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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 2nd October, 2017

No. F.22(27)/2017-Legis.—The following Act of *Majlis-e-Shoora* (Parliament) received the assent of the President on the 2nd October, 2017 is herey published for general information.—

ACT NO. XXXIII OF 2017

An Act to amend, consolidate and unify laws relating to the conduct of elections.

WHEREAS it is expedient to amend, consolidate and unify laws relating to the conduct of elections and matters connected therewith or ancillary thereto;

It is hereby enacted as follows:—

Price: Rs. 83.50

[1664(2017)/Ex. Gaz.].

CHAPTER I

PRELIMINARY

1. **Short title, extent and commencement.—**(1) This Act may be called the Elections Act, 2017.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. **Definitions.—**In this Act, unless there is anything repugnant in the subject or context,—

(i) "*aalim*" means a Muslim scholar who—

(a) holds a degree or a *sanad* requiring conclusion of at least sixteen years of education recognized by the Higher Education Commission; and

(b) has at least twenty years' experience as a teacher or researcher in fields relating to the principles and philosophy of Islam and Islamic law;

(ii) "applicable local government law" means an Act of *Majlis-e-Shoora* (Parliament) or of a Provincial Assembly for establishment of a local government and includes an Ordinance;

(iii) "Article" means Article of the Constitution;

(iv) "Assembly" means the National Assembly or a Provincial Assembly;

(v) "asset" means any property owned or held by a candidate or a Member;

(vi) "bye-election" means an election to fill a casual vacancy;

(vii) "candidate" means a person proposed and seconded as a candidate for, or seeking, election as a Member;

(viii) "Code" means the Code of Criminal Procedure, 1898 (Act V of 1898);

(ix) "Commission" means the Election Commission of Pakistan constituted under Article 218;

(x) "Commissioner" means the Chief Election Commissioner appointed under Article 213 and includes an Acting Chief Election Commissioner appointed under Article 217;

(xi) "constituency" means a constituency delimited under this Act;

(xii) "Constitution" means the Constitution of the Islamic Republic of Pakistan;

(xiii) "contesting candidate" means a validly nominated candidate who has not withdrawn his candidature;

(xiv) "election agent" means a person appointed by a candidate as his election agent under this Act, and, where no such appointment is made, the candidate acting as his own election agent;

(xv) "election expenses" means any expenditure incurred before, during and after an election or payment made, whether by way of gift, loan, advance, deposit or otherwise, for the arrangement, conduct or benefit of, or in connection with or incidental to the election of a candidate, including the expenditure on account of issuing circulars or publications but does not include the deposit made under section 61 or section 111;

(xvi) "electoral area" means—

(a) in rural areas, a village or a census block;

(b) in urban areas,—

I. where there is a municipal ward or census block, such ward or census block;

II. where there is no municipal ward or a census block, a well-defined *Mohallah* or a street;

III. where the ward or census block, *Mohallah* or street is too big, a well-defined part thereof:

Provided that a census block shall not be divided except in exceptional circumstances for reasons to be recorded;

(c) such other area as may be determined by the Commission;

(xvii) "election observer" means a person authorized by the Commission to observe the conduct of an election;

(xviii) "election official" includes an officer or official of the Commission, a District Returning Officer, a Returning Officer, an Assistant Returning Officer, a Presiding Officer, an Assistant Presiding Officer, a Polling Officer or any officer or official of law enforcing agency or other agencies or any other official appointed or deputed to perform duties in connection with an election;

(xix) "Election Programme" means an Election Programme notified by the Commission under this Act;

(xx) "electoral roll" means an electoral roll prepared, revised or corrected under this Act and includes the electoral rolls prepared under the Electoral Rolls Act 1974 (XXI of 1974), existing immediately before the commencement of this Act;

(xxi) "Form" means a Form appended to this Act;

(xxii) "Government" means the Federal Government and 'any Government' means the Federal Government, a Provincial Government or a local government;

(xxiii) "government dues and utility expenses" include rent, charges of rest houses or lodges or other accommodation owned by any Government or a body owned or controlled by any Government but shall not include the government dues and utility expenses the recovery of which has been stayed by any order of a court; or tribunal;

(xxiv) "loan", means any loan, advance, credit or finance obtained or written off on or after 31st December, 1985 but shall not include the loan the recovery of which has been stayed by a court or tribunal;

(xxv) "local government" means a local government, by whatever name called, established by law;

(xxvi) "Member" means member of an Assembly, the Senate or a local government;

(xxvii) "National Database and Registration Authority" means the National Database and Registration Authority constituted under the National Database and Registration Authority Ordinance, 2000 (VIII of 2000);

(xxviii) "political party" means an association of citizens or a combination or group of such associations formed with a view to propagating or influencing political opinion and participating in elections for any elective public office or for membership of a legislative body, including an Assembly, the Senate, or local government;

(xxix) "population" means the population in accordance with the last preceding census officially published;

(xxx) "prescribed" means prescribed by the Rules;

(xxxi) "Presiding Officer" means a Presiding Officer appointed under this Act for a polling station and includes an Assistant Presiding Officer performing the functions of a Presiding Officer;

(xxxii) "provisional" means unofficial and not final;

(xxxiii) "Registration Officer" means a Registration Officer appointed under this Act and includes an Assistant Registration Officer performing the functions of a Registration Officer;

(xxxiv) "returned candidate" means a candidate who has been declared elected as a Member under this Act;

(xxxv) "Revising Authority" means a person appointed under this Act to hear and dispose of claims and objections and applications for corrections relating to the electoral rolls;

(xxxvi) "Rules" means rules made under this Act;

(xxxvii) "section" means a section of this Act;

(xxxviii) "tax" includes a tax levied by any Government, but shall not include taxes the recovery of which has been stayed by a court or tribunal;

(xxxix) "technocrat" means a person who—

(a) holds a degree requiring conclusion of at least sixteen years of education recognized by the Higher Education Commission; and

(b) has at least twenty years of experience including a record of achievement at the national or international level;

(xl) "validly nominated candidate" means a candidate whose nomination paper has been accepted; and

(xli) "voter" means—

(a) in relation to an Assembly or a local government, a person who is enrolled as a voter on the electoral roll of any electoral area in a constituency; and

(b) in relation to the Senate, a person who—

I. for election to a seat from a Province, is a Member of the Provincial Assembly;

II. for election to seats from the Islamabad Capital Territory, is a Member of the National Assembly; and

III. for election to a seat from the Federally Administered Tribal Areas, is a Member of the National Assembly elected from the Federally Administered Tribal Areas.

CHAPTER II

ELECTION COMMISSION OF PAKISTAN

3. **Procedure of the Commission.—**(1) In the performance of its functions, and duties and exercise of its powers, the Commission shall regulate its own procedure.

(2) The Commission may exercise its powers and perform its functions even if the office of any member of the Commission is vacant or any of the members is, for any reason, unable to attend the proceedings of the Commission, and the decision of the majority of the members shall have the effect of the decision of the Commission.

(3) If, upon any matter requiring a decision of the Commission, there is difference of opinion amongst its members, the opinion of the majority shall

prevail and the decision of the Commission shall be expressed in terms of the opinion of the majority:

Provided that—

(a) where the members attending the proceedings of the Commission are four and they are equally divided in their opinion; or

(b) where the members attending the proceedings of the Commission are three and there is difference of opinion amongst them;

the matter shall be placed for decision before the full Commission, comprising all its members.

(4) In this section and section 6, the term 'member of the Commission' includes the Commissioner.

4. **Power to issue directions.—**(1) The Commission shall have the power 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 and an order for the purpose of securing the attendance of any person or the discovery or production of any document.

(2) Any such direction or order shall be enforceable throughout Pakistan and shall be executed as if it had been issued by the High Court.

(3) Anything required to be done for carrying out the purposes of this Act, for which no provision or no sufficient provision exists, shall be done by such authority and in such manner as the Commission may direct.

5. **Assistance to the Commission.—**(1) The Commissioner or the Commission may require any person or authority to perform such functions or render such assistance for the purposes of this Act as he or it may direct.

(2) It shall be the duty of all executive authorities in the Federation and in the Provinces to render such assistance to the Commissioner and the Commission in the discharge of his or its functions as may be required by the Commissioner or the Commission.

(3) The Federal Government and each Provincial Government shall make available to the Commission such staff as it may require for the performance of its functions under this Act:

Provided that where the Commission decides to utilize the services of serving judicial officers, it may do so in consultation with the Chief Justice of the High Court concerned.

(4) After the Election Programme has been issued and till the publication of the names of the returned candidates in the official Gazette, any Government or authority shall not post or transfer any official appointed or deputed in connection with an election without prior approval in writing of the Commission, including posting or transfer the decision in respect whereof has not been implemented, and the Commission may itself issue necessary directions to any such Government or authority for the posting or transfer of any official.

6. **Delegation of powers.—**(1) The Commission may authorize the Commissioner or any of its members or any of the officers of the Commission to exercise and perform any of its powers and functions under this Act.

(2) The Commissioner shall exercise powers relating to the appointment of officers and staff to be employed in connection with the functions of the Commission and determine their terms and conditions of employment in accordance with the Rules.

(3) The Commissioner shall constitute benches comprising three or more members of the Commission to hear and decide complaints, applications, petitions or appeals filed before it under this Act.

(4) The decision of a Bench constituted under sub-section (3) shall be deemed to be a decision of the Commission except where due to difference of opinion among members of the bench, the matter is required to be placed before the full Commission for decision under section 3.

7. **Power to requisition property.—**(1) A Provincial Government, deputy commissioner, political agent or head of district administration, by whatever name called, shall, upon a request made in this behalf by the Commission, requisition a vehicle, vessel or other means of transportation as is needed or is likely to be needed for the purpose of transporting to and from any polling station ballot boxes or other election material or any officer or other person engaged for the performance of any duty in connection with an election.

(2) A Provincial Government, deputy commissioner, political agent or head of district administration, by whatever name called, shall not requisition a vehicle, vessel or other means of transportation which is being used by a candidate or his election agent for any purpose connected with the election of such candidate.

(3) Any person authorized in this behalf by the Provincial Government may take possession of a vehicle, vessel or other means of transportation requisitioned under sub-section (1) and may for that purpose use such force, including police force, as may be reasonably necessary.

(4) Where any vehicle, vessel or other means of transportation is requisitioned under sub-section (1), there shall be paid to the owner thereof compensation the amount of which shall be determined by the Provincial Government or the officer requisitioning the vehicle, vessel or other means of transportation on the basis of the fares and rates prevailing in the locality for its hire.

(5) Where the owner of the vehicle, vessel or other means of transportation, being aggrieved by the amount of compensation so determined makes an application to the Provincial Government within a period of thirty days from the date the amount has been determined, for the matter being referred to an arbitrator agreed upon by the parties, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Provincial Government may determine.

8. **Power of Commission to ensure fair election.—**Save as otherwise provided, the Commission may—

(a) stop the polls at one or more polling stations at any stage of the election if it is convinced that it shall not be able to ensure the conduct of the election justly, fairly and in accordance with law due to large scale malpractices, including coercion, intimidation and pressures, prevailing at the election;

(b) review an order passed by an officer under this Act or the Rules, including rejection of a ballot paper; and

(c) issue such instructions, exercise such powers and make such consequential orders as may in its opinion, be necessary for ensuring that an election is conducted honestly, justly, fairly and in accordance with the provisions of this Act and the Rules.

9. **Power of the Commission to declare a poll void.—**(1) Notwithstanding anything contained in this Act, if, from facts apparent on the face of the record and after such enquiry as it may deem necessary, the Commission is satisfied that by reason of grave illegalities or such violations of the provisions of this Act or the Rules as have materially affected the result of the poll at one or more polling stations or in the whole constituency including implementation of an agreement restraining women from casting their votes, it shall make a declaration accordingly and call upon the voters in the concerned

polling station or stations or in the whole constituency as the case may be, to recast their votes in the manner provided for bye-elections.

Explanation.—If the turnout of women voters is less than ten percent of the total votes polled in a constituency, the Commission may presume that the women voters have been restrained through an agreement from casting their votes and may declare, polling at one or more polling stations or election in the whole constituency, void.

(2) Notwithstanding the powers conferred on it by sub-section (1), the Commission may order filing of complaint under this Act before a court of competent jurisdiction against persons who entered into the agreement referred to in sub-section (1).

(3) Notwithstanding the publication of the name of a returned candidate under section 98, the Commission may exercise the powers conferred on it by sub-section (1) before the expiration of sixty days after such publication; and, where the Commission does not finally dispose of a case within the said period, the election of the returned candidate shall be deemed to have become final, subject to the decision of an Election Tribunal on an election petition, if any.

(4) While exercising the powers conferred on it by sub-section (1), the Commission shall be deemed to be an Election Tribunal to which an election petition has been presented and shall, notwithstanding anything contained in Chapter IX, regulate its own procedure.

(5) Any person aggrieved by a declaration of the Commission under this section may, within thirty days of the declaration, prefer an appeal to the Supreme Court.

10. **Power to punish for contempt.—**The Commission may exercise the same power as the High Court to punish any person for contempt of court and the Contempt of Court Ordinance, 2003 (V of 2003), or any other law pertaining to contempt of court shall have effect accordingly as if reference therein to a "court" and to a "judge" were a reference, respectively, to the "Commission" and the "Commissioner" or, as the case may be, a member of the Commission.

11. **Expenditure charged upon Federal Consolidated Fund.—**(1) The remuneration payable to the Commissioner, members and other officers and staff of the Commission and all administrative expenses and other expenditure relating to the Commission shall be expenditure charged upon the Federal Consolidated Fund, within the meaning of Article 81.

(2) Subject to the provisions relating to audit and applicable laws and rules, the Commissioner shall have full financial powers to sanction and incur expenditure within the approved budgetary allocation, including creation of posts.

12. **Measures for training and public awareness.—**The Commission shall, from time to time as it may deem fit,–

(a) conduct training programs for election officials including officials of the Commission, any Government or corporations, and autonomous or semi-autonomous bodies controlled by any of these Governments and officers from the judiciary, if any, deputed or selected in connection with an election in accordance with procedure laid down under this Act or the Rules;

(b) advise public authorities, educational and training institutions regarding programmes and measures to promote dissemination of knowledge regarding electoral laws and best practices;

(c) conduct public awareness programmes and media campaigns, regarding the importance of maximum voter enrolment and participation in elections, especially by women, dissemination of information regarding procedure of casting vote, and the importance of maintaining the integrity of the electoral process; and

(d) examine laws, rules and regulations in force which are relevant to the conduct of elections and recommend to the Federal Government amendments in such laws, rules or regulations, as the case may be, in order to increase transparency and fairness and eliminate corrupt practices.

13. **Establishment of results management system.—**(1) The Commission shall establish a transparent results management system for expeditious counting, tabulation, compilation, transmission, dissemination and publication of results in the official Gazette and on the website of the Commission.

(2) The Presiding Officer shall immediately take snapshot of the Result of the Count and, as soon as connectivity is available and it is practicable, electronically send it to the Commission and the Returning Officer before sending the original documents under section 90.

(3) The Returning Officer shall compile the provisional results forthwith and, on or before 2.00 a.m. the day immediately following the polling day, communicate these results electronically to the Commission:

Provided that if, for any reason, the results are incomplete at that time, the Returning Officer shall communicate to the Commission reasons thereof, listing the polling stations from which results are awaited, and send the complete provisional results as soon as the results are compiled.

(4) The Returning Officer shall electronically send to the Commission—

(a) scanned copy of the provisional results compiled under sub-section (3); and

(b) scanned copies of the Consolidated Statement of the Results of the Count, Final Consolidated Result together with Results of the Count and the Ballot Paper Accounts, as received by him from the Presiding Officers under sub-section (18) of section 90.

(5) The Returning Officer shall also send to the Commission original copies of documents mentioned in sub-sections (3) and (4) through special messenger or any other swift means of communication including urgent mail service or courier service, as may be directed by the Commission.

(6) The Commission shall publish the documents received under sub-section (3) along with gender disaggregated data of turnout on its website.

14. **Action Plan.—**(1) The Commission shall, at least four months before the general election is due to be held on expiry of the term of an Assembly, prepare a comprehensive Action Plan specifying all legal and administrative measures that have been taken or required to be taken in respect of the election, including the following—

(a) delimitation of constituencies;

(b) revision of electoral rolls;

(c) enlistment of political parties;

(d) allocation of symbols;

(e) appointment and training of District Returning Officers, Returning Officers, Assistant Returning Officers, Presiding Officers, Assistant Presiding Officers, Polling Officers and other election officials;

(f) preparation of constituency-wise list of polling stations and list of polling personnel;

(g) determination and printing of requisite number of ballot papers and designation of printing presses;

(h) establishment of a transparent result management system for election results;

(i) introduction of any new technology;

(j) arrangements for election observers;

(k) appointment of the Appellate and Election Tribunals;

(l) security measures; and

(m) monitoring mechanism to report progress regarding implementation of the Action Plan.

(2) The Commission shall carry out a post-election review of implementation of the Action Plan to ascertain shortcomings, if any, with suggestions to further improve the electoral system.

(3) The Commission shall include the post-election review in its next annual report under section 16 and publish it on its website.

15. **Complaints.—**(1) Any person aggrieved by any decision or action taken or direction issued by an authority subordinate to the Commission or any action of a political party or a candidate in violation of the Code of Conduct may, within fifteen days of such decision or action, submit a complaint to the Commission pertaining to matters other than relating to election disputes falling under Article 225.

(2) The Commission may refer the complaint received under sub-section (1) to such authority as it may deem appropriate for enquiry and report.

(3) The Commission may, on receipt of enquiry report or after hearing the complainant and any other person relevant to the proceedings itself and holding a summary enquiry, pass such orders as it may deem fit within thirty days from the date of receipt of the complaint.

(4) The Commission may also act under this section on its own accord.

(5) The Commission shall publish the order passed under sub-section (3) on its website.

16. **Commission to submit an annual report.—**(1) The Commission shall, within ninety days after the end of every calendar year, publish a report of its activities for the year and send the report to the Federal Government and each Provincial Government.

(2) The Federal Government and each Provincial Government shall, within sixty days from the receipt of the annual report from the Commission, lay the annual report in each House of *Majlis-e-Shoora* (Parliament) and each Provincial Assembly.

(3) Immediately after the annual report is laid in any House of *Majlis-e-Shoora* (Parliament), the Commission shall publish the annual report on its website.

CHAPTER III

DELIMITATION OF CONSTITUENCIES

17. **Commission to delimit constituencies.—**(1) The Commission shall delimit territorial constituencies for elections to the National Assembly, each Provincial Assembly and to the local governments in accordance with the provisions of the Constitution, this Act, the Rules and the applicable local government law.

(2) The Commission shall delimit constituencies after every census officially published.

18. **Seats in the National Assembly and Provincial Assemblies.—**(1) There shall be seats in the National Assembly allocated to each Province, Islamabad Capital Territory, and the Federally Administered Tribal Areas and seats reserved for women and non-Muslims, as specified in Article 51.

(2) There shall be seats in each Provincial Assembly consisting of general seats and seats reserved for women and non-Muslims, as specified in Article 106.

19. **Delimitation of constituencies.—**(1) For the purpose of election to the National Assembly, the Commission shall divide—

(a) each Province into as many separate territorial constituencies as the number of general seats allocated to that Province in Article 51; and

(b) Islamabad Capital Territory and the Federally Administered Tribal Areas into as many separate territorial constituencies as the number

of general seats respectively allocated to the Islamabad Capital Territory and the Federally Administered Tribal Areas in Article 51.

(2) A Province shall be a single constituency for all seats reserved for women which are allocated to each Province in Article 51.

(3) The constituency for all seats reserved for non-Muslims in the National Assembly shall be the whole country.

(4) For the purpose of election to Provincial Assemblies, the Commission shall divide each Province into as many separate territorial constituencies as the number of general seats specified in Article 106.

(5) The constituencies for the seats reserved for women and non-Muslims in the Provincial Assemblies shall be such that each Province forms one constituency with as many such seats as are allocated to that Province in Article 106.

(6) For the purpose of election to the local governments, the Commission shall carry out delimitation with due regard to the applicable local government law.

20. **Principles of delimitation.—**(1) All constituencies for general seats shall, as far as practicable, be delimited having regard to the distribution of population in geographically compact areas, physical features, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies.

(2) For the purpose of delimiting constituencies for the general seats of the National Assembly for the Tribal Areas two or more separate areas may be grouped into one constituency.

(3) As far as possible, variation in population of constituencies of an Assembly or a local government shall not ordinarily exceed ten percent.

(4) If the limit of ten percent under sub-section (3) is exceeded in an exceptional case, the Commission shall record reasons thereof in the delimitation order.

21. **Reports of Commission and list of constituencies.—**(1) For the purpose of delimiting constituencies, the Commission may receive and consider representations, hold inquiries, summon witnesses and record evidence, and shall

prepare and publish in the official Gazette a preliminary report and list of constituencies specifying the areas proposed to be included in each constituency.

(2) The Commission shall invite representations in respect of the preliminary report within a period of thirty days from the date of publication.

(3) A voter in a constituency may, within the period specified in sub-section (2), make a representation to the Commission in respect of the delimitation of that constituency proposed in the preliminary report.

(4) The Commission shall, after hearing and considering the representations, if any, received by it, make such amendments, alterations or modifications in the preliminary list of constituencies published under sub-section (1) as it thinks fit or necessary, and shall, within a period of thirty days from the last date fixed for making representation under sub-section (2), publish in the official Gazette and on its website, the final report and list of constituencies showing the areas included in each constituency.

22. **Power of Commission to make amendment, alteration or modification in the final list of constituencies.—**(1) Notwithstanding anything contained in this Act, the Commission may, at any time but at least four months before notification of the Election Programme, of its own motion and for reasons to be recorded, make such amendments, alterations or modifications in the final list of constituencies published under sub-section (4) of section 21 or in the areas included in a constituency, as it deems necessary.

(2) The Commission shall publish in the official Gazette and on its website the proposed amendments, alterations or modifications with their justifications and invite and hear representations in respect thereof before taking final decision thereon.

CHAPTER IV

ELECTORAL ROLLS

23. **Preparation and computerization of electoral rolls.—**(1) The Commission shall prepare the electoral rolls for election to the National Assembly, Provincial Assemblies and local governments and shall revise such rolls periodically in the prescribed manner.

(2) The Commission shall make arrangements for the computerization of the electoral rolls in such manner as it may determine and any printout from the database maintained by or with the authority of the Commission, shall be deemed to be an electoral roll published under this Act.

24. **Appointment of Registration Officers.—**(1) The Commission shall appoint a Registration Officer for an electoral area or group of electoral areas for the purpose of preparation, revision, correction and amendment of the electoral rolls and may, for that purpose, appoint as many Assistant Registration Officers as may be necessary.

