

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**Present:**

Mr. Justice Syed Mansoor Ali Shah  
Mr. Justice Jamal Khan Mandokhail  
Mr. Justice Athar Minallah

**Civil Petition No.151 of 2024.**

Naz Tahir

*.....Petitioner*

***Versus***

Kafayat Ullah, etc

*....Respondent(s)*

For the Petitioner(s):     Mr. Muhammad Shahzad Shaukat, ASC.  
   Ch. Akhtar Ali, AOR.

For the ECP:                 Mr. Muhammad Arshad, DG (Law).  
   Falak Sher, Consultant Law.

For Respondent No.1:     Mr. Shoukat Hayat, ASC.  
   a/w Syed Rifaqat Hussain Shah, AOR.

Date of hearing:             26.01.2024

**ORDER**

Learned counsel for the petitioner submits that her nomination paper for the seat of a Member of the National Assembly from NA-49, Attock-I was rejected by the Returning Officer on 30.12.2023 on the ground that the petitioner was the wife of a proclaimed offender. However, upon filing an Election Appeal before the Appellate Tribunal, the nomination paper was accepted on 06.1.2024. Thereafter, the respondent filed a writ petition before the Lahore High Court, which was decided vide impugned order dated 16.1.2023 and the nomination papers of the petitioner were once again rejected on the ground that the petitioner is the wife of a proclaimed offender. Learned counsel for the petitioner submits that there is no provision under the Constitution or the Elections Act, 2017 that deprives the petitioner from contesting elections on this ground. Learned counsel for the Election Commission of Pakistan has not been able to show us any such provision of law. We may point out that Articles 62 (1) (d), (e), (f) and (g) have been recently declared by this Court not to be self-executory and serve as guidelines for the voters in exercising their right to vote in Civil Appeal No. 982 of 2018 etc. titled *Hamza Rasheed Khan v. Election Appellate Tribunal & Others*.

2. Let notice be issued to respondent No.1 through courier service at the expense of the petitioner for 29<sup>th</sup> January, 2024. For the Election Commission of Pakistan, D.G (Law), Election Commission of Pakistan accepts notice.

3. **C.M.A No.504/2024**: Notice to respondent No.1. In the meantime, the operation of the impugned order shall remain suspended. The nomination paper of the petitioner shall stand provisionally accepted and the Election Commission of Pakistan is directed to continue taking all the steps required in the electoral process including printing of the ballot papers, allocation of symbol etc., in view of this order.

Judge

Judge

Islamabad,  
26<sup>th</sup> January, 2024.  
Approved for reporting  
*Sadaqat*

Judge