

05.01.2024

Ms. Aster Mehak, Advocate for the appellant.
Mr. Shehzad Aslam, Assistant Director Law,
Election Commission of Pakistan (ECP).

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The appellant who is aspiring to contest the election for the constituency of NA-262 Quetta I had filed his nomination papers which were rejected vide impugned order dated 01.01.2024 by the Returning Officer on the ground that the appellant has not filed the bank statement and account maintenance certificate of the account which he dedicated for election expenses; secondly the affidavit was verified without being signed by the appellant; thirdly the signature of the proposer was found invalid as per the CNIC and the last objection which prevailed upon the Returning officer to the effect that the authority letter was not submitted on stamp paper nor attested through oath commissioner.

We have heard the learned counsel for the appellant as well as law officer ECP.

Section 62 of the Election Act, 2017 deals with the scrutiny of nomination papers of the candidate and a safeguard is provided within the meaning of Section 62 (9) (d) (ii) of the

Election Act, 2017 as well as under sub-section 10 of Section 62 of the Election Act, 2017 in order to prevent pure technical knockout and it seems that the legislatures intended that proper opportunity be provided to the candidate in case any technical deficiency occur. As far as objection regarding invalid signature of the proposer is concerned, there is no evidence available on record which could substantiate the same, even otherwise the Returning Officer could have provided opportunity to the appellant to produce the proposer and obtained the signature of the proposer. The record transpires that unfortunately no opportunity was provided to the appellant by the Returning Officer and the nomination papers were rejected, in such view of the matter the impugned order is not sustainable.

For foregoing reasons the appeal is allowed. The impugned order is set-aside. The appellant is directed to appear before the returning officer and file the bank account statement and maintenance certificate. The nomination papers of the appellant are accepted. The Returning Officer is directed to include the name of the appellant in the list of validly nominated candidates from the constituency of NA-262 Quetta-I.

ELECTION TRIBUNAL