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PTI eligible for reserved seats, ECP's allocation to ruling coalition unconstitutional: SC

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ISLAMABAD:

The Supreme Court of Pakistan has said that Pakistan Tehreek-e-Insaf was entitled for reserved seats and that the Election Commission of Pakistan (ECP)'s decision of allocating reserved seats to the ruling coalition was unconstitutional. The verdict on the Sunni Ittehad Council (SIC) reserved

seats case was announced by a full bench of the Supreme Court led by Chief Justice Qazi Faez Isa. It comprised of Justices Syed Mansoor Ali Shah, Munib Akhtar, Yahya Afridi, Aminuddin Khan, Jamal Khan Mandokhail, Muhammad Ali Mazhar, Ayesha Malik, Athar Minallah, Syed Hasan Azhar Rizvi, Shahid Waheed, Irfan Saadat Khan, and Naeem Akhtar Afghan. The verdict suspended the previous decisions of ECP, PHC regarding the allocation of reserved seats.

Candidates of the PTI cannot be declared independent candidates, nor representatives of any other party, the verdict said adding that the ECP had incorrectly declared members of PTI as independents. “The Pakistan Tehreek-e-Insaf (PTI) was a political party, remains a political party”, the order said while instructing the PTI to submit a list of its reserved seats candidates within 15 days. The decision was announced by a 8-5 majority of the full court bench. Chief Justice Qazi Faez Isa, Justice Jamal Mandokhail, Justice Naeem Afghan, Justice Yahya Afridi, and Justice Ameenuddin Khan opposed the majority decision. Justice Yahya Afridi, in his dissenting note, said that candidates who provided certificates of PTI affiliation should be declared PTI candidates and allocated reserved seats proportionally. On June 27, the ECP presented an order indicating that some nomination papers had party affiliations. Of the 80 individuals, 40 were given 15 days to decide their party affiliation. Justice Ameenuddin Khan rejected the SICI’s appeal. Justice Naeem Afghan agreed with his note. CJP Isa and Justice Jamal Mandokhail noted that the SIC did not win

any seats nor submit a list for reserved seats and emphasized the constitutional concept of proportional representation. The SIC had earlier held a large protest outside the apex court ahead of the announcement. Earlier on Tuesday, a three-member bench comprising Chief Justice of Pakistan (CJP) Qazi Faez Isa and Justices Naeem Akhtar Afghan and Aqeel Ahmed Abbasi had reserved the verdict in the case after closing the hearing on a set of appeals moved by the SIC. The verdict pertains to the SIC's plea challenging the Peshawar High Court's (PHC) decision, which upheld the Election Commission of Pakistan's (ECP) move to deny reserved seats in the assemblies to PTI-backed lawmakers. The issue of reserved seats arose following the February 8 elections, where over 80 independent candidates, backed by Pakistan Tehreek-e-Insaf (PTI), emerged victorious and later joined the SIC. It followed CJP Isa's January 10 decision that effectively deprived the PTI of its 'cricket bat' election symbol ahead of the February 8 general elections. The PTI-back candidates, who had emerged victorious in the election and joined the SIC after their party's symbol was taken, sought to claim seats reserved for minorities and women. However, the Election Commission of Pakistan (ECP) rejected this allocation, citing the SIC's failure to submit its list of candidates. In response, the SIC approached the Peshawar High Court (PHC), which upheld the ECP's decision. Dissatisfied with this outcome, the SIC escalated the matter to the Supreme Court, seeking to overturn the PHC ruling and secure 67 reserved seats for women and 11 for

minorities. The allocation of these reserved seats is crucial as it significantly impacts the composition of the opposition benches. The PTI-backed SIC candidates lost 77 reserved seats in the National Assembly and provincial assemblies due to the PHC's verdict. The PHC ruling allowed the ruling coalition, comprising the Pakistan Muslim League-Nawaz (PML-N), Pakistan Peoples Party (PPP), and other allies, to gain a two-thirds majority in the National Assembly. This decision increased the PML-N's seats to 123 and the PPP's to 73, while the SIC held 82 seats. The bench suspended the PHC's verdict and the ECP's decision, which temporarily deprived the ruling coalition of its two-thirds majority in the lower house. The federal government and the ECP have opposed the SIC's plea. In its submission, the government, represented by Attorney General of Pakistan Mansoor Usman Awan, argued that reserved seats should only be allocated to political parties that contested the elections, won at least one seat, and submitted a candidate list by the stipulated deadline. The ECP echoed this stance, highlighting the SIC's failure to meet the January 24 deadline for submitting its list of candidates.