(2) Subject to such prior permission or instructions as may be given in this behalf by the Commission—

(a) an Assistant Registration Officer may, under the control of the Registration Officer, perform the functions of a Registration Officer; and

(b) a Registration Officer may require any official to assist him in the performance of his functions.

25. **National Database and Registration Authority to transmit data.—**(1) In such manner as may be prescribed, the National Database and Registration Authority shall transmit relevant data of every fresh National Identity Card issued by it to the Commission for registration of the card-holder as a voter in the electoral roll of the electoral area in which his permanent or temporary address is located, in accordance with the option indicated by him in the application for issuance of the National Identity Card.

(2) The Authority shall also transmit to the Commission relevant data of every cancelled or modified National Identity Card, information regarding deceased voters and such other details as may be required by the Commission for the purposes of this Act.

(3) The Commission shall forward the data referred to in sub-sections (1) and (2) to the Registration Officer concerned who shall take steps for enrolment or, as the case may be, correction in the relevant electoral roll in accordance with such procedure as may be prescribed.

Explanation.—Fresh National Identity Card includes any card that has not been earlier made part of the electoral roll database due to any reason whatsoever.

(4) Notwithstanding anything contained in section 28 of the National Database and Registration Authority Ordinance, 2000 (VIII of 2000), any authority to whom an application for registration is to be made under the National Database and Registration Authority Ordinance, 2000 (VIII of 2000) shall, on the request of Registration Officer, furnish him such information including extracts from the said application as may be necessary for the purposes of this Act.

26. **Preparation of preliminary electoral rolls.—**(1) Subject to the superintendence, directions and control of the Commission, the Registration Officer shall prepare the electoral rolls by including in the electoral rolls, the name of every person entitled to be enrolled as a voter in an electoral area under this Act.

(2) A person shall be entitled to be enrolled as a voter in an electoral area if he—

(a) is a citizen of Pakistan;

(b) is not less than eighteen years of age;

(c) possesses a National Identity Card issued by the National Database and Registration Authority at any time till the last day fixed for inviting claims, objections and applications for preparation, revision or correction of electoral rolls;

(d) is not declared by a competent court to be of unsound mind; and

(e) is or is deemed under section 27 to be resident in the electoral area.

Explanation.—The National Identity Card issued by the National Database and Registration Authority shall be deemed to be valid for the purpose of registration as a voter or for casting vote in an election, notwithstanding the expiry of its validity period.

27. **Place of residence.—**(1) Save as otherwise provided in this section, a person shall be deemed to be resident in an electoral area if his temporary or permanent address in the National Identity Card issued by the National Database and Registration Authority lies in the said electoral area.

(2) A person who is in the service of Pakistan may apply to the Registration Officer for enrolment in the electoral area in which he temporarily resides for being in the service of Pakistan.

(3) The spouse and children of the person in the service of Pakistan may apply to the Registration Officer for enrolment in the electoral area in which such person is enrolled under sub-section (2).

(4) Notwithstanding anything contained in this section or any other provision of this Chapter, the registration of a voter at an address other than the permanent or temporary address mentioned in his National Identity Card shall remain valid till he applies for transfer of his vote or for modification or renewal

of his National Identity Card in which case his vote shall be registered according to the temporary or permanent address mentioned in the National Identity Card:

Provided that this sub-section (4) including this proviso shall stand omitted on 31st December, 2018.

28. **Preliminary publication.—**The preliminary electoral rolls prepared under section 26, together with a notice inviting claims, objections and applications for corrections, if any, with respect thereto, shall be published and displayed by the Registration Officer for a period of not less than thirty days, in such manner and form as may be prescribed.

29. **Appointment of Revising Authorities.—**The Commission shall appoint a Revising Authority for any electoral area or group of electoral areas, for the purpose of receiving and deciding claims, objections and applications for correction of the preliminary electoral rolls.

30. **Period for lodging claims and objections.—**(1) Any person may file an application for inclusion of a name in the electoral roll, or an objection to, or application for correction of, any entry in the preliminary electoral rolls before the Revising Authority on the prescribed form within a period of thirty days or more, as may be determined by the Commission, next following the date of the publication of the preliminary electoral rolls under section 28.

(2) The Revising Authority shall reject any claim or objection or application for correction or transfer if it is not made within the period specified in sub-section (1) or is not made in the prescribed manner.

31. **Transfer of name from one electoral area to another.—**A person may apply for transfer of his name from the electoral roll of one electoral area to the electoral roll of another electoral area with the appropriate Revising Authority if it is preferred before the final publication of the electoral roll under section 35, or, if it is filed after such final publication, with the appropriate Registration Officer under section 37 by filing an application in the prescribed form for the inclusion of his name in the electoral roll of an electoral area where he is resident and wishes to enroll himself as voter with the request to delete his name from the electoral roll in which his name is currently enrolled.

32. **Application by the Registration Officer for inclusion of name.—** The Registration Officer may, within the period mentioned in section 30, apply to the Revising Authority—

(a) for the inclusion in the electoral roll of the name of any person left out due to inadvertence or the absence of timely information while preparing the preliminary electoral rolls; or

(b) for the exclusion of any name from the electoral roll or any correction of clerical, printing or other error which he is himself authorized to make under section 34.

33. **Enquiry into claims and objections.—**(1) Except where a claim or objection or an application for correction is rejected under section 30 or is decided without further enquiry being valid *prima facie*, the Revising Authority shall give its decision after holding a summary enquiry into each claim, objection or application, after giving notice to the parties concerned.

(2) The decision of the Revising Authority under sub-section (1) shall be final and shall be communicated to the appropriate Registration Officer.

34. **Correction of electoral rolls.—**The Registration Officer—

(a) shall correct the electoral roll in accordance with the decision of the Revising Authority under section 33; and

(b) may further correct any clerical, printing or other error subsequently discovered in the roll but not so as to include in it or exclude from it, the name of any voter.

35. **Final publication.—**After making additions, deletions, modifications or corrections, if any, under section 34, the Registration Officer shall publish, in the prescribed manner and form, the final electoral roll for each electoral area.

36. **Periodical revision of electoral roll.—**(1) The Registration Officer shall periodically revise an electoral roll as may be determined by the Commission in the prescribed manner and form—

(a) so as to include the name of any qualified person whose name does not appear in such roll; or

(b) so as to delete the name of any person who has died or who is or has become disqualified for enrolment; or

(c) for correcting any entry or for supplying any omission in such roll.

(2) An electoral roll for any electoral area which is not revised for any reason, shall continue to remain valid and operational.

(3) While revising the electoral rolls under sub-section (1), the procedure laid down in sections 24 to 35 shall, with necessary changes, apply to revision of the electoral rolls.

37. **Enrolment and correction other than periodical revision.—** Subject to section 39—

(a) any person whose name is not included in an electoral roll and who claims that he was or is entitled to be enrolled on that roll, may apply to the appropriate Registration Officer, on the prescribed form along with a copy of the National Identity Card issued to him under the National Database and Registration Authority Ordinance, 2000 (VIII of 2000) for the inclusion of his name in the electoral rolls, and if the Registration Officer is satisfied after giving notice or making such enquiry as he may deem necessary, that the applicant was or is entitled to have his name so enrolled, he shall insert the name of such person in the database of the electoral roll and shall also make necessary entry in the master copy of the electoral roll maintained by him;

(b) any person may apply to the Registration Officer for the correction of any entry in an electoral roll—

(i) if the entry relates to the applicant and the Registration Officer is satisfied after giving such notice and making such enquiry as he may consider necessary that the entry relates to the applicant and is erroneous or defective in any particular, he shall correct the electoral roll accordingly and shall also make necessary correction in the relevant database;

(ii) if the entry does not relate to the applicant and the Registration Officer is satisfied after giving notice to the person to whom the entry relates and after making such enquiry, as he may consider necessary that such person is dead or is otherwise not entitled to be enrolled as a voter, he shall correct the electoral roll accordingly and shall also make necessary correction in the relevant database;

(iii) if the person to whom the entry relates appears in response to the notice and gives his option, on the basis of his temporary or permanent address as mentioned in the National Identity Card, for enrolment in the electoral roll of another electoral area of the same district, the Registration Officer shall correct the electoral roll accordingly and if such option requires such person's enrolment in the electoral roll of an electoral area of another district, he shall refer the matter to the Registration Officer concerned for the needful to be done, after necessary verification, for enrolment of such person as voter in the relevant electoral roll of that district under intimation to the Commission; and

(iv) if the person does not appear in response to the notice and the entry objected to is required to be transferred to the electoral roll of another electoral area within the district, the Registration Officer shall correct the electoral roll accordingly and if such entry relates to another district shall refer the matter to the Registration Officer concerned with request to enroll such person, after necessary verification, in the electoral roll of that district at his permanent address mentioned in his National Identity Card under intimation to the Commission;

(c) if a person applies for transfer of vote from the electoral roll of an electoral area to the electoral roll of another electoral area of the same district, the Registration Officer of that district shall, after making such enquiry as he may consider necessary, strike off the name of the applicant from the master copy of the electoral roll in which his name presently exists and include his name in the master copy of the electoral roll of the other electoral area and shall make necessary changes in the database of the electoral rolls accordingly;

(d) if a person applies for transfer of vote from the electoral roll of an electoral area of a district to the electoral roll of an electoral area of the other district, the Registration Officer of the district to which transfer of vote is sought, shall, after making such enquiry as he may consider necessary, include the name of the applicant in the master copy of the electoral roll of the electoral area requested, make necessary changes in the database of the electoral rolls accordingly and inform the Registration Officer of the district from which transfer of vote is sought and the latter shall strike off the name of the applicant from the master copy of the roll being maintained by him;

(e) where the Registration Officer rejects application made under this section, he shall record brief reasons of his decision; and

(f) a person aggrieved by the order of the Registration Officer made under this section may, within thirty days of such order, appeal to the Appellate Authority to be appointed by the Commission and the decision of such Appellate Authority shall be final.

38. **Preparation of rolls afresh.—**If the Commission considers it necessary, on account of any gross error or irregularity in or in the preparation of an electoral roll for any electoral area or a part of an electoral area or other cogent reasons including changes in the limits of that electoral area or large scale displacement of population due to a natural calamity, it may, for reasons to be

recorded, by order direct that the roll for such electoral area or part of electoral area shall stand cancelled and that afresh electoral roll for that electoral area or part of electoral area be prepared in accordance with the provisions of this Act.

39. **No revision, correction or transfer after constituency called upon to elect.—**(1) No revision of or correction in an electoral roll of an electoral area or inclusion or transfer of a vote from the electoral roll of an electoral area to the electoral roll of another electoral area shall be made nor shall any order under section 38 be made in respect of any electoral roll during the period beginning thirty days before the day on which the term of an Assembly or a local government is due to expire (hereinafter referred to as 'the cut-off date') till announcement of the results of the general election to the Assembly or the local government but it shall not apply to an election to fill a casual vacancy in an Assembly or a local government.

(2) In case of an election to fill a casual vacancy to an Assembly or a local government, no revision of or correction in an electoral roll of an electoral area or inclusion or transfer of a vote from the electoral roll of an electoral area to the electoral roll of another electoral area shall be made nor shall any order under section 38 be made in respect of any electoral roll at any time after the constituency of which such electoral area forms part has been called upon to elect its representative and before such representative has been elected.

(3) The Commission shall, through press release and its website, inform the general public about the cut-off date for revision of or correction in an electoral roll of an electoral area or inclusion or transfer of a vote from the electoral roll of an electoral area to the electoral roll of another electoral area.

40. **Power of the Commission to modify electoral roll.—**(1) Subject to section 39, the Commission may, at any time, order—

(a) the inclusion in an electoral roll of the name of any person entitled to be enrolled on such electoral roll, and such name shall, from the date of such order, form part of the electoral roll;

(b) the exclusion from an electoral roll of the name of any person who has died or has become disqualified to be a voter, and such name shall, from the date of such order, stand excluded from that roll; and

(c) the removal of the name of any person from an electoral roll where such removal becomes necessary due to the repetition of the name in the same electoral roll or in the electoral rolls of more than one electoral area.

(2) Before taking decision under clause (b) or clause (c) of sub-section (1), the Commission shall afford a reasonable opportunity of being heard to the person likely to be affected and shall record reasons for its decision.

41. **Maintenance of electoral rolls.—**(1) An electoral roll as revised and corrected shall be maintained by the Registration Officer in the prescribed manner and shall be kept open to public inspection; and any person, on payment of prescribed fee, may obtain copies of the electoral roll.

(2) A candidate or an election agent may obtain a hard and searchable soft copy of the final electoral roll with photographs of the voters in accordance with section 79.

42. **Duration of the electoral rolls.—**The electoral roll for any electoral area prepared under this Act shall come into force immediately upon its final publication and shall remain in force until revised.

43. **Information regarding deaths.—**On the direction of the Commission, the person in charge of any register of births and deaths in a local government or other authority shall submit relevant information regarding deceased persons from that register on prescribed form to the Registration Officer concerned on quarterly basis, who shall make necessary corrections in the electoral rolls accordingly.

44. **Sharing of information with National Database and Registration Authority.—**The Registration Officer shall, through the Commission, communicate to the National Database and Registration Authority any change of address of the voter as a result of transfer of his vote under section 34, section 37 or section 40 and any information received under section 43 for necessary entries in the record of the National Database and Registration Authority.

45. **Enrolment only once.—**A person shall not be enrolled—

(a) on the electoral roll for any electoral area more than once; or

(b) on the electoral rolls for more than one electoral area.

46. **Validity of electoral rolls not affected by any mistake.—**An electoral roll shall not be invalid by reason of any mis-description of a person enrolled thereon or of omission of the name of any person entitled to be so enrolled or of inclusion of the name of any person not so entitled.

47. **Special measures for enrolment of women voters.—**(1) The Commission shall annually publish disaggregated data of registered men and

women voters in each National Assembly and Provincial Assembly constituency highlighting the difference in number of registered men and women voters.

(2) Where the variation in the disaggregated data under sub-section (1) is more than ten percent in a constituency, the Commission shall take special measures to reduce such variation.

(3) The measures referred to in sub-section (2) shall include action to expedite the issuance of National Identity Cards for women of such constituency by National Database and Registration Authority and for their enrolment as voters in the relevant electoral rolls by the Commission.

48. **Enrolment of non-Muslims etc.—**(1) The Commission shall take special measures for registration of non-Muslims, persons with disabilities and transgender citizens in the electoral rolls as voters.

(2) The measures under sub-section (1) shall include coordinated action with the National Database and Registration Authority to expedite the issuance of National Identity Cards for non-Muslims, persons with disabilities and transgender citizens.

(3) No activity undertaken in connection with an election by the Commission or National Database and Registration Authority, as the case may be, shall be delayed, postponed or otherwise affected in any manner whatsoever merely on the ground of any measure being taken under this section or section 47.

49. **Departure from normal procedure in exceptional circumstances.—**(1) Where the Commission is satisfied that it is not possible to follow the procedure laid down for the preparation or revision of an electoral roll in respect of any electoral area, the Commission may, after recording the exceptional circumstances necessitating deviation from the laid down procedure, direct that an electoral roll for such electoral area shall be prepared in such manner as it deems fit.

(2) The Commission shall immediately publish the direction issued under sub-section (1) on its website.

CHAPTER V

CONDUCT OF ELECTIONS TO THE ASSEMBLIES

50. **Appointment of District Returning Officer.—**(1) For election to an Assembly, the Commission shall, in the prescribed manner, appoint a District Returning Officer for each district or a specified area—

(a) from amongst its own officers subject to availability;

(b) by selection from a list of officers provided by the Government or a Provincial Government; or

(c) from the subordinate judiciary in consultation with the Chief Justice of the concerned High Court.

(2) Subject to the superintendence, directions and control of the Commission, the District Returning Officer shall coordinate and supervise all work in the district in connection with the conduct of an election and shall also perform such other duties and functions as may be assigned by the Commission.

51. **Appointment of Returning Officer and Assistant Returning Officers.—**(1) The Commission shall, in the prescribed manner, appoint, from amongst its own officers or officers of any Government or corporations, autonomous or semi-autonomous bodies controlled by any Government, or from the subordinate judiciary in consultation with the Chief Justice of the concerned High Court, a Returning Officer for each constituency.

(2) A person shall not be appointed as Returning Officer for more than one constituency, save in exceptional circumstances, for reasons to be recorded.

(3) The Commission may, in the prescribed manner, appoint, from amongst its own officers or officers of any Government, or corporations, autonomous or semi-autonomous bodies controlled by any Government, as many Assistant Returning Officers as may be necessary.

52. **Dates of appointments.—**The Commission shall make appointments under sections 50 and 51 at least sixty days prior to the issuance of Election Programme save for bye-elections or in exceptional circumstances for reasons to be recorded, in which cases the Commission shall make the appointments simultaneously with the issuance of the Election Programme.

53. **Presiding Officers and Polling Officers.—**(1) A Returning Officer shall, in the prescribed manner, appoint for each polling station a Presiding Officer and such number of Assistant Presiding Officers and Polling Officers from amongst the officers of any Government or corporations, autonomous or semi-autonomous bodies controlled by any Government to assist the Presiding Officer as the Returning Officer may consider necessary.

(2) The Returning Officer shall not appoint a person as a Presiding Officer, Assistant Presiding Officer or Polling Officer who is or has, at any time, been in the employment of a candidate.

(3) The Returning Officer shall, at least thirty days before the polling day, submit to the District Returning Officer for approval a list of such Presiding Officers, Assistant Presiding Officers and Polling Officers including reserved staff as may be determined by the Commission, and no change in the list shall be made thereafter save in exceptional circumstances, for reasons to be recorded, and with the approval of the Commission.

(4) In case of non-availability of any member of polling staff, the Returning Officer shall appoint a substitute from amongst the reserved staff as approved by the District Returning Officer.

54. **Duties of election officials.—**(1) A Returning Officer shall do all such acts and things as may be necessary for effective conduct of the poll in accordance with the provisions of this Act, the Rules and directions of the Commission.

(2) An Assistant Returning Officer shall assist the Returning Officer in the performance of his functions under this Act and may, subject to any condition imposed by the Commission and the control of the Returning Officer, exercise the powers and perform the functions of the Returning Officer.

(3) A Presiding Officer shall conduct the poll in accordance with the provisions of this Act and the Rules and shall be responsible for maintaining order at the polling station and shall report to the Returning Officer any fact or incident which may affect the conduct or fairness of the poll.

(4) During the course of the poll, the Presiding Officer may entrust any of his functions to an Assistant Presiding Officer and the Assistant Presiding Officer shall perform the functions so entrusted to him.

(5) The Returning Officer shall authorize one of the Assistant Presiding Officers to act in place of the Presiding Officer if the Presiding Officer is, at any time during the poll, by reason of illness or other cause, not present at the polling station, or is unable to perform his functions.

(6) The Returning Officer may, at any time during the poll, for reasons to be recorded, suspend any Presiding Officer, Assistant Presiding Officer or Polling Officer, and make such alternate arrangements as he may consider necessary for the performance of the functions of the officer so suspended, whose matter shall be referred to the Commission for initiation of disciplinary proceedings.

55. **Disciplinary proceedings.—**(1) An election official appointed or deputed to perform duties in connection with an election shall be deemed to be under the control, superintendence and discipline of the Commission for the

period commencing on and from the date of appointment or deputation till publication of the name of the returned candidate in the official Gazette.

(2) Notwithstanding anything to the contrary contained in any other law, the Commission may initiate and finalize disciplinary action and impose any penalty against any election official for any act of misconduct provided in the Efficiency and Discipline Rules as applicable to such election official or under any provision of misconduct under this Act, and for this purpose, the Commission shall be deemed to be the Competent Authority under the said Efficiency and Discipline Rules or this Act.

(3) The Commission may, at any time, for reasons to be recorded in writing, suspend or withdraw any election official, a public servant or any other person in the service of Pakistan who—

(a) obstructs, or prevents, or attempts to obstruct or prevent, the conduct of a fair and impartial poll; or

(b) interferes or attempts to interfere with a voter when he casts his vote; or

(c) influences or attempts to influence in any manner the polling staff or a voter; or

(d) does any other act calculated to influence the result of the election; or

(e) disobeys any order, or avoids to carry out any instruction issued by the Commission or any officer authorized to issue any order or instruction or violates any provision of this Act.

(4) The Commission may appoint an officer to act as an Enquiry Officer or Authorized Officer to initiate and finalize proceedings under the Efficiency and Discipline Rules applicable to the election official concerned against whom action has been taken by the Commission under sub-section (3) or other provision of this Act or by the Returning Officer under sub-section (6) of section 54.

(5) The Enquiry Officer or Authorized Officer shall complete enquiry proceedings under the Efficiency and Discipline Rules as applicable to the election official concerned or under this Act within thirty days of the reference to him and shall submit the enquiry report to the Commission within seven days of the completion of the enquiry.

(6) The Commission may impose any penalty provided in the Efficiency and Discipline Rules as applicable to the election official concerned or any penalty provided under this Act.

(7) An election official aggrieved by a final order passed by the Commission may, within thirty days of receipt of the final order, file an appeal in the relevant Service Tribunal or other judicial forum.

(8) Where the Commission suspends or withdraws any election official, it may appoint any other election official to perform the duty of the election official suspended or withdrawn.

56. **Oath by election officials.—**An election official shall, before the commencement of his election duty, make an oath, in such form and manner as may be prescribed, that he shall act strictly in accordance with the provisions of this Act, Rules and directions of the Commission.

57. **Notification of Election Programme.—**(1) The President shall announce the date or dates of the general elections after consultation with the Commission.

(2) Within seven days of the announcement under sub-section (1), the Commission shall, by notification in the official Gazette and by publication on its website, call upon the voters of the notified Assembly constituencies to elect their representatives in accordance with an Election Programme, which shall stipulate—

(a) the last date for making nominations, which shall be the sixth day after the date of publication of the notification or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(b) the last date for publication of names of the nominated candidates, which shall be day following the last date of filing of nomination papers;

(c) the last date for the scrutiny of nominations, which shall be the eighth day immediately following the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(d) the last date for filing of appeals against acceptance or rejection of nominations, which shall be the fourth day following the last date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(e) the last date for decision of appeals, which shall be the seventh day following the last date for filing of appeals or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(f) the last date for publication of the revised list of candidates, which shall be the day following the last date for decision of appeals;

(g) the last date for the withdrawal of candidature, which shall be the day following the last date of publication of revised list of candidates or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(h) the date for allocation of symbols to contesting candidates and publication of list of contesting candidates, which shall be the day following the last date for withdrawal of candidature or, if that day is a public holiday, the next succeeding day which is not a public holiday; and

(i) the date or dates on which a poll shall, if necessary, be taken, which or the first of which shall be a date not earlier than the twenty-eighth day after the publication of the revised list of candidates.

