirmed the ECP's recognition without dispute. The discussion continued on the PTI's status after losing its electoral symbol, with questions raised about its rights under election laws. Justice Minallah queried if the PTI was an enlisted party of the ECP, suggesting that this clarification would address the main question at hand. On May 6, a three-member top court bench overturned the Peshawar High

Court's (PHC) decision, which had refused to allocate reserved seats to SIC, now serving as a political refuge for PTI lawmakers-elect. Later that month, the PPP, which along with the PML-N had benefited from the Election Commission of Pakistan's (ECP) March 4 decision to distribute the seats among various parliamentary parties, appointed senior counsel Farooq H. Naek to represent them in the case. Following the Supreme Court's May 6 decision, the ECP on May 14 suspended the victory notifications of 77 lawmakers allocated reserved seats, affecting the ruling coalition's two-thirds majority in the National Assembly. Advocates Salman Akram Raja appeared for SIC, while Faisal Siddiqi represented the party's female candidates who were denied the reserved seats. At the start of the hearing, SIC's counsels addressed the court, with Siddiqi reading aloud the May 6 order. The lawyer referenced an ECP letter dated April 24, stating that SIC, having 82 general seats in the National Assembly, was entitled to reserved seats.