(3) A Returning Officer shall, within three days after the publication of a notification under sub-section (2), give public notice of the dates specified by the Commission in respect of the constituency or constituencies of which he is the Returning Officer; and shall publish the public notice at some prominent place or places within the constituency to which it relates.

(4) A Returning Officer shall, by the public notice given under sub-section (3), invite nominations specifying the time by which and the place at which nomination papers shall be received by him.

58. **Alteration in Election Programme.—**(1) Notwithstanding anything contained in section 57, the Commission may, at any time after the issue of the notification under sub-section (1) of that section, make such alterations in the Election Programme announced in that notification for the different stages of the election or may issue a fresh Election Programme as may, in its opinion to be recorded in writing, be necessary for the purposes of this Act:

Provided that the Commission shall inform the President about any alteration in the Election Programme made under this sub-section.

(2) Save as otherwise provided by law, if a candidate has already submitted his nomination papers before the notification under sub-section (1), he

shall not be required to again submit his nomination papers under the fresh Election Programme.

59. **Polling stations.—**(1) Within one week after appointment of Returning Officers, the Commission shall provide, in the prescribed format, a list of proposed polling stations for each constituency to the Returning Officer of that constituency indicating the electoral areas assigned to each polling station and publish the list on its website.

(2) The Commission shall, as far as practicable, retain the polling stations established for the preceding election but it may add to or alter the list as may be required to reduce the distance preferably to one kilometer between a polling station and the voters assigned to it.

(3) As far as practicable, not more than twelve hundred voters shall be assigned to a polling station and not more than three hundred voters shall be assigned to a polling booth, and reasons for any deviation shall be recorded in writing.

(4) Within fifteen days of the receipt of the list of polling stations, the Returning Officer—

(a) shall personally verify the proposed polling stations;

(b) may add to or alter the list as he may deem necessary; and

(c) shall publish outside his office the preliminary list of polling stations, inviting objections and suggestions, if any, to be filed within twenty-one days of its publication.

(5) A voter may file an objection or a suggestion with the District Returning Officer, within the specified period, only in connection with the polling station to which he has been assigned.

(6) The District Returning Officer may, after hearing the objections or considering the suggestions, if any filed with him and making such summary enquiry as he may deem necessary, make alterations in the list of polling stations as may be required and shall, at least thirty days before the polling day, publish in the official Gazette and on the website of the Commission the final list of polling stations of each constituency in the district.

(7) The Commission shall determine the date or dates required for completion of the actions mentioned in this section.

(8) The District Returning Officer shall not make any change in the final list of polling stations published in the official Gazette, save in very exceptional circumstances, for reasons to be recorded, with the prior approval of the Commission and after notice to the candidates.

(9) The Returning Officer shall establish in each constituency polling stations according to the final list published under sub-section (6).

(10) A polling station shall be situated in any Government building in the constituency and, where no Government building is available, a polling station may be established in a building owned by a private educational institution registered with the concerned education authorities or an improvised polling station shall be set up on a public property.

(11) A polling station shall not be located in any premises which belongs to or is under the direct or indirect control of a candidate.

(12) While finalizing the list of polling stations of a constituency, if the District Returning Officer declares a polling station as highly sensitive, the Commission may, in addition to appropriate security measures as may be taken, install or direct any Government to install a surveillance camera in each polling booth of such polling station to record poll proceedings, counting of vote process and preparation of results by the Presiding Officer.

60. **Nomination for election.—**(1) Any voter of a constituency, may propose or second the name of any qualified person to be a candidate for Member for that constituency:

Provided that no voter shall subscribe to more than one nomination papers either as proposer or seconder.

(2) Every nomination shall be made by a separate nomination paper on Form A signed both by the proposer and the seconder and shall, on solemn affirmation made and signed by the candidate, be accompanied by—

(a) a declaration that he has consented to the nomination and that he fulfils the qualifications specified in Article 62 and is not subject to any of the disqualifications specified in Article 63 for being elected as a Member;

(b) a declaration that he has opened an exclusive account with a scheduled bank for the purpose of election expenses;

(c) an attested copy of his National Identity Card; and

(d) a statement of his assets and liabilities and of his spouse and dependent children as on the preceding thirtieth day of June on Form B.

(3) Every nomination paper shall be delivered to the Returning Officer by the candidate or his proposer or seconder or if so authorized in writing by the candidate, by his nominee and the Returning Officer shall acknowledge receipt of the nomination paper specifying the date and time of receipt.

Explanation.—Authorization in favour of an advocate shall be attested by a Notary appointed under the Notaries Ordinance 1961 (XIX of 1961) or an Oath Commissioner appointed under the Oaths Act, 1873 (X of 1873) or any Government servant in basic pay scale 17 and above.

(4) A person may be nominated in the same constituency by not more than five nomination papers.

(5) The Returning Officer shall assign a serial number to every nomination paper and endorse on the nomination paper the name of the person presenting it, and the date and time of its receipt, and inform such person of the time and place at which he shall hold scrutiny.

(6) The Returning Officer shall cause to be affixed at a conspicuous place in his office a notice of every nomination paper received by him containing the particulars of the candidate as shown in the nomination paper.

(7) The Returning Officer shall—

(a) make the nomination papers along with annexures open to inspection by the public; and

(b) issue certified copies of these documents in such manner and on payment of such fee as may be prescribed.

61. **Deposits.—**(1) Subject to sub-section (2), the Returning Officer shall not accept a nomination paper unless a sum of thirty thousand rupees for election to a seat in the National Assembly and twenty thousand rupees for election to a seat in the Provincial Assembly is deposited by the candidate or by any person on his behalf—

(a) in cash with the Returning Officer; or

(b) through bank draft drawn in favour of the Returning Officer; or

(c) in cash in a specified account with any branch of the National Bank of Pakistan, receipt of which should be produced before the Returning Officer.

(2) Not more than one deposit under sub-section (1) shall be required in the case of a person who has been nominated as a candidate by more than one nomination paper.

(3) Subject to sub-sections (4) and (5), after termination or conclusion of the election, a candidate may obtain return of the deposit made under sub-section (1).

(4) If a candidate, not being the returned candidate, obtains less than one-fourth of the total votes polled in the constituency, the sum deposited by him or on his behalf under sub-section (1) shall stand forfeited in favour of the Government.

(5) A deposit made under sub-section (1) shall become non-refundable if application of its return is not submitted within three months from the date of declaration of result of the election by the Commission or, in case election is not held, from the date of termination of the proceedings of an election.

62. **Scrutiny.—**(1) Any voter of a constituency may file objections to the candidature of a candidate of that 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 papers of candidates contesting election to an Assembly.

(2) The candidates, their election agents, the proposers and seconders and one other person authorized in this behalf by each candidate, and a voter who has filed an objection under sub-section (1), may attend the scrutiny of nomination papers, and the Returning Officer shall give them reasonable opportunity for examining all the nomination papers delivered to him under section 60.

(3) A voter who has filed an objection to the candidature of a candidate shall only attend the scrutiny of the nomination paper of that candidate.

(4) The Returning Officer shall, in the presence of the persons attending the scrutiny, examine the nomination papers and decide any objection raised by any such person to any candidature.

(5) The Returning Officer may, for the purpose of scrutiny, require any, authority or organization, including a financial institution, to produce any

document or record or to furnish any information as may be necessary to determine facts relating to an objection to the candidature of a candidate.

(6) The Returning Officer shall not enquire into the correctness or validity of any entry in the electoral roll.

(7) The Returning Officer while scrutinizing nomination paper of a candidate, shall not ask any question which—

(a) has no nexus with the information supplied in the nomination paper; or

(b) has not arisen from the objections raised by any person or from information received by him under this section.

(8) The declaration submitted under sub-section (2) of section 60 shall only be questioned by the Returning Officer if there is tangible material to the contrary available on record.

(9) Subject to this section, the Returning Officer may, on either of his own motion or upon an objection, conduct a summary enquiry and may reject a nomination paper if he is satisfied that—

(a) the candidate is not qualified to be elected as a Member;

(b) the proposer or the seconder is not qualified to subscribe to the nomination paper;

(c) any provision of section 60 or section 61 has not been complied with or the candidate has submitted a declaration or statement which is false or incorrect in any material particular; or

(d) the signature of the proposer or the seconder is not genuine:

Provided that—

(i) the rejection of a nomination paper shall not invalidate the nomination of a candidate by any other valid nomination paper; or

(ii) the Returning Officer shall not reject a nomination paper on the ground of any defect which is not of a substantial nature and may allow any such defect to be remedied forthwith, including an error in regard to the name, serial number in the electoral roll or other particulars of the candidate or his

proposer or seconder so as to bring them in conformity with the corresponding entries in the electoral roll.

(10) Notwithstanding anything contained in sub-section (9), where a candidate deposits any amount of loan, tax or government dues and utility expenses payable by him of which he is unaware at the time of filing of his nomination paper, such nomination paper shall not be rejected on the ground of default in payment of such loan, taxes or government dues and utility expenses.

(11) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting it and shall, in the case of rejection or objection to acceptance, record brief reasons for his decision.

63. **Appeal against scrutiny order.—**(1) 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 a nomination paper to an Appellate Tribunal constituted for the constituency consisting of a person who is a Judge of a High Court appointed by the Commission in consultation with the Chief Justice of the High Court concerned:

Provided that where the number of appeals so necessitate, the Commission may appoint a person as Tribunal who has been a judge of a High Court in consultation with the Chief Justice of the High Court concerned.

(2) An Appellate Tribunal shall summarily decide an appeal filed under sub-section (1) within such time as may be notified by the Commission and any order passed on the appeal shall be final.

(3) If the Appellate Tribunal is not able to decide the appeal within the time fixed by the Commission under sub-section (2), the appeal shall abate and decision of the Returning Officer shall be final.

(4) If, on the basis of information or material coming to its knowledge by any source, an Appellate Tribunal is of the opinion that a candidate whose nomination paper has been accepted is a defaulter of loans, taxes, government dues and utility expenses or has had any loan written off or has willfully concealed such fact or suffers from any other disqualification from being elected as a Member of an Assembly, it may, on its own motion, call upon such candidate to show cause why his nomination papers may not be rejected, and if the Appellate Tribunal is satisfied that the candidate is actually a defaulter or has had a loan written off or suffers from any disqualification, it may reject the nomination paper.

64. **Publication of list of candidates.—**(1) The Returning Officer shall, after the scrutiny of nomination papers, prepare and display in the prescribed manner a list of validly nominated candidates.

(2) In case an appeal against the decision of the Returning Officer is accepted by the Appellate Tribunal, the Returning Officer shall revise the list of validly nominated candidates accordingly.

(3) The Returning Officer shall, on the second day following the last date for decision of appeals by the Appellate Tribunal, prepare and display in the prescribed manner the revised list of validly nominated candidates.

65. **Withdrawal.—**(1) A validly nominated candidate may, by notice in writing signed by him and delivered to the Returning Officer on or before the withdrawal date either by the candidate himself or by an advocate authorized in writing by the candidate, withdraw his candidature.

Explanation.—Authorization in favour of an advocate shall be attested by a Notary appointed under the Notaries Ordinance 1961 (XIX of 1961) or an Oath Commissioner appointed under the Oaths Act, 1873 (X of 1873) or a Government servant in basic pay scale 17 and above.

(2) A notice of withdrawal under sub-section (1) shall, in no circumstances, be open to recall or cancellation.

(3) On receiving a notice of withdrawal under sub-section (1), the Returning Officer shall, if he is satisfied that the signature on the notice is that of the candidate, cause a copy of the notice to be affixed at a conspicuous place in his office.

66. **Candidate to file certificate of party affiliation.—**A contesting candidate, before seeking allotment of a prescribed symbol, shall file a declaration before the Returning Officer about his affiliation with a particular political party, if any, along with a certificate from the political party showing that he is that party's candidate from the constituency.

67. **Contested election and allotment of symbols.—**(1) If after withdrawal, if any, there are more than one contesting candidates in the constituency, the Returning Officer shall allot, subject to any direction of the Commission, one of the prescribed symbols to each contesting candidate.

(2) A candidate nominated by a political party at an election in any constituency shall be allotted the symbol allocated by the Commission to that political party under the provisions of Chapter XII and no other symbol.

(3) A candidate not nominated by any political party (hereinafter called as "independent candidate") shall choose and shall be allotted one of the symbols not allocated to any political party, in the following manner—

(a) where a symbol has been chosen by only one independent candidate, that symbol shall be allotted to that candidate and to no one else;

(b) if a symbol is chosen by more than one independent candidates and one of them has previously been a Member of the National Assembly or a Provincial Assembly, such symbol shall be allotted to that former Member; and

(c) if more than one independent candidates have given preference for the same symbol, that symbol shall be allotted by drawing of lots.

(4) No symbol shall be allotted to any candidate other than the prescribed symbols.

(5) In every constituency where election is contested, different symbol shall be allotted to each contesting candidate.

68. **List of contesting candidates.—**(1) The Returning Officer, after allotment of symbols to contesting candidates, under section 67 shall—

(a) publish the names of the contesting candidates arranged in Urdu alphabetical order specifying against each the symbol allotted to him; and

(b) give public notice of the day and hours of the poll.

(2) The Returning Officer shall supply a copy of list of contesting candidates to each candidate and shall exhibit the list at a prominent place in each polling station on the day of poll.

69. **One day poll.—**(1) The Commission shall hold polls for a general election for an Assembly on the same day and may simultaneously hold the polls for National Assembly seats and the Provincial Assembly seats.

(2) If the Commission is satisfied that polls cannot take place in a constituency on account of a natural calamity or for any other reason beyond its control, the Commission may fix another day for holding the poll in that constituency.

70. **Hours of the poll.—**The Commission shall fix the hours, which shall not be less than eight, during which the poll shall be held and the Returning Officer shall give public notice of the hours so fixed and hold the poll according to the hours fixed by the Commission:

Provided that the Commission may extend polling hours already fixed at one or more polling stations in exceptional circumstances to be recorded in writing but such decision shall be taken at least three hours before the close of the poll enabling the Returning Officer to convey the decision of the Commission to all Presiding Officers under his jurisdiction well before the time already fixed for close of the poll.

71. **Printing of ballot papers.—**(1) The Commission shall, pursuant to the finalization of the list of the polling stations, determine the constituency-wise requirement of ballot papers based on the formula that the number of ballot papers per polling station shall be rounded off to the next hundred.

Explanation.—"Rounding off to the next hundred" means that if the total strength of voters at a polling station is 1201 to 1299 the requirement of ballot papers for that polling station would be 1300.

(2) The Commission shall ensure that the total requirement of ballot papers for the general elections are printed by the printing presses of the Printing Corporation of Pakistan or such other press which is owned and operated by any authority under the control of the Federal or a Provincial Government as may be notified by the Commission for the purpose.

(3) The Commission shall ensure that adequate arrangements are made for the security of the presses during the printing of the ballot papers and for the safe custody of the printed ballot papers till delivery to the Returning Officer.

(4) The Commission shall use special water-marked paper for printing of ballot papers.

72. **Retirement from election.—**(1) A contesting candidate may retire from the election by notice in writing signed by him and delivered to the Returning Officer on any day not later than four days before the polling day by the candidate himself or by an advocate authorized in writing by the candidate.

Explanation.—Authorization in favour of an advocate shall be attested by a Notary appointed under the Notaries Ordinance, 1961 (XIX of 1961) or an Oath Commissioner appointed under the Oaths Act, 1873 (X of 1873) or a Government servant in basic pay scale 17 and above.

(2) If a contesting candidate retires from the election under sub-section (1), he shall not be allowed to subsequently cancel the retirement.

(3) On receiving a notice of retirement under sub-section (1), the Returning Officer shall, if he is satisfied that the signature on the notice is that of the candidate, cause a copy of the notice to be affixed at a conspicuous place in his office.

(4) A person in respect of whom a notice of retirement has been published under sub-section (3) shall be deemed to have withdrawn his candidature under section 65.

73. **Death of a candidate after nomination.—**(1) If a contesting candidate dies before commencement of the poll or during the polling hours, the Returning Officer shall, by public notice, terminate the proceedings relating to that election.

(2) Where the proceedings relating to an election have been terminated under sub-section (1), fresh proceedings shall be commenced in accordance with the provisions of this Act, as if for a new election but it shall not be necessary for the other contesting candidates to file fresh nomination papers or make a further deposit under section 61.

74. **Postponement under certain circumstances.—**(1) Where the proceedings relating to nomination, scrutiny or withdrawal cannot, for reasons beyond the control of the Returning Officer, to be recorded in writing, take place on the day appointed for the proceedings, he may postpone such proceedings.

(2) When the proceedings are postponed by the Returning Officer under sub-section (1), he shall inform the Commission of his having done so and the Commission shall, by notification in the official Gazette, fix another day for the proceedings so postponed and, if necessary, the day or days for any subsequent proceedings.

75. **Uncontested election.—**(1) Where, after scrutiny of nomination papers, there remains only one validly nominated candidate or where, after withdrawal under section 65 or retirement under section 72, there remains only one contesting candidate, the Returning Officer shall, by public notice, declare such candidate to be elected to the seat:

Provided that if after scrutiny any candidate indicates that he intends to file an appeal under section 63 against the rejection of his nomination paper, no person shall be declared elected until the period appointed for filing such appeal has expired and no such appeal has been filed or, where an appeal is filed, until the disposal of the appeal.

(2) The Returning Officer shall submit to the Commission a return of the result of the election in respect of which he has made a declaration under sub-section (1).

(3) The Commission shall, after such summary enquiry as it may deem necessary in any case, publish in the official Gazette the name of the candidate declared elected under sub-section (2).

76. **Election agent.—**(1) A candidate may appoint a voter in the constituency as his election agent and shall send to the Returning Officer a notice in writing of the appointment containing the name, father's name and address of the election agent.

(2) The appointment of an election agent may, at any time be revoked in writing by the candidate and, when it is so revoked or if the election agent dies, the candidate may appoint another person as his election agent.

(3) Where a candidate has not appointed an election agent, the candidate shall be deemed to be his own election agent and shall, so far as the circumstances permit, be subject to the provisions of this Act both as a candidate and as an election agent.

77. **Polling agent.—**(1) The contesting candidate or his election agent may, before the commencement of or during the poll, appoint for each polling station as many polling agents as may be prescribed and shall give notice in writing to the Presiding Officer communicating the appointment.

(2) The appointment of a polling agent under sub-section (1) may at any time be revoked by the candidate or his election agent and, when it is so revoked or if the polling agent dies, another person may be appointed by the candidate or his election agent as a polling agent and a notice of such appointment shall be given to the Presiding Officer.

78. **Supply of ballot boxes.—**(1) The Returning Officer shall provide each Presiding Officer with such number of ballot boxes as may be necessary.

(2) The Commission shall approve the material and design of the ballot boxes.

(3) Not more than one ballot box shall be used at a time for the purpose of the poll at any polling station, or where there are more than one polling booths at a polling station, at any polling booth.

(4) Before the time fixed for the commencement of the poll, the Presiding Officer shall—

(a) ensure that every ballot box to be used is empty;

(b) show the empty ballot box to the contesting candidates and their election agents or polling agents whoever may be present, and record their statements in this behalf in the prescribed form and obtain their signatures on the form;

(c) after the ballot box has been shown to be empty, close and seal it with his own seal and with the seal of such of the candidates, or their election agents or polling agents as may be present and may desire to put their own seals on it; and

(d) place the ballot box so as to be conveniently accessible to the voters, and at the same time within his view and within the view of such candidates or their election agents or polling agents as may be present.

(5) If one ballot box is full or cannot further be used for receiving ballot papers, the Presiding Officer shall seal that ballot box with his own seal and with the seals of the candidates or their polling agents who may wish to seal it and keep it in a secure place in the polling station and use another ballot box in the manner laid down in sub-section (4).

79. **Supply of final electoral rolls.—**(1) The Commission shall provide the Returning Officer for each constituency with copies of final electoral rolls for all the electoral areas within that constituency.

(2) The Returning Officer shall provide the Presiding Officer of each polling station with copies of the final electoral rolls containing the names of the voters entitled to vote at that polling station.

(3) On the application of a candidate or his election agent, the District Election Commissioner or any officer authorized in this behalf by the Commission shall provide to a candidate or an election agent a hard and searchable soft copy on universal serial bus (USB) in portable document format (PDF) or any other tamper-proof format of the final electoral roll with photographs of the voters and shall ensure that the copy is the same as provided to the Returning Officer and Presiding Officers.

80. **Supply of ballot papers.—**The Commission shall provide the Returning Officer of a constituency with requisite number of ballot papers as determined under section 71 in the manner as may be prescribed.

81. **Election by secret ballot.—**(1) An election under this Act shall be held by secret ballot and, subject to the provisions of sections 93, 94 and 103,

every voter shall cast his vote by inserting, in accordance with the provisions of this Act, in the ballot box, a ballot paper in the prescribed form.

(2) The Presiding Officer shall make such arrangements at the polling station that every voter may be able to secretly mark his ballot paper before folding and inserting it in the ballot box.

82. **Admission to the polling station.—**The Presiding Officer, shall, subject to such instructions as the Commission may give in this behalf, regulate the number of voters to be admitted to the polling station at one time and shall exclude from the polling station all other persons except—

(a) any person on duty in connection with the election;

(b) the contesting candidates, their election agents and polling agents; and

(c) such other persons as may be specifically permitted by the Commission or any other authority empowered by the Commission.

83. **Maintenance of order at the polling station.—**(1) The Presiding Officer shall keep order at the polling station and may remove or cause to be removed any person who misconducts himself at a polling station or fails to obey any lawful orders of the Presiding Officer.

(2) Any person removed under sub-section (1) from a polling station shall not, without the permission of the Presiding Officer, again enter the polling station during the poll and shall, if he is accused of an offence in the polling station, be liable to be arrested without warrant by a Police Officer.

(3) Powers under this section shall be so exercised as not to deprive a voter of his right to cast his vote at the polling station where he is entitled to vote.

(4) All officials posted at a polling station including officials of law enforcing agencies shall render their fullest cooperation to the Presiding Officer for maintenance of order and for ensuring uninterrupted voting at the polling station.

84. **Voting procedure.—**(1) Where a voter presents himself at the polling station to vote, the Presiding Officer shall issue a ballot paper to the voter after satisfying himself about his identity and shall, for that purpose, require him to produce his original National Identity Card issued by the National Database and Registration Authority.

(2) For the purpose of verification of the identity of a voter, the Commission may adopt such other technology as in its opinion may prove effective, including bio-metric verification system, in addition to the National Identity Card mentioned in sub-section (1).

(3) Failure of a voter to prove his identity through the new technology shall not disentitle him to cast his vote if he is otherwise entitled so to do under this section.

(4) Before a ballot paper is issued to a voter—

(a) the number and name of the voter as entered in the electoral roll shall be called out;

(b) the entry relating to the voter on the electoral roll shall be struck off to indicate that a ballot paper has been issued to him;

(c) he shall be required to receive a personal mark, made with indelible ink, on any finger or thumb of either hand as indicated by the Commission;

(d) the ballot paper shall be stamped on its back with the official mark and signed by the Presiding Officer;

(e) the Presiding Officer shall record on the counterfoil of the ballot paper the number of the voter on the electoral roll, the number of the National Identity Card of the voter, stamp it with the official mark, sign it and obtain on it the thumb impression of the voter; and

(f) the Polling Officer shall obtain the thumb impression of the voter on the space provided on the electoral roll for the purpose against the photograph of the voter.

(5) A ballot paper shall not be issued to a person who

(a) fails or refuses to produce his original National Identity Card issued by the National Database and Registration Authority;

(b) refuses to put his thumb impression on the counterfoil or, as the case may be, on the space provided for the purpose on the electoral roll against his photograph or whose thumb bears traces of its having already been used for putting an impression; or

(c) refuses to receive the personal mark with indelible ink; or who already bears such a mark or traces of such a mark.

(6) If a contesting candidate or his election agent or polling agent alleges that a voter to whom a ballot paper is about to be issued already has one or more ballot papers in his possession, the Presiding Officer may require the voter to satisfy him that he does not have any other ballot paper in his possession and may also take such measures as he thinks fit to ensure that such voter does not insert more than one ballot paper in the ballot box.

(7) On receiving the ballot paper, the voter shall—

(a) forthwith proceed to the place reserved for marking the ballot paper;

(b) put the prescribed mark on the ballot paper at any place within the space containing the name and symbol of the contesting candidate for whom he wishes to vote; and

(c) after he has so marked the ballot paper, fold and insert it in the ballot box.

(8) The voter shall vote without undue delay and shall leave the polling station immediately after he has inserted his ballot paper in the ballot box.

(9) Where a voter is blind or is otherwise so incapacitated that he cannot vote without the assistance of his companion, the Presiding Officer shall allow him such assistance and thereupon such voter may, with such assistance, do anything which a voter is required or permitted to do under this Act.

85. **Tendered Ballot Papers.—**(1) If a person representing himself to be a voter applies for a ballot paper when another person has already represented to be that voter and has voted under the name of the person so applying—

(a) if the applicant meets the requirements of identity verification laid down in section 84, he shall be entitled, subject to the provisions of the section to receive a ballot paper (hereinafter referred to as "Tendered Ballot Paper") in the same manner as any other voter;

(b) if the applicant fails to prove his claimed identity, the Presiding Officer may proceed against him for personation punishable under Chapter X.

(2) The Presiding Officer shall, after the voter has marked and folded the Tendered Ballot Paper, place it in the same condition in a separate packet

bearing the label “Tendered Ballot Papers" instead of being placed in the ballot box.

(3) The Presiding Officer shall enter in a list (Tendered Votes List) the name of the voter who has received a tendered ballot paper and his number on the electoral roll.

(4) The Presiding Officer shall send the Tendered Votes List along with copies of the National Identity Cards and other documents if any produced by the voters to the Returning Officer, and the Returning Officer shall send the same along with the electoral roll and counterfoils bearing the thumb impressions to the Commission.

(5) The Commission shall send the Tendered Votes List and other documents mentioned in sub-section (4) to the National Database and Registration Authority for forensic enquiry to identify both the voters who voted against one entry in the electoral roll and the National Database and Registration Authority shall submit a report confirming the personation or otherwise to the Commission, which shall initiate legal action against the person who personated or attempted to personate and the election officials responsible for committing negligence in issuing a ballot paper to the personator.

86. **Challenge of voters.—**(1) If, at the time, a person applies for ballot paper for the purpose of voting, a candidate or his polling agent declares to the Presiding Officer that he has reasonable cause to believe that person has already voted in the election at the same or another polling station, or is not the person whose name is entered in the electoral roll and undertakes to prove the charge in a court and deposits with the Presiding Officer in cash a sum of one hundred rupees, the Presiding Officer may, after warning the person of the consequences and obtaining on the counterfoil, his thumb impression and if he is literate, also his signature, issue a ballot paper (Challenged Ballot Paper) to the person.

(2) If the Presiding Officer issues a Challenged Ballot Paper to any person, he shall enter the name and address of that person in a list to be prepared by him (Challenged Votes List) and obtain on it the thumb impression and, if he is literate, also the signature of that person.

(3) The Presiding Officer shall, after the Challenged Ballot Paper has been marked and folded by the voter, place it in the same condition in a separate packet bearing the label "Challenged Ballot Papers", instead of being placed in the ballot box and shall include it in the count by him in the manner provided in section 90.

87. **Spoilt Ballot Papers.—**(1) A voter who has inadvertently so spoilt his ballot paper that it cannot be used as a valid ballot paper may, upon proving

the fact of inadvertence to the satisfaction of the Presiding Officer and returning the ballot paper to him, obtain another ballot paper and cast his vote by such other ballot paper.

(2) The Presiding Officer shall cancel the ballot paper returned to him under sub-section (1), make a note to that effect on the counterfoil under his own signatures and sign the cancelled ballot paper and place it in a separate packet bearing the label "Spoilt Ballot Papers".

88. **Stopping of the poll.—**(1) The Presiding Officer shall stop the poll and inform the Returning Officer that he has done so if—

(a) the poll at the polling station is, at any time, so interrupted or obstructed for reasons beyond the control of the Presiding Officer that it cannot be resumed during the polling hours fixed under section 70; and

(b) any ballot box used at the polling station is unlawfully taken out of the custody of the Presiding Officer, or is accidentally or intentionally destroyed, or is lost or is damaged or tampered with to such an extent that the result of the poll at the polling station cannot be ascertained.

(2) Where a poll has been stopped under sub-section (1), the Returning Officer shall immediately report the circumstances to the Commission and the Commission shall direct a fresh poll at that polling station unless it is satisfied that the result of the election has been determined by the polling that has already taken place at that polling station, along with the result of the polling at other polling stations in the same constituency.

(3) Where the Commission orders a fresh poll under sub-section (2)—

(a) it shall, by notification in the official Gazette, appoint a day for a fresh poll and fix the place at which and the hours during which such fresh poll shall be taken; and

(b) the Returning Officer shall give public notice of the day so appointed and the place and hours so fixed.

(4) At a fresh poll taken under sub-section (3) at a polling station, all voters entitled to vote at the polling station shall be allowed to vote and no vote cast at the previous poll stopped under sub-section (1) shall be counted; and the provisions of this Act and the Rules and orders made under the law shall apply to such fresh poll.

89. **Voting after close of poll.—**The Presiding Officer shall not issue any ballot paper or permit any person to vote after the hour fixed for the close of the poll except the persons who at that hour are present within the building, room, tent or enclosure in which the polling station is situated and have not voted but are waiting to vote.

90. **Proceedings at the close of poll.—**(1) The Presiding Officer shall count the votes immediately after the close of the poll in the presence of such of the contesting candidates, election agents, polling agents and authorized observers as may be present.

(2) The Presiding Officer shall give such of the contesting candidates, election agents, polling agents and authorized observers as may be present reasonable facility of observing the count and give them such information with respect to the count as can be given consistent with the orderly conduct of the count and the discharge of his duties in connection with the count.

(3) The Presiding Officer shall not allow any person to be present at the count other than election officials on duty in connection with the poll, the contesting candidates, their election agents and polling agents or any other person authorized by the Commission.

(4) The Presiding Officer shall—

(a) open the used ballot box or ballot boxes and count the entire lot of ballot papers taken out therefrom;

(b) open the packets bearing the labels “Tendered Ballot Papers” and “Challenged Ballot Papers" and count them; and

(c) count, in such manner as may be prescribed, the votes cast in favour of each contesting candidate excluding from the count the Spoilt Ballot Papers and the ballot papers which bear—

(i) no official mark and signature of the Presiding Officer;

(ii) any writing or any mark other than the official mark, the signature of the Presiding Officer and the prescribed mark or to which a piece of paper or any other object of any kind has been attached;

(iii) no prescribed mark to indicate the contesting candidate for whom the voter has voted; or

(iv) any mark from which it is not clear for whom the voter has voted.

(5) A ballot paper shall be deemed to have been marked in favour of a candidate if the whole or more than half of the area of the prescribed mark appears clearly within the space containing the name and symbol of that candidate and, where the prescribed mark is divided equally between two such spaces, the ballot paper shall be deemed invalid.

(6) The Presiding Officer may recount the votes if he considers it necessary—

(a) of his own motion; or

(b) upon the request of a contesting candidate, an election agent or a polling agent present:

Provided that the recount shall be made by the Presiding Officer only once.

(7) The valid ballot papers cast in favour of each contesting candidate, shall be put in separate packets and each such packet shall be sealed and shall contain a certificate as to the number, both in letters and figures, of the ballot papers put in it and shall also indicate the nature of its contents, specifying the name and symbol of the contesting candidate to whom the packet relates.

(8) The ballot papers excluded from the count shall be put in a separate packet indicating on the packet the total number of the ballot papers contained in the packet both in letters and figures.

(9) The packets mentioned in sub-sections (7) and (8) shall be put in a principal packet which shall be sealed by the Presiding Officer.

(10) The Presiding Officer shall, immediately after the count, prepare a Result of the Count in such form as may be prescribed showing therein the number of valid votes polled by each contesting candidate and the ballot papers excluded from the count.

(11) The Presiding Officer shall prepare in the prescribed form a Ballot Paper Account showing separately—

(a) the number of ballot papers entrusted to him;

(b) the number of un-issued ballot papers;

(c) the number of ballot papers taken out of the ballot box or boxes and counted;

(d) the number of Tendered Ballot Papers;

(e) the number of Challenged Ballot Papers; and

(f) the number of Spoilt Ballot Papers.

(12) The Presiding Officer, after preparation of the Result of the Count and the Ballot Paper Account, shall sign them and obtain thereon the signatures of the senior-most Assistant Presiding Officer and an accredited observer, a candidate or his election agent or polling agents as may be present in token of the said documents having been prepared in their presence and if any such person refuses to sign it, the Presiding Officer shall record a note on the result of the count and the ballot paper account to that effect.

(13) The Presiding Officer shall give a copy each of the Result of the Count and the Ballot Paper Account signed, stamped and thumb marked by him and the senior most Assistant Presiding Officer to such of the candidates, their election agents or polling agents as may be present and obtain a receipt for such copy and if any such person refuses to sign it, the Presiding Officer shall record a note to that effect.

(14) The Presiding Officer shall publish the Result of the Count and Ballot Paper Account, signed by him and others, by affixing copies at a conspicuous place at the polling station for public inspection.

(15) The Presiding Officer shall seal in separate packets—

(a) the un-issued ballot papers;

(b) the Tendered Ballot Papers;

(c) the Tendered Votes List;

(d) the Challenged Ballot Papers held to be valid and counted by the Presiding Officer;

(e) the Challenged Ballot Papers considered doubtful and excluded from the count by the Presiding Officer;

(f) the Challenged Votes List;

(g) the Spoilt Ballot Papers;

(h) the marked copies of the electoral rolls;

(i) the counterfoils of used ballot papers; and

(j) such other papers as the Commission or Returning Officer may direct.

(16) The Presiding Officer shall obtain on each statement and packet prepared under this section the signature of such of the contesting candidates or their election agents or polling agents as may be present and, if any such person refuses to sign, the Presiding Officer shall record that fact on each such statement or packet.

(17) A person required to sign a statement or packet under sub-section (16) may, if he so desires, also affix his seal to it.

(18) After the close of the proceedings under this section, the Presiding Officer shall, in compliance with such instructions as may be given by the Commission in this behalf, cause the packets, the Result of the Count and the Ballot Paper Account prepared by him to be sent to the Returning Officer and to such other officer as may be authorized by the Commission, together with such other records as the Commission may direct.

91. **Statement about turnout of women voters.—**(1) The Presiding Officer shall prepare a gender disaggregated statement of voters showing total number of men and women voters at the polling station and the total votes cast by men and women voters.

(2) The Presiding Officer shall send the gender disaggregated statement of voters to the Returning Officer and to the Commission at the time of communication of result to the Returning Officer and the Commission.

(3) The Presiding Officer may, at any stage on the polling day during or after the polling, prepare and send a special report to the Returning Officer and to the Commission if he has reason to believe that women voters have been restrained from exercising their right to vote based on any express or implied agreement.

92. **Announcement of provisional results.—**On receipt of the Results of the Count from all Presiding Officers of a constituency, the Returning Officer shall forthwith prepare and announce provisional Consolidated Statement of Results of the Count of the constituency (excluding postal ballots) in the prescribed manner, in the presence of such contesting candidates, their election agents or authorized observers as may be present, affix a copy of the provisional

Consolidated Statement of Results signed by him at a conspicuous place in his office and send a copy thereof to the Commission.

93. **Postal ballot.—**(1) The following persons may cast their votes by postal ballot in such manner as may be prescribed—

(a) a person referred to in sub-sections (2) or (3) of section 27;

(b) a person appointed by the Returning Officer, including police personnel, for the performance of any duty in connection with an election at polling station other than the one at which he is entitled to cast his vote;

(c) a person with any physical disability who is unable to travel and holds a National Identity Card with a logo for physical disability issued by the National Database and Registration Authority; and

(d) a person detained in a prison or held in custody.

(2) A voter who, being entitled to do so, intends to cast his vote by postal ballot shall—

(a) in the case of a person referred to in clause (a) and clause (c) of sub-section (1), within such time as may be specified by the Commission soon after the issuance of the Election Programme; and

(b) in the case of a person referred to in clause (b) of sub-section (1), within three days of his appointment;

apply to the Returning Officer of the constituency in which he is a voter for a ballot paper for voting by postal ballot; and every such application shall specify the name of the voter, his address and his serial number in the electoral roll.

(3) The Returning Officer shall upon receipt of an application by a voter under sub-section (2) send by post to such voter a ballot paper and an envelope bearing on its face a form of certificate of posting, showing the date thereof, to be filled in by the proper official of the Post Office at the time of posting by the voter.

(4) A voter on receiving his ballot paper for voting by postal ballot shall record his vote in the prescribed manner and, after so recording, post the ballot paper to the Returning Officer in the envelope sent to him under sub-section (3), so as to reach the Returning Officer before the consolidation of results by him.

94. **Voting by Overseas Pakistanis.—**(1) The Commission may conduct pilot projects for voting by Overseas Pakistanis in bye-elections to ascertain the technical efficacy, secrecy, security and financial feasibility of such voting and shall share the results with the Government, which shall, within fifteen days from the commencement of a session of a House after the receipt of the report, lay the same before both Houses of *Majlis-e-Shoora* (Parliament).

(2) In this section, 'Overseas Pakistani' means a citizen of Pakistan under the Pakistan Citizenship Act, 1951 (II of 1951) or holder of National Identity Card for Overseas Pakistanis under the National Database and Registration Authority ordinance, 2000 (VIII of 2000) who is working or residing abroad permanently or temporarily for not less than six months.

95. **Consolidation of results.—**(1) Immediately after announcement of provisional results, the Returning Officer shall give the contesting candidates and their election agents a notice in writing of the day, time and place fixed for the consolidation of the results, and, in the presence of such of the contesting candidates and election agents as may be present, consolidate in the prescribed manner the Results of the Count furnished by the Presiding Officers, including therein the postal ballots received by him before the time fixed for the consolidation of results.

(2) Before consolidating the Results of the Count, the Returning Officer shall examine the ballot papers excluded from the count by the Presiding Officer and, if he finds that any such ballot paper should not have been so excluded, count it as a ballot paper cast in favour of the contesting candidate for whom the vote has been cast.

(3) The Returning Officer shall also count the ballot papers received by him by post in such manner as may be prescribed and include the votes cast in favour of each contesting candidate in the Consolidated Statement except those which he may reject on any of the grounds mentioned in section 90.

(4) The ballot papers rejected by the Returning Officer under sub-section (3) shall be mentioned separately in the consolidated statement.

(5) Before commencement of the consolidation proceedings, the Returning Officer shall recount the ballot papers of one or more polling stations if a request or challenge in writing is made by a contesting candidate or his election agent and the margin of victory is less than five percent of the total votes polled in the constituency or ten thousand votes, whichever is less, or the Returning Officer considers such request as not unreasonable:

Provided that the recount shall be made by the Returning Officer only once.

(6) The Commission may, before conclusion of the consolidation proceedings, for reasons to be recorded, direct the Returning Officer to recount the ballot papers of one or more polling stations.

(7) If there is a difference between the Results of the Count received from the Presiding Officers and the results of the recount, the Returning Officer shall record the difference and details thereof:

Provided that where the Returning Officer has recounted the votes under sub-section (5) or sub-section (6), the consolidation proceedings shall be completed within five days after the polling day.

(8) The Returning Officer shall, within twenty four hours after the consolidation proceedings, send to the Commission signed copies of the Consolidated Statement of the Results of the Count and Final Consolidated Result together with Results of the Count and the Ballot Paper Account, as received from the Presiding Officers, and shall retain copies of these documents for record.

(9) After consolidation of results, the Returning Officer shall give to such contesting candidates and their election agents as are present during the consolidation proceedings a copy of the Consolidated Statement of the Results of the Count and the Final Consolidated Result sent to the Commission against proper receipt.

(10) On receipt of documents under sub-section (8), the Commission shall, within fourteen days from the date of the poll, publish the documents on its website.

96. **Resealing of packets and supply of copies.—**The Returning Officer shall—

(a) immediately after preparing the Consolidated Statement of the Results of the Count and the Final Consolidated Result, reseal in the prescribed manner the packets and statements opened by him for the purpose of consolidation, permitting such of the candidates and their election agents as may be present to sign the packets and affix their seals to such packets; and

(b) supply attested copies of the Consolidated Statement of the Results of the Count and the Final Consolidated Result to such of the candidates and their election agents as may be present.

97. **Equality of votes.—**(1) Where, after consolidation of the Results of the Count, there is equality of votes between two contesting candidates, the

Returning Officer shall declare both the candidates as returned and each one of them shall be entitled to represent his constituency in the respective Assembly for half of its term of office.

(2) The Returning Officer shall draw a lot in respect of the returned candidates referred to in sub-section (1) to determine as to who shall serve as Member of the Assembly for the first half of its term of office and the name of the candidate, whose name is drawn in the lot, shall be notified as such in the official Gazette by the Commission.

(3) The Returning Officer shall draw lots in the presence of such of the contesting candidates and their election agents as may be present.

(4) The Returning Officer shall keep record of the proceedings and obtain on the proceedings signature of such of the candidates and election agents as have been witness to the proceedings, and if any such person refuses to sign, such fact shall be recorded.

(5) If, in case of death or any other cause one of the returned candidates fails to assume office as a Member or his seat becomes vacant, the other surviving returned candidate shall serve as a member for whole or remainder of the term of the Assembly.

(6) Where, on consolidation of results, there is equality of votes among more than two contesting candidates, the Commission shall issue fresh Election Programme for the constituency and determine the date of polling day which shall not be later than sixty days from the date of consolidation of results of the constituency.

98. **Declaration of results.—**(1) On receipt of the Final Consolidated Result from the Returning Officer, the Commission shall, within fourteen days from the date of the poll, publish in the official Gazette the name of the contesting candidate who has received the highest number of votes and stands elected.

(2) The Commission shall also publish in the official Gazette the name of each contesting candidate and the total number of votes received by him as in the Final Consolidated Result.

(3) Every returned candidate shall, within ten days from the poll of an election, submit a return of election expenses under section 134 and the Commission shall not notify in the official Gazette the result of a returned candidate who fails to submit his return of election expenses.

(4) The Commission shall place the documents mentioned in sub-sections (1) and (2) on its website within two days from the date of the publication of the name of the returned candidate in the official Gazette.

99. **Documents to be retained by the Commission.—**(1) The Returning Officer shall seal the tamper-evident bags provided to him for the purpose after putting in the bags the following documents—

(a) the packets containing the ballot papers each of which shall be sealed with the seal of the Presiding Officer or, if opened by the Returning Officer, with the seal of the Returning Officer;

(b) the packets containing the counterfoils of issued ballot papers;

(c) the packets containing the marked copies of the electoral rolls used in the poll;

(d) the packets containing the Ballot Paper Account;

(e) the packets containing the Tendered Ballot Papers included in the count; the Tendered Ballot Papers excluded from the count; the Tendered Votes List, and the Challenged Ballot Papers included in the count; the Challenged Ballot Papers excluded from the count; the Challenged Votes List; and the Spoilt Ballot Papers; and

(f) such other papers as the Commission may direct.

Explanation.—"Tamper-evident bag" means a specially designed bag approved by the Commission, having one or more indicators which, if breached, can reasonably be expected to provide visible evidence that tampering has occurred.

(2) The Returning Officer shall, in accordance with such procedure as may be prescribed, before sealing the bags under sub-section (1), endorse in each packet the description of its contents, the date of the election to which the contents relate and the name and number of the constituency for which the election was held and shall furnish a certificate to the Commission that the provisions of sub-sections (1) and (2) have been complied with in respect of packets relating to all polling stations of the constituency.

(3) The Commission shall arrange storage space under its control at appropriate places for safe custody of tamper-evident sealed bags containing the documents specified in sub-section (1) pertaining to all constituencies.

(4) Till arrangements of storage space are made, the sealed bags shall be deposited in the Treasury or Sub-Treasury and the Treasury Officer or, as the case may be, Sub-Treasury Officer shall ensure safety and security of these bags and if any of the bags in his custody is subsequently found damaged or tampered with, the Commission shall order an enquiry against the Treasury Officer or Sub-Treasury Officer to determine the causes of damage or tampering.

(5) If as a result of enquiry held under sub-section (4), the Treasury Officer or Sub-Treasury Officer is found guilty of negligence or a willful act, the competent authority on complaint of the Commission shall proceed against the Treasury Officer or Sub-Treasury Officer for breach of official duty.

(6) If upon opening of the tamper-evident sealed bag under the order of the Commission, or as the case may be, the Election Tribunal, any of the packets containing documents specified in sub-section (1) is found to have been tampered with, the Returning Officer, or, the Presiding Officer with whose seal the packet was sealed shall be dealt with in accordance with the provisions relating to breach of official duty.

(7) The Commission shall retain the documents contained in the packets deposited under sub-section (4) for a period of one year from the date of their deposit and shall thereafter, subject to any order of the Tribunal or other Court, cause them to be destroyed:

Provided that the documents of a constituency where election petition has been filed by a candidate shall be retained till final disposal of the election petition.

100. **Public inspection of documents.—**The documents retained by the Commission under section 99 except the ballot papers, shall be open to public inspection at such time and subject to such conditions as may be prescribed and the Commission shall, upon an application made in this behalf and on payment of such fee and subject to such conditions as may be prescribed, furnish copies of, or extracts from, those documents.

101. **Order for production of documents.—**(1) An Election Tribunal may order the opening of packets of counterfoils and certificates or the inspection of any counted ballot papers.

(2) The Election Tribunal may refuse to issue order under sub-section (1) if it is not likely to have an impact on the result of the election.

(3) An order under sub-section (1) may be made subject to such conditions as to persons, time, place and mode of inspection, production of documents and opening of packets as the Tribunal making the order may think expedient.

(4) Where an order is made under sub-section (1), the production by the Commission of any document in such manner as may be directed by the order shall be conclusive evidence that the document relates to the election specified in the order and any endorsement on any ballot papers or packet of ballot papers or documents so produced shall be *prima facie* evidence that the ballot papers or documents are what the endorsement states them to be.

(5) The production from proper custody of a numbered counterfoil bearing the signature or thumb impression of a voter shall be *prima facie* evidence that the voter was the same person whose name was on the electoral rolls with the same number as was written on the counterfoil.

(6) Save as is provided in this section, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the Commission.

102. **Bye-elections.—**(1) When the seat of a Member becomes vacant, the Commission shall, by notification in the official Gazette, call upon the constituency concerned to elect a person to fill the seat for the constituency on such date as may be specified in the notification and the provisions of this Act and the Rules shall apply, with necessary changes, to the election to fill such seat.

(2) Notwithstanding anything contained in section 57, the days for the several stages of an election shall be such as may be specified in the notification of the Commission under sub-section (1).

103. **Electronic voting and biometric verification.—**The Commission may conduct pilot projects for utilization of electronic voting machines and biometric verification system in bye-elections in addition to the existing manual procedures for voter verification, casting and counting of votes to assess the technical efficacy, secrecy, security and financial feasibility of the electronic voting machines and biometric verification system and shall share the results with the Government, which shall, within fifteen days from the commencement of a session of a House after the receipt of the report, lay the same before both Houses of *Majlis-e-Shoora* (Parliament).

CHAPTER VI

ELECTION TO RESERVED SEATS IN AN ASSEMBLY

104. **Party lists for reserved seats.—**(1) For the purpose of election to seats reserved for women and non-Muslims in an Assembly, the political parties contesting election for such seats shall, within the period fixed by the Commission for submission of nomination papers, file separate lists of their candidates in order of priority for seats reserved for women and non-Muslims

with the Commission or, as it may direct, with the Provincial Election Commissioner or other authorized officer of the Commission, who shall forthwith cause such lists to be published for information of the public:

Provided that the list submitted by a political party shall not be subject to change or alteration either in the order of priority or through addition of new names in the list or omission of any name after expiry of the date of submission of nomination papers.

(2) The parties' lists referred to in sub-section (1) may contain as many names of additional candidates as a political party may deem necessary for contesting seats reserved for women and non-Muslims, to provide for any disqualification of candidates during scrutiny of nomination papers or for filling of any vacant seats during the term of an Assembly.

(3) A candidate to a seat reserved for women or non-Muslims shall file the nomination papers on the Form on or before the last date fixed for filing of nomination papers for the election and the nomination papers shall, as nearly as possible, be scrutinized in the same manner as nomination papers of candidates on general seats are scrutinized under section 62.

(4) If, at any time, the party list is exhausted, the political party may submit a name for any vacancy which may occur thereafter and the provisions of sub-sections (1), (2) and (3) shall, as nearly as possible, apply to fill such vacancy.

(5) Where a seat reserved for women or non-Muslims in an Assembly falls vacant as a result of death, resignation or disqualification of a Member, it shall be filled in by the next person in order of precedence from the party's list of candidates submitted to the Commission under sub-section (1).

(6) Before notifying the name of the next person in order of priority from the party list, such person shall submit a declaration on oath that since the filing of his nomination paper, he has not become subject to any disqualification contained in Article 63.

(7) A candidate contesting election on a seat reserved for women or non-Muslims shall, along with the nomination papers and its annexures, submit to the Returning Officer appointed by the Commission in this behalf—

(a) a copy of the party list of the candidate's political party for such seats;

(b) declarations and statements in support of the nomination; and

(c) proof of deposit of the fee required for filing nomination papers.

(8) Where there is equality of share on a reserved seat between two or more political parties, the Returning Officer shall declare the returned candidate by drawing of lots.

CHAPTER VII

CONDUCT OF ELECTION TO THE SENATE

105. **Returning Officers and Polling Officers.—**For the purpose of an election to the Senate, the Commission shall appoint a Returning Officer for each Province, the Islamabad Capital Territory or the Federally Administered Tribal Areas and shall also appoint such number of Polling Officers to assist the Returning Officer as it may consider necessary.

106. **Functions of Returning Officer.—**(1) A Returning Officer shall effectively conduct an election under this Act and the Rules.

(2) A Returning Officer shall exercise all necessary powers for maintaining order at the polling station and shall report to the Commission any fact or incident which may affect the conduct or fairness of the poll.

(3) The Returning Officer may, during the course of the poll, entrust to a Polling Officer such of his functions as may be specified by him; and it shall be the duty of the Polling Officer to perform the functions so entrusted.

(4) The Returning Officer shall authorize one of the Polling Officers to act in his place if he is, at any time during the poll by reason of illness or other cause, not present at the polling station or is unable to perform his functions.

(5) The Returning Officer may, at any time during the poll and, for reasons to be recorded in writing, suspend any Polling Officer and make such arrangements as he may consider necessary for the performance of the functions of the Polling Officer so suspended.

107. **Notification for election.—**(1) The Commission shall, by notification in the official Gazette, call upon the Members of the Assembly of a Province, the National Assembly or, as the case may be, Members of the National Assembly elected from the Federally Administered Tribal Areas to elect such number of Members to the Senate from that Province, Islamabad Capital Territory or, as the case may be, the Federally Administered Tribal Areas as is specified in the notification.

(2) The Commission shall in the same notification fix—

(a) the last date for making nominations, which shall be the second day after the publication of the notification or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(b) the last date for publication of the names of the nominated candidates, which shall be the day following the last date of filing of nomination papers;

(c) the last date for the scrutiny of the nominations, which shall be the third day following the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(d) the last date for filing of appeals against acceptance or rejection of nominations, which shall be the second day following the last date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(e) the last date for decision of appeals, which shall be the second day following the last date for filing of appeals or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(f) the last date for publication of the revised list of candidates, which shall be the day following the last date for decision of appeals;

(g) the last date for the withdrawal of candidature, which shall be the day following the last date of publication of revised list of candidates or, if that day is a public holiday, the next succeeding day which is not a public holiday; and

(h) the date on which a poll shall, if necessary, be taken, which shall be a date not earlier than the seventh day after the publication of the revised list of candidates.

(3) A Returning Officer shall, within three days after the publication of a notification under sub-section (1), give public notice of the dates specified by the Commission in respect of election to the Senate from a Province, Islamabad Capital Territory or the Federally Administered Tribal Areas, as the case may be, of which he is the Returning Officer and the public notice shall be published at some prominent place in his office.

(4) A Returning Officer shall, by the public notice given under sub-section (3), invite nominations specifying the time by which and the place at which nomination papers shall be received by him.

108. **Supply of list of voters.—**The Commission shall provide the Returning Officer with a list of voters for election to the Senate from a Province, Islamabad Capital Territory or the Federally Administered Tribal Areas, as the case may be.

109. **Polling station.—**The Commission shall provide a polling station for the purpose of election of the Members of the Senate by the Members of each Provincial Assembly, the National Assembly or Members of the National Assembly from the Federally Administered Tribal Areas, as the case may be.

110. **Nomination for election.—**(1) A voter may propose or second the name of any person qualified for election to the Senate from a Province, Islamabad Capital Territory or the Federally Administered Tribal Areas, as the case may be.

(2) Every nomination shall be made by a separate nomination paper on Form A signed both by the proposer and the seconder and shall, on solemn affirmation, be made and signed by the candidate and shall be accompanied by—

(a) a declaration that he has consented to the nomination and that he fulfills the qualifications specified in Article 62 and is not subject to any of the disqualifications specified in Article 63 for being elected as a Member of the Senate;

(b) a declaration that he is a technocrat or *aalim*, if the nomination papers are filed for a seat reserved for technocrat or *aalim*;

(c) a declaration that he has opened an exclusive account with a scheduled bank for the purpose of election expenses;

(d) an attested copy of his National Identity Card; and

(e) a statement of his assets and liabilities and of his spouse and dependent children as on the preceding thirtieth day of June on Form B.

(3) Every nomination paper shall be delivered to the Returning Officer by the candidate or by his proposer or seconder or if so authorized in writing by the candidate, by his nominee and the Returning Officer shall acknowledge receipt of the nomination paper specifying the date and time of receipt.

(4) A person may be nominated by not more than five nomination papers.

(5) Every nomination paper shall be accompanied by a certified copy of the relevant extract from the electoral rolls in which the name of the person nominated is enrolled.

(6) The Returning Officer shall assign a serial number to every nomination paper and endorse on it the name of the person presenting it and the date and time of its receipt, and inform such person of the time and place at which he shall hold scrutiny of the nomination papers.

(7) The Returning Officer shall cause to be affixed at a conspicuous place in his office a notice of every nomination paper containing the particulars of the candidates as shown in the nomination paper.

(8) The Form and accompanying declarations and statements shall be open to inspection by the public, and the Commission shall make available copies of these documents in such manner and on payment of such fee as may be prescribed.

111. **Deposit.—**(1) Subject to sub-section (2), the Returning Officer shall not accept a nomination paper unless—

(a) a sum of twenty thousand rupees is deposited in cash by the candidate or by any person on his behalf at the time of its delivery; or

(b) it is accompanied by a receipt showing that a sum as aforesaid has been deposited by the candidate or by any person on his behalf at any branch of the National Bank of Pakistan or at a Government Treasury or sub-Treasury.

(2) Not more than one deposit under sub-section (1) shall be required in the case of a person who has been nominated as a candidate by more than one nomination paper.

(3) The sum deposited shall be non-refundable.

112. **Scrutiny.—**(1) The candidates, their proposers and seconders, and an agent authorized in writing in this behalf by each candidate, may attend the scrutiny of the nomination papers and the Returning Officer shall give them reasonable opportunity for examining all the nomination papers.

(2) The Returning Officer shall, in the presence of the persons attending the scrutiny under sub-section (1), examine the nomination papers and decide any objection raised by any such person to any nomination.

(3) The Returning Officer may, for the purpose of scrutiny, require any agency, authority or organization, including a financial institution, to produce any document or record or to furnish any such information as may be necessary to determine facts relating to an objection to the candidature of a candidate.

(4) The Returning Officer, while scrutinizing nomination paper of a candidate, shall not ask any question which—

(a) has no nexus with the information supplied in the nomination paper; or

(b) has not arisen from the objections raised by any person or from information received under sub-section (3).

(5) The declaration submitted under clause (a) of sub-section (2) of section 110 shall only be questioned by the Returning Officer if tangible material to the contrary is available on record.

(6) The Returning Officer may, either on his own motion or upon any objection, conduct such summary enquiry as he may think fit and reject a nomination paper if he is satisfied that—

(a) the candidate is not qualified to be elected as a Member;

(b) the proposer or the seconder is not qualified to subscribe to the nomination paper;

(c) any provision of section 110 or section 111 has not been complied with or the declaration or statement submitted by the candidate is false or incorrect in any material particular; or

(d) the signature of the proposer or seconder is not genuine:

Provided that—

(i) the rejection of a nomination paper shall not invalidate the nomination of a candidate by any other valid nomination paper;

(ii) the Returning Officer shall not reject a nomination paper on the ground of any defect which is not of a substantial nature and may allow any such defect to be remedied forthwith; and

(iii) the Returning Officer shall not inquire into the correctness or validity of any entry in the electoral roll.

(7) Notwithstanding anything contained in sub-section (8), where a candidate deposits any amount of loan, tax or government dues and utility expenses payable by him of which he is unaware at the time of filing of his nomination paper such nomination paper shall not be rejected on the ground of default in payment of such loan, taxes or government dues and utility expenses:

Provided that where the Returning Officer is satisfied that the candidate has willfully concealed such loan, tax or government dues and utility expenses, he shall reject his nomination paper.

(8) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting it and shall, in the case of rejection, record a brief statement of the reasons his decision.

113. **Appeal against scrutiny order.—**(1) A candidate or an objector may, within the time specified by the Commission, file an appeal against the decision of the Returning Officer rejecting or, as the case may be, accepting a nomination paper to the Tribunal constituted for the purpose consisting of a person who is a Judge of a High Court, appointed by the Commission in consultation with the Chief Justice of the High Court concerned.

(2) An appeal filed under sub-section (1) shall be summarily decided within such time as may be notified by the Commission and any order passed on the appeal shall be final.

(3) If, on the basis of information or material coming to its knowledge by any source, a Tribunal constituted under sub-section (1) is of the opinion that a candidate whose nomination paper has been accepted is a defaulter of loans, taxes, government dues and utility expenses or has had any loan written off or has willfully concealed such fact or suffers from any other disqualification from being elected as a Member of the Senate, it may, on its own motion, call upon such candidate to show cause why his nomination papers may not be rejected, and if the Tribunal is satisfied that the candidate is actually a defaulter or has had a loan written off or suffers from any disqualification, it may reject the nomination paper of the candidate.

(4) Announcement of the day and time appointed for the hearing of an appeal under this section over the radio or television or by publication in the newspaper shall be deemed to be sufficient notice of the day and time so appointed.

114. **Publication of list of candidates.—**(1) The Returning Officer shall, after the scrutiny of nomination papers, prepare and display in the prescribed manner a list of validly nominated candidates.

(2) In case an appeal against rejection or, as the case may be, acceptance of a nomination paper, is accepted by the Tribunal, the list of validly nominated candidates shall be revised accordingly.

(3) The Commission shall publish the list of validly nominated candidates under this section on its website.

115. **Withdrawal.—**(1) A validly nominated candidate may, by notice in writing signed by him and delivered to the Returning Officer on or before the last date for withdrawal either by the candidate himself or by an agent authorized in writing by the candidate, withdraw his candidature.

Explanation.—Authorization in favour of an agent or advocate shall be attested by a Notary appointed under the Notaries Ordinance 1961 (XIX of 1961) or an Oath Commissioner appointed under the Oaths Act, 1873 (X of 1873) or a Government servant in basic pay scale 17 and above.

(2) A notice of withdrawal under sub-section (1) shall, in no circumstances, be open to recall or cancellation.

(3) On receiving a notice of withdrawal under sub-section (1), the Returning Officer shall, if he is satisfied that the signature on the notice is that of the candidate, cause a copy of the notice to be affixed at a conspicuous place in his office.

(4) The Returning Officer shall, on the day next following the withdrawal day, prepare and publish in the prescribed manner a list of contesting candidates and forward a copy of the list to each candidate, giving public notice of the date, hour and place of the poll.

(5) The Returning Officer shall publish the notice, list of contesting candidates and public notice of the date, hour and place of the poll under sub-sections (3) and (4) on the website of the Commission.

116. **Death of a candidate after nomination.—**(1) If a validly nominated candidate who has not withdrawn his candidature dies before the day for taking of the poll, the Returning Officer shall, by public notice, terminate the proceedings for election to the category of seats for which he had filed the nomination papers and make a report to the Commission.

(2) Where the proceedings relating to an election have been terminated under sub-section (1), proceedings for fresh election shall be commenced in accordance with the provisions of this Act as if for a new election:

Provided that it shall not be necessary for other contesting candidates who have already filed nomination papers to file fresh nomination papers or make a further deposit under section 111.

117. **Postponement under certain circumstances.—**Where the proceedings relating to nomination, scrutiny or withdrawal cannot, for reasons beyond the control of the Returning Officer, to be recorded in writing, take place on the day appointed for the purpose, he may postpone or adjourn such proceedings and shall, with the approval of the Commission, by public notice fix another day for the proceedings so postponed or adjourned, and, if necessary, also the day or days for any subsequent proceedings.

118. **Uncontested election.—**(1) Where, after scrutiny of nomination papers or withdrawal under section 115, the number of validly nominated candidates or, as the case may be, the contesting candidates from a Province, Islamabad Capital Territory or the Federally Administered Tribal Areas is less than or equal to the number of seats to be filled for that Province, Islamabad Capital Territory or, the Federally Administered Tribal Areas, as the case may be, the Returning Officer shall, by public notice, declare such candidates to be elected to the seats and send a return of election to the Commission.

(2) The Returning Officer shall not declare any candidate elected uncontested under sub-section (1) until the period appointed for filing of appeal against the decision of scrutiny of nomination papers has expired and where an appeal is filed, until the disposal of the appeal.

(3) The Commission shall publish in the official Gazette the names of the returned candidates.

(4) Where the number of candidates declared elected under sub-section (1) is less than the number of seats to be filled, fresh proceedings shall be commenced in accordance with the provisions of this Act, as if for a new election, to fill the vacant seat or seats.

119. **Contested election.—**If after withdrawals, if any, the number of candidates exceeds the number of seats, the Returning Officer shall, on the appointed day, conduct the poll, after giving a notice of the poll to the contesting candidates.

120. **Hours of poll.—**The Returning Officer shall, subject to any direction of the Commission, fix the hours during which the poll shall be taken and give public notice of the hours fixed for the poll.

121. **Adjourned poll.—**(1) If at any time the poll is interrupted or obstructed for reasons beyond the control of the Returning Officer, he may stop the poll and shall inform the Commission of his having done so.

(2) Where a poll is stopped under sub-section (1), the Returning Officer shall immediately report the circumstances to the Commission and appoint, with the approval of the Commission, a day for a fresh poll and fix the place at which, and the hours during which such fresh poll shall be taken.

(3) All voters shall be allowed to vote at the fresh poll taken under sub-section (2) and a vote cast at the poll stopped under sub-section (1) shall not be counted.

122. **Voting procedure.—**(1) All voters shall be entitled to vote at an election.

(2) No vote shall be given by proxy.

(3) Each voter shall have only one transferable vote for each category of seats irrespective of the number of seats to be filled for such category:

Provided that for purposes of election of Members of the Senate from the Federally Administered Tribal Areas, a voter who is a Member of the National Assembly from the Federally Administered Tribal Areas shall vote, in such manner as the President may, by Order, prescribe.

(4) A voter shall cast his vote in the prescribed manner, except that the procedure of voting for Members of the National Assembly from the Federally Administered Tribal Areas shall be prescribed separately.

(5) The ballot papers shall be in such form as the Commission may specify.

(6) The poll for election of Members of the Senate shall be held by secret ballot.

123. **Proceedings at the close of poll.—**(1) Immediately after the close of poll, the Returning Officer shall proceed with the counting of votes in the prescribed manner.

(2) On the completion of counting, the Returning Officer shall prepare and certify a return of the election and submit the same to the Commission in the prescribed manner.

(3) Every returned candidate shall, within five days from the date of election, submit return of election expenses in accordance with the provisions of section 134.

124. **Declaration of result of election.—**On receipt of the returns of the election, the Commission shall publish in the official Gazette and on its website the names of the returned candidates:

Provided that the name of a candidate shall not be published who fails to submit the return of election expenses.

125. **Appeal against count.—**(1) A contesting candidate who is aggrieved by any proceedings relating to the count of votes may file an appeal challenging the count to the Commission.

(2) An appeal under sub-section (1) may be filed by the candidate in person or through a person authorized in writing by the candidate in this behalf, within three days next following the date of the completion of the count of votes by the Returning Officer.

(3) The appeal shall be addressed to the Commission and filed with the Secretary of the Commission.

(4) The appeal shall be in the form of a memorandum which shall state the grounds for such appeal and shall be accompanied by copies of receipts to the effect that the appellant has served a copy of the appeal personally or by registered post to each contesting candidate.

(5) The Commission may, after giving the parties an opportunity of being heard—

(a) dismiss the appeal; or

(b) determine the result of the election on the count of valid votes as corrected, after adjudicating upon the invalid votes, if any, and make such consequential order as may be necessary.

(6) The decision of the Commission on appeal under sub-section (5) shall be final.

(7) No question that can be settled in an appeal under this section shall be raised by an election petition or before any court or authority whatsoever, nor shall any question that can be raised by an election petition be raised before any court or authority other than the Election Tribunal.

126. **Commission to have certain powers of a court.—**For the purpose of the disposal of an appeal, the Commission shall have the same powers as are vested in a court under the Code of Civil Procedure, 1908 (Act V of 1908) when trying a suit in respect of the following matters—

(a) enforcing the attendance of any person and examining him on oath;

(b) compelling the discovery and production of documents, articles or things;

(c) issuing commissions for the examination of witnesses;

(d) requiring the deposit of diet and travelling expenses of witnesses;

(e) receiving evidence on affidavits;

(f) granting adjournments; and

(g) summoning and examining, on its own motion, any person whose evidence appears to be material.

127. **Casual vacancy.—**(1) When, before the expiration of the term of the office of a Member elected to the Senate, his seat becomes vacant or is declared vacant or his election to the Senate is declared void, the Commission shall, by notification in the official Gazette, call upon the Members of the Provincial Assembly, the National Assembly or the Members of the National Assembly elected from the Federally Administered Tribal Areas, as the case may be, to elect a person for the purpose of filling the vacancy on such date as may be specified in the notification; and the provisions of this Act and the Rules shall apply, in relation to the election of a Member to fill the vacancy.

(2) When the seats of two or more Members, who were elected to the Senate by a Provincial Assembly, the National Assembly or, by the Members of the National Assembly elected from the Federally Administered Tribal Areas, become vacant, as the case may be, and whose term of office was due to expire on the same day become vacant simultaneously, elections to fill such seats may be held together.

(3) When the seats of two or more Members, who were elected to the Senate by a Provincial Assembly, the National Assembly or by the Members of the National Assembly elected from the Federally Administered Tribal Areas and whose term of office was due to expire on different dates become vacant simultaneously, elections to fill such seats may be held separately.

128. **Extension of time for completion of election.—**The Commission may, for reasons which it considers sufficient, extend the time for completion of an election to the Senate by making necessary amendments in the notification issued under section 107.

129. **Term of office.—**(1) The term of office of a Member of the Senate shall commence on the date of the first meeting of the Senate held after the names of the persons elected to the Senate are notified by the Commission.

(2) If a candidate is elected as Member of the Senate on a seat which has become vacant or a seat declared vacant or a seat where election of a Member of the Senate is declared void and another candidate is declared to have been elected in his place, the term of such candidate shall be the unexpired term of such Member.

(3) If the election of all the Members declared elected under this Chapter is declared void, the term of the Members elected in their places shall be the unexpired term of the Members whose election is declared void.

130. **Vacancy in electoral college not to invalidate election.—**An election of a Member of the Senate by the Members of a Provincial Assembly, Members of the National Assembly or Members elected to the National Assembly from the Federally Administered Tribal Areas, as the case may be, shall not be called in question on the ground merely of the existence of any vacancy in the membership of the Assembly or in the membership of Members from the Federally Administered Tribal Areas.

131. **Drawing of lots.—**(1) For the purpose of dividing the Members into two groups, the Commission shall draw lots in the prescribed manner and in the presence of such Members or persons authorized by them in writing as may be present, after notifying in the official Gazette the time and place of drawing of lots.

(2) The term of office of each Member determined under sub-section (1) shall be notified by the Commission in the official Gazette.

(3) If the election of a Member whose term of office is determined under sub-section (1) is declared void and another candidate is declared elected in his place, the term of such candidate shall be the unexpired term of such member.

(4) If the election of all the Members is declared void, the Members elected in their place shall be divided into two groups and the term of their office shall be determined and notified in the manner specified in sub-sections (1) and (2):

Provided that the term of office of the Members so elected shall be the unexpired term of the Members of the respective groups.

CHAPTER VIII

ELECTION EXPENSES AND STATEMENT OF ASSETS AND LIABILITIES

132. **Restriction on election expenses.—**(1) The election expenses of a candidate shall include the expenses incurred by any person or a political party on behalf of the candidate or incurred by a political party specifically for the candidate.

(2) Where any person incurs any election expenses on behalf of a candidate, whether for stationery, postage, advertisement, transport or for any other item, such expenses shall be deemed to be the election expenses incurred by the candidate himself.

(3) The election expenses of a contesting candidate shall not exceed—

(a) one million and five hundred thousand rupees for election to a seat in the Senate;

(b) four million rupees for election to a seat in the National Assembly; and

(c) two million rupees for election to a seat in a Provincial Assembly.

(4) A candidate shall, through bills, receipts and other documents, vouch for every payment made in respect of election expenses, except where the amount is less than one thousand rupees.

(5) If election expenses of a candidate are disputed, the Commission may conduct an enquiry to ascertain whether the election expenses, incurred by any person other than the candidate, were incurred with his permission and if the expenses were incurred without his permission, it would not be deemed to be election expenses on behalf of the candidate.

133. **Bank account for election expenses.—**(1) For purposes of his election expenses, a candidate shall open an exclusive account with any branch of a scheduled bank before the date fixed for scrutiny of nomination papers and maintain, or cause to be maintained, a register of receipts and expenditures.

(2) A candidate shall not make any transaction towards the election expenses through an account other than the account opened for the purpose.

(3) A candidate may open the bank account for election expenses with an amount not exceeding the limit of election expenses provided under section 132.

134. **Return of election expenses.—**(1) A contesting candidate, other than the returned candidate, shall submit the return of his election expenses on Form C within thirty days of the publication of the name of the returned candidate.

(2) The return of election expenses of the returned candidate and a contesting candidate shall be submitted to the Returning Officer on Form C.

135. **Inspection of returns.—**(1) Immediately on receipt, the returns and documents submitted under section 134, shall be sent by the Returning Officer to the Commission and shall, for a period of one year from the date of receipt by it, be open to inspection by any person on payment of the prescribed fee.

(2) The Commission shall, on an application made in this behalf and on payment of the prescribed fee, give any person copies of any return or document or any part thereof kept under sub-section (1).

136. **Action relating to election expenses.—**(1) The Commission shall, in accordance with such procedure as may be prescribed but within ninety days from the date of submission of a return of election expenses, scrutinize or cause to be scrutinized the return of election expenses submitted by each contesting candidate including the returned candidate.

(2) If the Commission fails to finalize scrutiny of any return of election expenses within ninety days under sub-section (1), the return of election expenses shall be deemed to be scrutinized and accepted as correct.

(3) Where after scrutiny of returns under sub-section (1), the Commission is of the view that a candidate has acted in contravention of the provisions of section 132, the Commission shall direct an authorized officer to file a complaint against such candidate for committing the offence of corrupt practice.

(4) Where a contesting candidate fails to file requisite returns within the specified period, the Returning Officer shall cause a notice to be issued to such candidate calling upon him to show cause why proceedings may not be initiated against him for failure to file requisite returns and if despite service of notice, he does not comply with the provisions of section 134, the Returning Officer shall report the matter to the Commission.

(5) On receipt of report under sub-section (4), the Commission shall issue notice calling upon the candidate to show cause as to why a complaint may not be filed against him for failure to file requisite returns.

(6) The candidate may file an application for condonation of delay in filing the returns along with the return and the Commission may condone the delay, if it is satisfied that such failure was made in good faith due to circumstances beyond the control of the candidate, and accept the return.

(7) In case of rejection of application for condonation of delay under sub-section (6), the Commission shall direct an authorized officer to file a complaint against such candidate for committing the offence of illegal practice.

137. **Submission of statement of assets and liabilities.—**(1) Every Member of an Assembly and Senate shall submit to the Commission, on or before 31st December each year, a copy of his statement of assets and liabilities including assets and liabilities of his spouse and dependent children as on the preceding thirtieth day of June on Form B.

(2) The Commission, on the first day of January each year through a press release, shall publish the names of Members who failed to submit the requisite statement of assets and liabilities within the period specified under sub-section (1).

(3) The Commission shall, on the sixteenth day of January, by an order suspend the membership of a Member of an Assembly and Senate who fails to submit the statement of assets and liabilities by the fifteenth day of January and such Member shall cease to function till he files the statement of assets and liabilities.

(4) Where a Member submits the statement of assets and liabilities under this section which is found to be false in material particulars, he may, within one hundred and twenty days from the date submission of the statement, be proceeded against for committing the offence of corrupt practice.

138. **Publication of statement of assets and liabilities.—**The Commission shall publish in the official Gazette the statements of assets and liabilities received by it under section 137 and any person may obtain copies of a statement of assets and liabilities on payment of prescribed fee.

CHAPTER IX

ELECTION DISPUTES

139. **Election petition.—**(1) No election shall be called in question except by an election petition filed by a candidate for that election.

(2) In this Chapter—

(a) 'corrupt or illegal practice' means a 'corrupt practice' or an 'illegal practice' as defined in Chapter X;

(b) 'petitioner' means the candidate who has filed an election petition; and

(c) 'respondent' means a person joined as respondent in the election petition under section 143.

140. **Appointment of Election Tribunals.—**(1) For the trial of election petitions under this Act, the Commission shall appoint as many Election Tribunals as may be necessary for swift disposal of election petitions.

(2) An Election Tribunal shall comprise—

(a) in the case of an election to an Assembly or the Senate, a person who is or has been a Judge of a High Court; and

(b) in the case of an election to a local government, a District and Sessions Judge or an Additional District and Sessions Judge.

(3) The Commission shall appoint a sitting judge as Election Tribunal in consultation with the Chief Justice of the High Court concerned.

141. **Powers of the Election Tribunal.—**(1) The Election Tribunal shall have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), and shall be deemed to be a civil court within the meaning of sections 476, 480 and 482 of the Code.

(2) For the purpose of enforcing attendance of witnesses, the local limits of the jurisdiction of the Election Tribunal shall be the territories to which this Act extends.

142. **Presentation of petition.—**(1) An election petition shall be presented to the Election Tribunal within forty-five days of the publication in the official Gazette of the name of the returned candidate and shall be accompanied by a receipt showing that the petitioner has deposited at any branch of the National Bank of Pakistan or at a Government Treasury or Sub-Treasury in favour of the Commission, under the prescribed head of account, as security for the costs of the petition, such amount as may be prescribed.

(2) An election petition shall be deemed to have been presented—

(a) when delivered to the Election Tribunal appointed under section 140—

(i) by the petitioner in person; or

(ii) by a person authorized in writing in this behalf by the petitioner; or

(b) when sent by registered post or courier service to the Election Tribunal by the petitioner.

(3) An election petition, if sent by registered post or courier service, shall be deemed to have been presented in time if it is posted or sent within the period specified in sub-section (1).

143. **Parties to the petition.—**(1) The petitioner shall join as respondents to his election petition all other contesting candidates.

(2) The Election Tribunal may direct the petitioner to join any other person as respondent against whom any specific allegation of contravention of this Act has been made.

(3) The petitioner shall serve a copy of the election petition with all annexures on each respondent, personally or by registered post or courier service, before or at the time of filing the election petition.

144. **Contents of petition.—**(1) An election petition shall contain—

(a) a precise statement of the material facts on which the petitioner relies; and

(b) full particulars of any corrupt or illegal practice or other illegal act alleged to have been committed, including names of the parties who are alleged to have committed such corrupt or illegal practice or illegal act and the date and place of the commission of such practice or act.

(2) The following documents shall be attached with the petition—

(a) complete list of witnesses and their statements on affidavits;

(b) documentary evidence relied upon by the petitioner in support of allegations referred to in para (b);

(c) affidavit of service to the effect that a copy of the petition along with copies of all annexures, including list of witnesses, affidavits and documentary evidence, have been sent to all the respondents by registered post or courier service; and

(d) the relief claimed by the petitioner.

(3) A petitioner may claim as relief any of the following declarations—

(a) that the election of the returned candidate is void and petitioner or some other candidate has been elected; or

(b) that the election of the returned candidate is partially void and that fresh poll be ordered in one or more polling stations; or

(c) that the election as a whole is void and fresh poll be conducted in the entire constituency.

(4) An election petition and its annexures shall be signed by the petitioner and the petition shall be verified in the manner laid down in the Code of Civil Procedure, 1908 (Act V of 1908) for the verification of pleadings.

145. **Procedure before the Election Tribunal.—**(1) If any provision of section 142, 143 or 144 has not been complied with, the Election Tribunal shall summarily reject the election petition.

(2) If an election petition is not rejected under sub-section (1), the Election Tribunal shall issue notice to each of the respondents through—

(a) registered post acknowledgement due;

(b) courier service or urgent mail service;

(c) any electronic mode of communication, which may include radio, television, email and short message service (sms);

(d) affixing a copy of the notice at some conspicuous part of the house, if any, in which the respondent is known to have last resided or at a place where the respondent is known to have last carried on business or personally worked for gain;

(e) publication in two widely circulated daily newspapers at the cost of the petitioner; and

(f) any other manner or mode as the Tribunal may deem fit.

146. **Appearance before Election Tribunal.—**(1) Any appearance, application or act before an Election Tribunal may be made or done by a party in person or by an advocate or any other person entitled or allowed to plead in a civil court and duly appointed to act on his behalf:

Provided that the Tribunal may, where it considers it necessary, direct any party to appear in person.

(2) If a respondent fails to appear before the Election Tribunal on a date of hearing despite service of notice through any one of the modes mentioned in section 145, the Tribunal shall proceed against the respondent *ex-parte*.

147. **Contents of reply.—**(1) The reply by a respondent to an election petition shall contain a precise statement of the material facts on which the respondent relies to rebut the allegations in the election petition.

(2) The respondent shall, amongst others, attach the following documents with the reply—

(a) complete list of witnesses and their statements on affidavits; and

(b) documentary evidence relied upon by the respondent to rebut the allegations in the election petition.

(3) In addition to dismissal of the election petition, the respondent may claim costs of the proceedings as well as award of special costs if the election petition is held to be frivolous or vexatious.

148. **Procedure before Election Tribunal for trial of petitions.—**(1) Subject to this Act and the Rules, the trial of an election petition, shall be as nearly as possible, in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (Act V of 1908) to the trial of suits and the *Qanun-e-Shahadat* Order, 1984 (President's Order. No. X of 1984).

(2) The Election Tribunal shall, unless it directs otherwise for reasons to be recorded, order any or all the facts to be proved or disproved by affidavit and may, for the purposes of expeditious disposal, apply such other procedure as the circumstances of the case may warrant.

(3) The *Qanun-e-Shahadat* Order, 1984 (President's Order. No. X of 1984), shall apply to the trial of an election petition unless otherwise provided under this Act.

(4) On filing of reply by the respondent, the Election Tribunal may, with the consent of parties, fix specific dates for trial and disposal of the petition, providing for continuous hearing without adjournment.

(5) If the parties do not consent to specific dates under sub-section (4), the Election Tribunal shall proceed with the trial of the election petition on day-to-day basis and no adjournment shall be granted to any party for more than seven days and that too on payment of such costs as the Tribunal may determine and the election petition shall be decided within one hundred and twenty days of its filing.

(6) If an election petition is not finally decided within one hundred and twenty days—

(a) further adjournment sought by a party shall be granted only on payment of special costs of ten thousand rupees per adjournment and adjournment shall not be granted for more than three days;

(b) if the Election Tribunal itself adjourns the election petition, it shall record reasons for such adjournment;

(c) where the delay in the proceedings is occasioned by any act or omission of a returned candidate or any other person acting on his behalf, the Election Tribunal itself or on application of the aggrieved party, may, after issuance of show cause notice to the returned candidate and within fifteen days of the date of show cause notice, order that the returned candidate has ceased to perform the functions of his office either till the conclusion of the proceedings or for such period as the Tribunal may direct; and

(d) if a serving Judge is the Election Tribunal, the Commission shall request the Chief Justice of the High Court that no judicial work other than election petitions should, to the extent practicable, be entrusted to him till the final disposal of the election petitions.

(7) The Election Tribunal may, for reasons to be recorded, refuse to examine any witness if it is of the opinion that the evidence of such witness is not material for the decision of the election petition or that the party on whose behalf such witness has been summoned has done so on frivolous grounds or with a view to delaying the proceedings.

(8) Notwithstanding anything contained in any other law, no document shall be inadmissible in evidence at the trial of an election petition only on the ground that it is not properly stamped or registered under the relevant law.

(9) A witness shall not be excused from answering any question as to any matter in issue or relevant to a matter in issue in the trial of an election petition upon the ground that the answer to such question may incriminate or tend to incriminate him or that it may expose or tend to expose him to any penalty or forfeiture, but a witness shall not be required or permitted to state for whom he has voted at an election.

(10) A witness who truly answers all questions which he is required to answer may be granted a certificate of indemnity by the Election Tribunal and an answer given by him to a question put by or before the Tribunal shall not, except in the case of any criminal proceeding for perjury in respect of his evidence, be admissible in evidence against him in any civil or criminal proceedings.

(11) A certificate of indemnity granted to any witness under sub-section (10) may be pleaded by him in any court and shall be a full and complete defence to or upon any charge under Chapter IXA of the Pakistan Penal Code, 1860 (Act LXV of 1860) or under this Act, arising out of the matters to which such certificate relates, but it shall not be deemed to relieve him from any disqualification in connection with an election imposed by any law.

(12) The Election Tribunal shall direct any party to pay reasonable expenses incurred by any person in attending the Tribunal to give evidence and shall, unless the Tribunal otherwise directs, be deemed to be part of the costs.

149. **Amendment of petition.—**(1) The Election Tribunal may, at any time before the commencement of recording of evidence and upon such terms and on payment of such costs as it may direct, allow the petitioner to amend the election petition in such manner as may, in its opinion, be necessary for ensuring a fair and effective trial and for determining the real questions at issue but shall not permit raising of a new ground of challenge to the election through such amendment.

(2) At any time during the trial of an election petition, the Election Tribunal may call upon the petitioner to deposit such further sum by way of security, in addition to the sum deposited under section 142 as it may deem fit and shall dismiss the election petition, if the petitioner fails to make the further deposit.

150. **Place of trial.—**The trial of an election petition shall be held at such place or places as the Tribunal may think fit.

151. **Power to transfer petition.—**The Commission may at any stage, on its own motion or on an application of a party and for reasons to be recorded, transfer an election petition from one Election Tribunal to another Election Tribunal and the Election Tribunal to which the election petition is transferred—

(a) shall proceed with the trial of the election petition from the stage from which it is transferred; and

(b) may, if it deems fit, recall and examine any witness who has already been examined.

152. **Advocate-General to assist the Election Tribunal.—**The Advocate-General for a Province shall, if an Election Tribunal requires, assist the Tribunal at the hearing of an election petition in such manner as it may require.

153. **Recrimination where seat is claimed.—**(1) Where in an election petition a declaration is claimed that a candidate other than the returned candidate has been elected, the returned candidate or any other respondent may produce evidence to prove that the election of such other candidate would have been declared void had he been the returned candidate and had a petition been presented calling his election in question.

(2) The Election Tribunal shall not allow the returned candidate or other respondent to produce evidence under sub-section (1) unless he has, within the fourteen days next following the commencement of the trial, given notice to the Tribunal of his intention to produce such evidence and has also deposited the amount under section 142.

(3) Every notice referred to in sub-section (2) shall be accompanied by a statement of the case, and all the provisions relating to the contents, verification, trial and procedure of an election petition, or to the security deposit in respect of an election petition, shall apply to such a statement as if it were an election petition.

154. **Decision of the Election Tribunal.—**(1) The Election Tribunal may, upon the conclusion of the trial of an election petition, make an order—

(a) dismissing the petition;

(b) declaring—

(i) the election of the returned candidate to be void and directing that fresh poll be held in one or more polling stations;

(ii) the election of the returned candidate to be void and the petitioner or any other contesting candidate to have been elected; or

(iii) the election as a whole to be void and directing that fresh election be held in the entire constituency.

(2) Save as provided in section 155, the decision of an Election Tribunal on an election petition shall be final.

155. **Appeal against decision of Election Tribunal.—**(1) Any person aggrieved by the final decision of the Election Tribunal in respect of an election petition challenging election to an Assembly or Senate may, within thirty days of the date of the decision, appeal to the Supreme Court.

(2) Any person aggrieved by the final decision of the Election Tribunal in respect of an election petition challenging election to a local government, may, within thirty days of the date of the decision, appeal to the High Court having jurisdiction and the decision of the High Court on such appeal shall be final.

156. **Ground for declaring election of returned candidate void.—**(1) The Election Tribunal shall declare the election of the returned candidate to be void if—

(a) the nomination of the returned candidate was invalid; or

(b) the returned candidate was not, on the nomination day, qualified for, or was disqualified from, being elected as a Member; or

(c) the election of the returned candidate has been procured or induced by any corrupt or illegal practice; or

(d) a corrupt or illegal practice has been committed by the returned candidate or his election agent or by any other person with the consent or connivance of the candidate or his election agent.

(2) If the contravention or corrupt or illegal practice is proved at a polling station, the Election Tribunal may, while declaring election of the returned candidate void, direct re-poll at the polling station.

(3) The election of a returned candidate shall not be declared void on the ground—

(a) that any corrupt or illegal practice has been committed, if the Election Tribunal is satisfied that it was not committed by or with the consent or connivance of that candidate or his election agent and that the candidate and the election agent took all reasonable precaution to prevent its commission; or

(b) that any of the other contesting candidates was, on the nomination day not qualified for or was disqualified from, being elected as a Member.

157. **Ground for declaring a person other than a returned candidate elected.—**The Election Tribunal shall declare the election of the returned candidate to be void and the petitioner or any other contesting candidate to have been elected, if it is claimed by the petitioner or any of the respondents, and the Tribunal is satisfied that—

(a) the petitioner or other contesting candidate obtained more votes than the returned candidate; or

(b) the voters deliberately threw away their votes in favour of the returned candidate fully knowing that the returned candidate was not, on the nomination day, qualified for, or was disqualified from, being elected as a Member.

Explanation.—The Election Tribunal shall presume, unless the contrary is proved, that the voters have not deliberately thrown away their votes and were not aware of lack of qualification or disqualification of the returned candidate.

158. **Ground for declaring election as a whole void.—**The Election Tribunal shall declare the election as a whole to be void if it is satisfied that the result of the election has been materially affected by reason of—

(a) the failure to comply with the provisions of this Act or the Rules in connivance with the returned candidate; or

(b) the prevalence of extensive corrupt or illegal practices at the election.

159. **Decision in case of equality of votes.—**(1) In case of election to an Assembly, where, after the conclusion of the trial there is an equality of votes between two contesting candidates, the Election Tribunal shall declare both the candidates as returned candidates and each one of them shall be entitled to represent his constituency in the Assembly for half of its term of office.

(2) The Election Tribunal shall draw a lot in respect of returned candidates referred to in sub-section (1) to determine as to who shall serve as Member of the Assembly for the first half of its term of office and shall take into account the period any returned candidate has already served as Member of the Assembly after the election.

(3) Before proceeding to draw a lot under sub-section (2), the Election Tribunal shall give notice to the contesting candidates between whom there is equality of votes and shall proceed to draw a lot on the date, time and place stated in the notice:

Provided that if the contesting candidates are present when it appears that there is an equality of votes between them, the Election Tribunal may proceed forthwith to draw a lot without giving notice.

(4) The Election Tribunal shall keep a record of the proceedings of draw of lot under this section and obtain signatures of such candidates and their agents who witnessed the proceedings, and if any such person refuses to sign, such fact shall be recorded.

(5) On receipt of the declaration under sub-section (1), the Commission shall notify the name of the candidate in the official Gazette on whom the lot drawn under sub-section (2) had fallen.

(6) Where there is equality of votes among more than two contesting candidates at the conclusion of the trial, the Election Tribunal shall order fresh election in the constituency on a date to be determined by the Commission but not later than sixty days from the date of order of the Tribunal.

160. **Other provisions relating to the Election Tribunal.—**(1) An order of the Election Tribunal under section 154 shall take effect on the date on which it is made and shall be communicated to the Commission and the Commission shall publish it in the official Gazette.

(2) The Election Tribunal shall, after an election petition has been disposed of, forward the record of the election petition to the Commission which shall retain it for a period of five years from the date of its receipt or till the disposal of appeal against the decision of the Tribunal, if any, and shall thereafter cause it to be destroyed.

161. **Withdrawal of petition.—**(1) The petitioner may, with the leave of the Election Tribunal, withdraw the election petition.

(2) Where leave to withdraw is granted under sub-section (1), the Election Tribunal shall order the petitioner to pay the costs or a portion of the costs incurred by the respondents.

162. **Abatement on death of petitioner.—**(1) An election petition shall abate on the death of a sole petitioner or of the sole survivor of several petitioners.

(2) Where an election petition abates under sub-section (1), the Election Tribunal shall serve notice of the abatement on the Commission.

163. **Death or withdrawal of respondent.—**If, before the conclusion of the trial of an election petition, a respondent dies or gives notice in the prescribed

form that he does not intend to contest the petition, and no respondent remains to contest the petition, the Election Tribunal shall, without any further hearing, or after giving such person as it may think fit an opportunity of being heard, decide the case *ex-parte*.

164. **Failure of petitioner to appear.—**Where, at any stage of the trial of an election petition, the petitioner fails to make appearance, the Election Tribunal may dismiss the petition for default, and make such order as to costs as it may think fit.

165. **Additional powers of Election Tribunal.—**(1) If an Election Tribunal, on the basis of any material coming to its knowledge from any source or information laid before it, is of the opinion that a returned candidate was a defaulter of loan, taxes, government dues and utility expenses, or has submitted a false or incorrect declaration regarding payment of loans, taxes, government dues and utility expenses or has submitted a false or incorrect statement of assets and liabilities of his own, his spouse or his dependents it may, on its own motion or otherwise, call upon such candidate to show cause why his election should not be declared void and, if it is satisfied that such candidate is a defaulter or has submitted false or incorrect declaration or statement, as aforesaid, it may, without prejudice to any order that may be, or has been made on an election petition, or any other punishment, penalty or liability which such candidate may have incurred under this Act or under any other law for the time being in force, make an order—

(a) declaring the election of the returned candidate to be void; and

(b) declaring any other contesting candidate to have been duly elected if any of the conditions specified in section 157 are proved to the satisfaction of the Election Tribunal.

(2) No order shall be made under sub-section (1) unless the returned candidate has been provided an opportunity of being heard.

166. **Order as to costs.—**(1) The Election Tribunal may, while making an order under section 154, also make an order determining the costs and specifying the persons by and to whom such costs are to be paid.

(2) If in any order as to costs under sub-section (1), there is a direction for the payment of costs by any party to any person, such costs shall, if they have not already been paid, be payable in full and shall, upon application in writing in that behalf made to the Election Tribunal within ninety days of the order by the person to whom costs have been awarded, be paid, as far as possible, out of the security for costs deposited by such party.

(3) Where no costs have been awarded against a party who has deposited security for costs, or where no application for payment of costs has been made within ninety days or where a residue remains after costs have been paid out of the security, the Election Tribunal shall, on application of the person who made the deposit of security or by his legal representative, return the security or the residue of the security to the person making the application.

(4) If no application for refund of security or residue of the security is made after the expiry of ninety days of the final decision, such security or, as the case may be, residue of the security shall stand forfeited in favour of the Government.

(5) If the order for payment of costs remains unsatisfied, the person to whom costs have been awarded by the Election Tribunal may file an application in the principal civil court of original jurisdiction of the district in which the person from whom the costs are to be recovered resides or owns property, or of the district in which the constituency, or any part of the constituency, or of a Province in case of election to the Senate, as the case may be, to which the disputed election relates is situated for recovery of the costs and the court shall execute an order for costs as if such order were a decree passed by that court.

CHAPTER X

OFFENCES, PENALTIES AND PROCEDURES

167. **Corrupt practice.—**A person is guilty of the offence of corrupt practice if he—

(a) is guilty of bribery, personation, exercising undue influence, capturing of polling station or polling booth, tampering with papers, and making or publishing a false statement or declaration;

(b) calls upon or persuades any person to vote, or to refrain from voting, for any candidate on the ground that he belongs to a particular religion, province, community, race, caste, *bradari*, sect or tribe;

(c) causes or attempts to cause any person present and waiting to vote at the polling station to depart without voting; or

(d) contravenes the provisions of section 132.

168. **Bribery.—**A person is guilty of bribery, if he, directly or indirectly, by himself or by any other person on his behalf—

(1) receives or agrees to receive or contracts for any gratification for voting or refraining from voting, or for being or refraining from being a candidate at, or for withdrawing or retiring from an election;

(2) gives, offers or promises any gratification to any person—

(a) for the purpose of inducing—

(i) a person to be, or to refrain from being, a candidate at an election;

(ii) a voter to vote, or refrain from voting, at an election; or

(iii) a candidate to withdraw or retire from an election; or

(b) for the purpose of rewarding—

(i) a person for having been, or for having refrained from being, a candidate at an election;

(ii) a voter for having voted or refrained from voting at an election; or

(iii) a candidate for having withdrawn or retired from an election.

Explanation.—In this section, 'gratification' includes a gratification in money or estimable in money and all forms of entertainment or employment.

169. **Personation.—**A person is guilty of personation, if he votes or applies for a ballot paper for voting, as some other person whether that other person is living or dead or fictitious.

170. **Undue influence.—**A person is guilty of exercising undue influence if he—

(a) in order to induce or compel any person to vote or refrain from voting, or to offer himself as a candidate, or to withdraw his candidature or retire from the contest, at an election, directly or indirectly, by himself or by any other person on his behalf—

(i) makes or threatens to make use of any force, violence or restraint;

(ii) inflicts or threatens to inflict any injury, damage, harm or loss;

(iii) calls down or threatens to call down divine displeasure or the displeasure or disapprobation of any saint or *pir*;

(iv) gives or threatens to give any religious sentence;

(v) uses or threatens to use any official influence or governmental patronage;

(vi) maligns the Armed Forces of Pakistan; or

(vii) prevents any woman from contesting an election or exercising her right to vote.

(b) on account of any person having voted or refrained from voting, or having offered himself as a candidate, or having withdrawn his candidature or having retired, does any of the acts specified in clause (a).

(c) directly or indirectly, by himself or by any other person on his behalf—

(i) uses any place of religious worship, or any place reserved for the performance of religious rites, for the purpose of canvassing for the votes or not to vote at an election or for a particular candidate; or

(ii) for any of the purposes specified in sub-clause (i) by words, spoken or written, or by signs or visible representation, publishes anything or does any act prejudicial to the glory of Islam or the integrity, security or defence of Pakistan or any part of Pakistan; or

(d) by abduction, duress or any fraudulent device or contrivance—

(i) impedes or prevents the free exercise of the franchise by a voter; or

(ii) compels, induces or prevails upon any voter to vote or refrain from voting.

Explanation.—In this section, "harm" includes social ostracism or excommunication or expulsion from any caste or community.

171. **Capturing a polling station or polling booth.—**A person is guilty of capturing a polling station or polling booth if he—

(a) seizes a polling station or a polling booth or a place fixed for the poll or makes polling authorities surrender the ballot papers or ballot box or both and does any other act which affects the orderly conduct of elections;

(b) takes possession of a polling station or a polling booth or a place fixed for the poll and allows his supporters to exercise their right to vote while preventing others from free exercise of their right to vote;

(c) coerces, intimidates or threatens, directly or indirectly, any voter and prevents him from going to the polling station or a place fixed for the poll to cast his vote; or

(d) being in the service of any Government or corporation or institution controlled by the Government, commits all or any of the aforesaid activities or aids or connives in, any such activity in furtherance of the prospects of the election of a candidate.

172. **Tampering with papers.—**(1) Except as provided in sub-section (2), a person is guilty of tampering with papers, if he—

(a) intentionally defaces or destroys any nomination paper, ballot paper or official mark on a ballot paper; or

(b) intentionally takes out of the polling station any ballot paper or puts into any ballot box any ballot paper other than the ballot paper he is authorized by law to put in; or

(c) without due authority—

(i) supplies any ballot paper to any person;

(ii) destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers in use for the purpose of election; or

(iii) breaks any seal affixed in accordance with the provisions of this Act; or

(d) forges any ballot paper or official mark; or

(e) causes any delay or interruption in the beginning, conduct or completion of the procedure required to be immediately carried out on the close of the poll.

(2) An election official on duty in connection with the election who is guilty of the offence under sub-section (1) shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one hundred thousand rupees or with both.

173. **Making or publishing a false statement or declaration.—**A person is guilty of making or publishing a false statement or declaration if he makes or publishes a false statement or submits false or incorrect declaration in any material particular—

(a) concerning the personal character of a candidate or any of his relations calculated to adversely affect the election of such candidate or for the purpose of promoting or procuring the election of another candidate, unless he proves that he had reasonable grounds for believing and did believe, the statement to be true; or

(b) relating to the symbol of a candidate whether or not such symbol has been allocated to such candidate; or

(c) regarding the withdrawal of a candidate; or

(d) in respect of statement of assets and liabilities or any liability with regard to payment of loans, taxes, government dues and utility expenses.

174. **Penalty for corrupt practice.—**Any person guilty of the offence of corrupt practice shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to one hundred thousand rupees or with both.

175. **Illegal practice.—**A person is guilty of the offence of illegal practice if he—

(a) is guilty of disorderly conduct near a polling station, canvassing in or near a polling station, interferes with the secrecy of voting, or adversely affects the interests of a candidate;

(b) obtains or procures, or attempts to obtain or procure, the assistance of any person in the service of Pakistan to further or hinder the election of a candidate;

(c) votes or applies for a ballot paper for voting at an election knowing that he is not qualified for, or is disqualified from, voting;

(d) votes or applies for a ballot paper for voting more than once in the same polling station;

(e) votes or applies for a ballot paper for voting in more than one polling station for the same election;

(f) removes a ballot paper from a polling station during the poll;

(g) violates restrictions on publicity laid down in section 180 or restrictions on announcement of development schemes under section 181;

(h) violates prohibition on public meetings during a certain period as provided in section 182;

(i) fails to comply with section 134 relating to election expenses;

(j) carries or displays any kind of weapon or fire arm in a public meeting or procession during campaign period, on the poll day and till twenty four hours after the announcement of the official results by the Returning Officer;

(k) resorts to aerial firing or uses firecrackers and other explosives at public meetings or in or near a polling station; or

(l) resorts to violence in any form or manner against an election official or any other person officially deputed to work at a polling station.

Explanation.—The word "weapon" used in clause (j) includes a *danda*, *lathi*, knife, axe or any other thing which can be used as a weapon to inflict injury to a person.

176. **Disorderly conduct near polling station.—**A person is guilty of disorderly conduct near a polling station if he, on the polling day—

(a) uses, in such manner as to be audible within the polling station, any gramophone, megaphone, loudspeaker or other apparatus for reproducing or amplifying sounds;

(b) persistently shouts in such manner as to be audible within the polling station;

(c) does any act which—

(i) disturbs or causes annoyance to any voter visiting a polling station for the purpose of voting; or

(ii) interferes with the performance of the duty of an election official or any person on duty at a polling station; or

(d) abets the doing of any of these acts.

177. **Canvassing in or near the polling station.—**A person is guilty of canvassing in or near a polling station if he, on the polling day—

(a) within a radius of four hundred meters¬ of a polling station—

(i) canvasses for votes;

(ii) solicits the vote of any voter;

(iii) persuades any voter not to vote at the election or for a particular candidate; or

(b) exhibits, except with the permission of the Returning Officer and at a place reserved for the candidate or his election agent beyond the radius of one hundred meters of the polling station, any notice, sign or flag designed to encourage the voters to vote or discourage the voters from voting, for any contesting candidate.

178. **Interference with the secrecy of voting.—**A person is guilty of interference with the secrecy of voting if he—

(a) interferes or attempts to interfere with a voter when he records his vote;

(b) in any manner obtains or attempts to obtain in a polling station information as to the candidate or candidates for whom a voter is about to vote or mark his preferences in case of election to the Senate or has voted or, as the case may be, marked his preferences;

(c) communicates at any time any information obtained in a polling station as to the candidate or candidates for whom a voter is about to vote or mark his preferences or has voted or marked his preferences;

(d) takes or attempts to take a photograph of the marked ballot paper by using cell phone camera or any other device to interfere with the secrecy of vote; or

(e) in any other manner discloses the secrecy of the vote.

179. **Adversely affecting the interests of candidate.—**A person is guilty of adversely affecting the interests of any person as a candidate if he, as a proposer or seconder, or in a fictitious name as a proposer or seconder, wilfully does any act which he is prohibited by law from doing, or omits to do any act which he is required by law to do, or makes any entry in a Form which is not correct, or subscribes to a Form a signature which is not genuine.

180. **Regulation of publicity.—**(1) No political party shall run a publicity campaign in print and electronic media at the cost of public exchequer.

(2) The Commission shall determine the size of posters, handbills and pamphlets, which the candidates or political parties may use for canvassing for an election.

(3) No person or a political party shall—

(a) affix or distribute posters, handbills, pamphlets, banners or portraits larger than the sizes prescribed by the Commission;

(b) print or publish, or cause to be printed or published, any poster, handbill or pamphlet which does not bear on its face the names and addresses of the printer and the publisher;

(c) affix hoardings or panaflexes of any size;

(d) hoist party flag at any public building or any other public property;

(e) do wall chalking for the purpose of canvassing for an election; and

(f) use loudspeaker for canvassing except at election meetings.

(4) No person shall remove or deface the posters affixed by a candidate or political party or prevent workers of a candidate or political party from distribution of handbills and leaflets.

(5) The regulatory authority dealing with print or electronic media shall comply with the direction of the Commission to submit a report in respect of the publicity campaign by a political party or a candidate.

181. **Prohibition of announcement of development schemes.—**No Government functionary or elected representative including a local government functionary or elected representative, shall announce any development scheme

for a constituency after the announcement of the Election Programme of that constituency.

182. **Prohibition of public meetings during certain period.—**No person shall convene, hold or attend any public meeting, or promote or join in any procession, within the area of a constituency or, in the case of the Senate election, a Province, during a period of forty-eight hours ending at midnight following the conclusion of the poll for any election in that constituency or Province.

183. **Penalty for illegal practice.—**A person guilty of the offence of illegal practice shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one hundred thousand rupees or with both.

184. **Violation of official duty in connection with election.—**A person appointed to perform any function in connection with an election is guilty of violation of official duty, if he wilfully or negligently—

(a) tampers with papers as mentioned in section 172;

(b) influences a voter as mentioned in section 186; or

(c) fails to discharge any duty entrusted to him under this Act or Rules or any other law.

185. **Failure to maintain secrecy.—**An election official or any candidate, election agent or polling agent or a voter attending a polling station or any person attending at the counting of votes is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees or with both, if he—

(a) fails to maintain secrecy or aids in violating the secrecy of voting;

(b) communicates, except for any purpose authorized by any law to any person before the poll is closed, any information as to the official marks; or

(c) communicates any information obtained at the counting of votes as to the candidate or candidates for whom any vote is given or a preference is recorded, as the case may be, by any particular ballot paper.

186. **Officials not to influence voters.—**An election official or any other person performing a duty in connection with an election, or any member of

a law enforcement agency, is guilty of breach of official duty, if he, in the conduct or management of an election or maintenance of order at a polling station—

(a) persuades any person to give his vote;

(b) dissuades any person from giving his vote;

(c) influences in any manner the voting of any person; or

(d) does any other act calculated to influence the result of the election.

187. **Assistance by Government servant.—**A person in the service of Pakistan is guilty of violation of official duty in connection with an election, if he mis-uses his official position in a manner calculated to influence the results of the election.

188. **Penalty for violation of official duty in connection with election.—**An election official or any other person on duty in connection with an election who is guilty of an offence under section 184, section 186 or section 187 shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one hundred thousand rupees or with both.

189. **Enrollment as voter for more than once.—**If a person is enrolled on the electoral roll for any electoral area more than once or on the electoral rolls for more than one electoral area, the person or any Registration Officer, who knowingly enrolls a voter for more than once, shall be punishable with imprisonment for a term which may extend to six months or with fine not exceeding one hundred thousand rupees or with both.

190. **Cognizance and trial.—**(1) Notwithstanding anything contained in any other law but subject to section 193, an offence under this Chapter shall be tried by the Sessions Judge and any aggrieved person may, within thirty days of the passing of the final order, file an appeal against the order in the High Court which shall be heard by a Division Bench of the High Court.

(2) The proceedings against a person for being involved in corrupt or illegal practice may be initiated on a complaint made by a person or by the Commission but if a complaint made by the person proves to be false, based on bad faith or is made for any ulterior motive to provide benefit to another person, the complainant shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to fifty thousand rupees or with both.

(3) The Commission may direct that the summary trial of an offence under this Act may be conducted in accordance with the provisions of Chapter XX of the Code.

Explanation.—In this section, "Sessions Judge" includes an Additional Sessions Judge.

191. **Prosecution of offences by public officers.—**(1) No court shall take cognizance of the offence punishable under section 188, 189 or 195, except upon a complaint in writing, made by order of or under the authority of the Commission.

(2) The Commission shall, if it has reason to believe that any offence specified in sub-section (1) has been committed, cause an enquiry to be made or prosecution to be instituted against the accused person, as it may think fit.

(3) An offence specified in sub-section (1) shall be exclusively triable by the Court of Sessions within the jurisdiction of which the offence is committed.

(4) In respect of an offence specified in sub-section (1), provisions of section 494 of the Code, shall have effect as if, after the word and comma "may," therein, the words "if so directed by the Commission and" were inserted.

192. **Certain offences triable by Registration Officer.—**Notwithstanding anything contained in the Code, the Registration Officer, if authorized by the Commission, may—

(a) exercise the powers of a Magistrate of the first class under the said Code in respect of the offences punishable under sections 172, 173, 174, 175, 177, 178, 179, 180, 182, 186, 187, 188, 189, 191, 196, 197, 198, 199, 200,464 or 471 of the Pakistan Penal Code, 1860 (Act XLV of 1860); and

(b) take cognizance of any such offence and shall try it summarily under Chapter XX of the Code.

193. **Certain offences triable by authorized officers.—**Notwithstanding anything contained in the Code, an officer exercising the powers of a civil or criminal court, or an officer of the Armed Forces, or an officer performing a duty in connection with an election, who is authorized by the Commission in this behalf may—

(a) exercise the powers of a Magistrate of the first class under the Code in respect of the offences of personation, or capturing of polling station or polling booth punishable under section 174; and

(b) take cognizance of any such offence under section 190 of the Code; and shall try it summarily under Chapter XX of the Code.

194. **Powers of a Police Officer.—**A Police Officer may—

(a) arrest without warrant, notwithstanding anything contained in the Code, any person who—

(i) commits personation or an offence under section 183 if the Presiding Officer directs him to arrest such person; or

(ii) while being removed from the polling station by the Presiding Officer, commits any offence at the polling station;

(b) remove any notice, sign, banner or flag used in contravention of section 177; and

(c) seize any instrument or apparatus used in contravention of section 176 and take such steps, including use of force, as may be reasonably necessary for preventing such contravention.

195. **Information not to be divulged.—**Any person who—

(a) being an employee of the Commission publishes or communicates to any person, any information or data acquired by him in the course of such employment without being authorized by the Commission;

(b) breaches, in any manner, the security or integrity of the information or data contained in the electoral rolls database;

(c) having possession of any information or data which to his knowledge has been obtained or disclosed in contravention of this Act or in breach of the security, secrecy or integrity thereof, publishes or communicates that information or data to any other person; or

(d) misuses or abuses, in any manner, the information or data contained in the electoral rolls database;

shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one hundred thousand rupees or with both.

196. **Offences punishable under Pakistan Penal Code.—**(1) If any person—

(a) attacks the polling station or polling booth;

(b) causes or attempts to cause any injury to a person or loss of public property at the polling station;

(c) exhibits or uses weapons or makes aerial firing in or around the polling station;

(d) disturbs the polling proceedings or causes to harass the voters to leave the polling station without voting;

(e) snatches or attempts to snatch the ballot boxes or ballot papers;

(f) kidnaps or attempts to kidnap the Presiding Officer or polling staff; or

(g) does any other act at the polling station;

punishable under the Pakistan Penal Code, 1860 (Act XLV of 1860), the Presiding Officer shall report in writing the occurrence to the Returning Officer who shall refer the matter to the Head of District Police for registration of a case against the alleged offender.

(2) The Head of District Police shall send a copy of the First Information Report to the Court of competent jurisdiction and shall submit to the Provincial Election Commissioner periodical report about the progress in investigation of the case.

197. **Court to report convictions to the Commission.—**(1) A Court convicting any person for an offence punishable under this Chapter, other than corrupt practice, shall send a report to the Commission of such conviction together with its recommendations, if any, considering the special circumstances of any case, for the mitigation or remission of any disqualification incurred by such person under this Act.

(2) The Commission shall publish the report received under sub-section (1) on its website.

198. **Punishment not in derogation of any other liability.—**Any punishment imposed on any person for an offence punishable under this Chapter shall be in addition to, and not in derogation of, any liability incurred by such person under any other provision of this Act.

199. **Provisions of the Code to apply.—**In the matters relating to reporting, investigation, summons, warrants, enquiry, trial of an offence or other ancillary matters where any provision or any sufficient provision does not exist in this Act or the Rules, the provisions of the Code shall apply in the matter.

CHAPTER XI

POLITICAL PARTIES

200. **Formation of political parties.—**(1) Subject to this Act, it shall be lawful for any body of individuals or association of citizens to form, organize, continue or set-up a political party.

(2) A political party shall have a distinct identity of its structures at the national, provincial and local levels, wherever applicable.

(3) Every political party shall have a distinct name.

(4) Notwithstanding anything contained in sub-section (1), a political party shall not—

(a) propagate any opinion, or act in a manner prejudicial to the fundamental principles enshrined in the Constitution;

(b) undermine the sovereignty or integrity of Pakistan, public order or public morality or indulge in terrorism;

(c) promote sectarian, regional or provincial hatred or, animosity;

(d) bear a name as a militant group or section or assign appointment titles to its leaders or office-bearers which connote leadership of armed groups;

(e) impart any military or para-military training to its members or other persons; or

(f) be formed, organized, set-up or convened as a foreign-aided political party.

201. **Constitution of political parties.—**(1) A political party shall formulate its constitution, by whatever name called, which shall include—

(a) the aims and objectives of the political party;

(b) organizational structure of the political party at the Federal, Provincial and local levels, whichever is applicable;

(c) membership fee to be paid by the members, where applicable;

(d) designation and tenure of the office-bearers of the political party;

(e) criteria for receipt and collection of funds for the political party; and

(f) procedure for—

(i) election of office-bearers;

(ii) powers and functions of office-bearers including financial decision-making;

(iii) selection or nomination of party candidates for election to public offices and legislative bodies;

(iv) resolution of disputes between members and political party, including issues relating to suspension and expulsion of members; and

(v) method and manner of amendments in the constitution of the political party.

(2) Every political party shall provide a printed copy of its constitution to the Commission.

(3) Any change in the constitution of a political party shall be communicated to the Commission within fifteen days of incorporation of the change and the Commission shall maintain updated record of the constitutions of all the political parties.

202. **Enlistment of political parties.—**(1) A political party formed after the commencement of this Act shall, within thirty days of its formation, apply to the Commission for enlistment of the political party.

(2) The application for enlistment shall be accompanied by a copy of the constitution of the political party, the certificate and the information required to be submitted under section 201 and section 209, a copy of consolidated statement of its accounts under section 210, a list of at least two thousand members with their signatures or thumb impressions along with copies of their

National Identity Cards, and proof of deposit of two hundred thousand rupees in favour of the Commission in the Government Treasury as enlistment fee.

(3) The Commission shall enlist a political party applying for enlistment under sub-section (1) if the Commission is satisfied that the political party fulfills the requirements specified in sub-section (2).

(4) A political party enlisted by the Commission before the commencement of this Act shall be deemed to have been enlisted under this Act provided it has filed with the Commission the documents mentioned in sub-section (2) and if not, it shall submit the documents within sixty days from the commencement of the Act.

(5) If an enlisted political party fails to file the documents under sub-section (2) within the time stipulated under sub-section (4), the Commission shall cancel the enlistment of the political party after affording an opportunity of being heard to that political party.

(6) A political party which has been refused enlistment or whose enlistment has been cancelled under this section may, within thirty days of the refusal or cancellation of enlistment, file an appeal before the Supreme Court.

(7) Where the Government declares that a political party has been formed or is operating in a manner prejudicial to the sovereignty, or integrity of Pakistan, it shall within fifteen days of such declaration refer the matter to the Supreme Court.

203. **Membership of political parties.—**(1) Every citizen, not being in the service of Pakistan, shall have the right to form or be a member of a political party or be otherwise associated with a political party or take part in political activities or be elected as an office-bearer of a political party.

(2) Where a person joins a political party, his name shall be entered in the record of the political party as a member and shall be issued a membership card, or any other document showing his membership of the political party.

(3) A person shall not be a member of more than one political party at a time.

(4) A political party shall encourage women to become its members.

(5) A member of a political party shall have the right of access to the records of the political party, other than the record of another member.

204. **Membership fee, contributions and donations.—**(1) A member of a political party shall be required to pay a membership fee, if provided in the political party's constitution and may, in addition, make contributions or donations towards the political party's funds.

(2) The fee, contribution or donation made by a member or a supporter of a political party shall be duly recorded by that political party.

(3) Any contribution or donation made, directly or indirectly, by any foreign source including any foreign government, multi-national or public or private company, firm, trade or professional association or individual shall be prohibited.

(4) Any contribution or donation which is prohibited under this Act shall be confiscated in favour of the Government in such manner as may be prescribed.

Explanation.—For the purpose of this section—

(a) "contribution or donation" includes a contribution or donation made in cash, kind, stocks, transport, fuel and provision of other such facilities; and

(b) "foreign source" shall not include an Overseas Pakistani holding a National Identity Card for Overseas Pakistanis issued by the National Database and Registration Authority.

205. **Suspension or expulsion of a member.—**(1) A member of a political party may be suspended or expelled from the political party's membership in accordance with the procedure provided in the constitution of the political party.

(2) Before making an order for suspension or expulsion of a member from the political party, such member shall be provided with a reasonable opportunity of being heard and of showing cause against the action proposed.

206. **Selection for elective offices.—**A political party shall make the selection of candidates for elective offices, including membership of the *Majlis-e-Shoora* (Parliament) and Provincial Assemblies, through a transparent and democratic procedure and while making the selection of candidates on general seats shall ensure at least five per cent representation of women candidates.

207. **Functioning of a political party.—**(1) A political party shall have an elected general council at the Federal, Provincial and local levels, wherever applicable, and by whatever name it may be referred.

(2) A political party shall, at least once in a year, convene a general meeting at the Federal, Provincial and local level of a political party, wherever applicable, and shall invite the members of the political party or their delegates to participate in the general meeting.

208. **Elections within a political party.**—(1) The office-bearers of a political party at the Federal, Provincial and local levels, wherever applicable, shall be elected periodically in accordance with the constitution of the political party:

Provided that a period, not exceeding five years, shall intervene between any two elections.

(2) A member of a political party shall, subject to the provisions of the constitution of the political party, be provided with an equal opportunity of contesting election for any political party office.

(3) All members of the political party at the Federal, Provincial and local levels shall constitute the electoral-college for election of the party general council at the respective levels.

(4) The political party shall publish the updated list of its central office-bearers and Executive Committee members, by whatever name called, on its website and send the list, and any subsequent change in it, to the Commission.

209. **Certification by the political party.**—(1) A political party shall, within seven days from completion of the intra-party elections, submit a certificate signed by an office-bearer authorized by the Party Head, to the Commission to the effect that the elections were held in accordance with the constitution of the political party and this Act to elect the office-bearers at the Federal, Provincial and local levels, wherever applicable.

(2) The certificate under sub-section (1) shall contain the following information—

(a) the date of the last intra-party elections;

(b) the names, designations and addresses of office-bearers elected at the Federal, Provincial and local levels, wherever applicable;

(c) the election results; and

(d) copy of the political party's notifications declaring the results of the election.

(3) The Commission shall, within seven days from the receipt of the certificate of a political party under sub-section (1), publish the certificate on its website.

210. **Information about the sources of funds.—**(1) A political party shall, in such manner as may be prescribed, submit to the Commission within sixty days from the close of a financial year, a consolidated statement of its accounts audited by a Chartered Accountant on Form D containing—

(a) annual income and expenses;

(b) sources of its funds; and

(c) assets and liabilities.

(2) The statement under sub-section (1) shall be accompanied by the report of a Chartered Accountant with regard to the audit of accounts of the political party and a certificate signed by an office-bearer authorized by the Party Head stating that—

(a) no funds from any source prohibited under this Act were received by the political party; and

(b) the statement contains an accurate financial position of the political party.

211. **Campaign finance.—**(1) A political party shall furnish to the Commission the list of contributors who have donated or contributed an amount equal to or more than one hundred thousand rupees to the political party for its election campaign expenses.

(2) A political party shall furnish to the Commission details of the election expenses incurred by it during a general election.

212. **Dissolution of a political party.—**(1) Where the Federal Government is satisfied on the basis of a reference from the Commission or information received from any other source that a political party is a foreign-aided political party or has been formed or is operating in a manner prejudicial to the sovereignty or integrity of Pakistan or is indulging in terrorism, the Government shall, by a notification in the official Gazette, make such declaration.

(2) Within fifteen days of making a declaration under sub-section (1), the Government shall refer the matter to the Supreme Court.

(3) Where the Supreme Court upholds the declaration made against the political party under sub-section (1), such political party shall stand dissolved forthwith.

Explanation.—In this section, 'foreign-aided political party' means a political party which—

(a) has been formed or organized at the instance of any foreign government or political party of a foreign country; or

(b) is affiliated to or associated with any foreign government or political party of a foreign country; or

(c) receives any aid, financial or otherwise, from any foreign government or political party of a foreign country, or any portion of its funds from foreign nationals.

213. **Effects of dissolution of political party.—**(1) Where a political party is dissolved under section 212, any member of such political party, if he is a member of the *Majlis-e-Shoora* (Parliament), a Provincial Assembly or a local government, shall be disqualified for the remaining term to be a member of the *Majlis-e-Shoora* (Parliament), Provincial Assembly or local government.

(2) The Commission shall, by notification in the official Gazette, publish the names of the members of a political party becoming disqualified from being members of *Majlis-e-Shoora* (Parliament), Provincial Assembly or local government on the dissolution of the political party under section 212.

CHAPTER XII

ALLOCATION OF SYMBOLS

214. **List of election symbols.—**The Commission shall prescribe a list of election symbols for allocation to political parties and candidates and the symbols in the list shall be visibly and perceptually different from each other.

215. **Eligibility of party to obtain election symbol.—**(1) Notwithstanding anything contained in any other law, a political party enlisted under this Act shall be eligible to obtain an election symbol for contesting elections for *Majlis-e-Shoora* (Parliament), Provincial Assemblies or local government on submission of certificates and statements referred to in sections 202, 206, 209 and 210.

(2) A combination of enlisted political parties shall be entitled to obtain one election symbol for an election only if each party constituting such

combination submits the certificates and statements referred to in sections 202, 206, 209 and 210.

(3) An election symbol already allocated to a political party shall not be allocated to any other political party or combination of political parties.

(4) Where a political party or combination of political parties, severally or collectively, fails to comply with the provision of section 209 or section 210, the Commission shall issue to such political party or parties a notice to show cause as to why it or they may not be declared ineligible to obtain an election symbol.

(5) If a political party or parties to whom show cause notice has been issued under sub-section (4) fails to comply with the provision of section 209 or section 210, the Commission may after affording it or them an opportunity of being heard, declare it or them ineligible to obtain an election symbol for election to *Majlis-e-Shoora* (Parliament), Provincial Assembly or a local government, and the Commission shall not allocate an election symbol to such political party or combination of political parties in subsequent elections.

216. **Application for allocation of symbol.—**Subject to fulfilment of the provisions of this Chapter and the Rules, a political party shall make an application to the Commission for allocation of a symbol of its choice for each general election within the period specified by the Commission in its press release, and the application shall contain—

(a) the list of symbols applied for in order of preference;

(b) symbol or symbols if any allocated to the political party during the previous general elections;

(c) every such application shall be signed by the Party Head, by whatever name designated;

(d) address of the head office of the political party; and

(e) such other particulars or information from the political party as may be prescribed.

217. **Allocation of symbols.—**(1) The Commission shall allocate a symbol to a political party if the political party complies with the provisions of this Act.

(2) A candidate nominated by a political party for an election in any constituency shall be allotted the symbol allocated to that political party by the Returning Officer.

(3) A symbol allocated to a political party by the Commission shall not be allotted to any candidate in a constituency other than the candidate nominated by that political party.

(4) Subject to the direction of the Commission, in a bye-election, the Returning Officer shall allot to a candidate nominated by a political party the symbol allocated to that political party in the previous general election.

(5) In every constituency where an election is contested, the Returning Officer shall allot visibly different and distinct symbols to each contesting candidate.

Explanation.—In this section, the expression 'political party' includes a combination of political parties who have agreed to put up joint candidates.

218. **Symbol disputed by a political party.—**(1) If a political party fulfils the requirement of sections 208, 209 and 210 and a symbol is allocated to it by the Commission, the Returning Officer shall allocate such symbol to the candidate nominated by that political party.

(2) A political party shall have the right to claim the allocation of the same symbol as allocated to it in any previous election.

(3) A political party shall also be given preference for allocation of a particular symbol if such symbol was allocated to it in a previous election before entering into an alliance with other political parties.

(4) In case the same symbol was allocated to a combination of political parties at the last election and two or more component political parties apply for the same symbol for the next election, the allocation of that symbol to any one political party shall be decided by drawing of lots.

CHAPTER XIII

CONDUCT OF ELECTIONS TO THE LOCAL GOVERNMENTS

219. **Commission to conduct elections.—**(1) The Commission shall conduct elections to the local governments under the applicable local government law, and the Rules framed thereunder, as may be applicable to a Province, cantonments, Islamabad Capital Territory or Federally Administered Tribal Areas.

(2) Notwithstanding anything contained in sub-section (1), the voting procedure for direct elections to the local governments in a Province, cantonments, Islamabad Capital Territory or Federally Administered Tribal Areas shall be the same as provided for election to the Assemblies under this Act.

(3) Subject to sub-section (4), the Commission shall, in consultation with the Federal or Provincial Government, make an announcement of the date or dates on which the elections to a local government shall be conducted in a Province, cantonment, Islamabad Capital Territory, Federally Administered Tribal Areas or a part thereof.

(4) The Commission shall hold elections to the local governments within one hundred and twenty days of the expiry of the term of the local governments of a Province, cantonment, Islamabad Capital Territory or Federally Administered Tribal Areas.

(5) The Commission shall organize and conduct elections under this Chapter and shall make such arrangements as are necessary to ensure that the elections are conducted honestly, justly, fairly and in accordance with law and that the corrupt practices are guarded against.

(6) The Commission may, by order in the official Gazette, make provisions for the conduct of local government elections if no provision or insufficient provision has been made under this Act or the Rules.

220. **Electoral rolls.—**(1) The electoral rolls prepared, updated and maintained under this Act shall be used for conduct of an election to a local government.

(2) The Commission shall provide the Returning Officer for a local government with copies of electoral rolls for all the electoral areas within the constituency of such local government.

(3) The Returning Officer shall provide the electoral rolls, containing the names of the voters entitled to vote at a polling station, to the Presiding Officer of each such polling station.

221. **Delimitation of local government constituencies.—**(1) For the purpose of holding elections to the local governments, the Commission shall delimit constituencies of the local governments, including union councils, wards in a union council, a ward in a district council or ward in a municipal committee, as far as possible and subject to necessary modifications, in accordance with Chapter III of this Act and the Rules.

Explanation.—A union council includes a union committee, a village council or, as the case may be, a neighborhood council.

(2) For the purpose of delimitation of a union council—

(a) the area of a union council shall be a territorial unity;

(b) the boundaries of a union council shall not cross the limits of the local council of which the union council, being delimited, forms part; and

(c) the population of union councils within a local government shall, as far as possible, be uniform.

(3) The Commission shall delimit a local government, if required, into as many wards as may be notified for the election of members on general seats by the concerned government.

(4) For the purpose of delimitation of a ward of a union council—

(a) a ward shall consist of a village, one or more adjoining villages or, in case of an urban area, a census block or adjoining census blocks;

(b) the boundaries of a ward shall not cross the limits of the union council; and

(c) the population of wards within a union council shall, as far as possible, be uniform.

(5) The Commission shall delimit a municipal committee into such number of wards as notified by the concerned government for election of Members of the municipal committee on general seats.

(6) For the purpose of delimitation of a municipal committee—

(a) a ward shall consist of a census block or adjoining census blocks;

(b) the boundaries of a ward shall not cross the limits of the municipal committee; and

(c) the population of wards within a municipal committee shall, as far as possible, be uniform.

(7) The Commission shall delimit a tehsil council, where required, into as many wards as may be notified by the concerned government for the election on general seats to the tehsil council and district council.

(8) For the purpose of delimitation of a ward in a tehsil council—

(a) the area of a ward shall be a territorial unity;

(b) the boundaries of a ward shall not cross the limits of the tehsil council of which the ward, being delimited, forms part; and

(c) the population of the ward within the tehsil council shall, as far as possible, be uniform.

(9) The Commission shall delimit a local government, if required, into as many constituencies as may be provided under the applicable local government law for the election of Members on general seats of the local government.

222. **Appointment of Delimitation Committee.—**(1) The Commission shall appoint a Delimitation Committee for each district for delimitation of constituencies of the local governments in the district, including union councils, wards within a union council, or wards in municipal committees.

(2) Revenue or other executive officers posted in the district shall provide necessary assistance to the Delimitation Committee in carrying out delimitation of constituencies of the local governments in the district.

223. **Appointment of Delimitation Authority.—**(1) The Commission shall appoint from amongst its own officers or from the officers of the subordinate judiciary a Delimitation Authority for each district to hear and decide the objections against the delimitation carried out by the Delimitation Committee.

(2) An officer of the subordinate judiciary shall be appointed as Delimitation Authority in consultation with the Chief Justice of the High Court concerned.

(3) A voter may, within fifteen days of the delimitation of constituencies by the Delimitation Committee, file objections against the delimitation before the Delimitation Authority which shall decide the objections within thirty days from the date of delimitation of constituencies by the Delimitation Committee.

224. **Election officials and polling stations.—**The provisions of Chapter V of this Act relating to appointment of election officials and for the preparation of list of polling stations for an election to Assemblies shall, as nearly as possible subject to necessary modifications, apply to the appointment of election officials and for the preparation of the list of the polling stations for an election to a local government.

225. **Appeal against scrutiny order.—**(1) 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 a nomination paper to an Appellate Tribunal constituted for the constituency consisting of a person who is a District and Sessions Judge or an Additional District and Sessions Judge appointed by the Commission in consultation with the Chief Justice of the High Court.

(2) An Appellate Tribunal shall summarily decide an appeal filed under sub-section (1) within such time as may be notified by the Commission and any order passed on the appeal shall be final.

(3) If the Appellate Tribunal is not able to decide the appeal within the time fixed by the Commission under sub-section (2), the appeal shall abate and decision of the Returning Officer shall be final.

226. **Election against reserved seats.—**(1) Subject to the Rules, the Commission shall organize and conduct the election to the seats reserved for women, peasants or workers, technocrats, youth and non-Muslims in a local government under the applicable local government law.

(2) A contesting candidate or candidates obtaining the highest number of votes in a category shall be declared as elected against the seat or seats specified for that category.

(3) The Commission shall provide to the Returning Officer a list of elected Members eligible to vote and constituting an electoral college for the election of the indirectly elected Members of a local government under the applicable local government law.

227. **Notification of election and a vacancy.—**(1) The Commission shall notify every election or a vacancy occurred due to death, resignation, disqualification, and removal of a Member of a local government and publish the same in the official Gazette.

(2) Any Government, under whom a vacancy of a Member of a local government occurs due to any cause, shall immediately inform the Commission about occurrence of the vacancy.

Explanation.—For purposes of this section, the elected Member also includes Chairman, Vice-Chairman, Mayor, Deputy Mayor or, as the case may be, Nazim or Naib Nazim of a local government.

228. **Bye-elections.—**When the seat of a Member of a local government becomes vacant and bye-election is required to fill the seat under the applicable local government law, the Commission shall, by notification in the official Gazette, call upon the constituency or electoral college to elect a person to fill the seat on such date as may be specified in the notification and the provisions of this Act, the Rules and applicable local government law shall apply to the election to fill such seat.

229. **Application of provisions to local government election.—**(1) Subject to this Chapter and the Rules relating to conduct of local government elections, election disputes, election offences and allocation of symbols, the provisions of Chapter V, Chapter IX, Chapter X and Chapter XII of this Act, as nearly as possible, shall apply to the conduct of local government election.

(2) The qualifications and disqualification of a candidate in a local government election or a Member of a local government shall be decided under the applicable local government law.

CHAPTER XIV

CARETAKER GOVERNMENT

230. **Functions of caretaker Government.—**(1) A caretaker Government shall—

(a) perform its functions to attend to day-to-day matters which are necessary to run the affairs of the Government;

(b) assist the Commission to hold elections in accordance with law;

(c) restrict itself to activities that are of routine, non-controversial and urgent, in the public interest and reversible by the future Government elected after the elections; and

(d) be impartial to every person and political party.

(2) The caretaker Government shall not—

(a) take major policy decisions except on urgent matters;

(b) take any decision or make a policy that may have effect or pre-empt the exercise of authority by the future elected Government;

(c) enter into major contract or undertaking if it is detrimental to public interest;

(d) enter into major international negotiation with any foreign country or international agency or sign or ratify any international binding instrument except in an exceptional case;

(e) make promotions or major appointments of public officials but may make acting or short term appointments in public interest;

(f) transfer public officials unless it is considered expedient and after approval of the Commission; and

(g) attempt to influence the elections or do or cause to be done anything which may, in any manner, influence or adversely affect the free and fair elections.

(3) The Prime Minister, Chief Minister or a Minister or any other members of a Caretaker Governments shall, within three days from the date of assumption of office, submit to the Commission a statement of assets and liabilities including assets and liabilities of his spouse and dependent children as on the preceding 30th day of June on Form B and the Commission shall publish the statement of assets and liabilities in the official Gazette.

(4) In this section, 'caretaker Government' means the caretaker Federal Government or a caretaker Provincial Government.

CHAPTER XV

MISCELLANEOUS

231. **Qualifications and disqualifications.—**The qualifications and disqualifications for a person to be elected or chosen or to remain a Member of the Majlis-e-Shoora (Parliament) or a Provincial Assembly shall be such as are provided in Articles 62 and 63.

232. **Disqualification on account of offences.—**Where a person has been convicted for any offence under this Act or has been found guilty of any corrupt or illegal practice by a Tribunal, he shall, if the Commission is of the view that circumstances so warrant and makes an order to that effect, be disqualified for such period not exceeding five years as may be specified in the order from being, or being elected as a Member of an Assembly, the Senate or a local government.

233. **Code of Conduct.—**(1) The Commission shall, in consultation with political parties, frame a Code of Conduct for political parties, contesting candidates, election agents and polling agents.

(2) The Commission shall also frame a Code of Conduct for security personnel, media and election observers.

(3) A political party, a candidate, an election agent, a polling agent, security personnel, media and an observer shall follow the Code of Conduct during an election.

(4) The Commission shall publish a Code of Conduct framed under this section in the official Gazette and on its website.

234. **Monitoring of election campaign.—**(1) The Commission shall constitute a monitoring team consisting of such number of persons as may be determined by it, to monitor election campaign of the candidates and political parties and report, on regular basis in the prescribed manner, to an officer nominated by the Commission in respect of each district for the purpose of deciding the complaints regarding any violation by a candidate or a political party of any provision of the Act, Rules or the Code of Conduct issued by the Commission.

(2) The Commission shall constitute a monitoring team for a constituency or a group of constituencies and determine the terms of reference of the monitoring team.

(3) If the officer, nominated under sub-section (1) receives a report of any violation of the Act or the Rules and, after holding a summary enquiry, finds that the reported violation has been committed and no other punishment is provided under the Act for such violation, he may impose a fine not exceeding fifty thousand rupees.

(4) If the nominated officer after summary enquiry finds a candidate or a political party guilty of violation of the Act or the Rules for the second time, he shall refer the matter to the Commission for initiation of proceedings against such candidate or political party under the law, including proceedings for disqualification of the said candidate and in case of the political party, its candidate.

(5) Any person aggrieved from an order of nominated officer under this section may, within three days from the order, file an appeal before the Commission and the order of the Commission on the appeal shall be final.

(6) In an election, the Commission may issue any direction to the authority dealing with matters relating to print or electronic media and such authority shall comply with the direction.

235. **Absence of candidates not to invalidate acts.—**Where any act or thing is required or authorized by this Act to be done in the presence of the

candidate, an election agent or a polling agent, the failure of such person to attend at the time and place fixed for the purpose shall not invalidate any act or thing otherwise validly done.

236. **Jurisdiction of courts barred.—**(1) No court shall question the legality of any action taken in good faith by or under the authority of the Commission, the Commissioner or an election official or any decision given by any of them or any other officer or authority appointed under this Act or the Rules.

(2) No court shall question the validity of the electoral rolls prepared or revised under this Act or the legality or propriety of any proceedings or action taken by or under the authority of the Commission or a Registration Officer.

(3) The validity of the delimitation of any constituency or of any proceedings taken or anything done by or under the authority of the Commission, under this Act shall not be called in question in any court.

237. **Protection of actions taken in good faith.—**No suit, prosecution or other legal proceeding shall lie against the Commission, the Commissioner or an election official or other person in respect of anything which is done in good faith or intended to be done under or in pursuance of this Act or of any rule or order made or any direction given under the law.

238. **Election observers.—**(1) The Commission, at its own motion or upon an application made in this behalf, may allow any domestic or international election observation organization to observe the process of conduct of election, having an access to polling station, counting of votes and consolidation of results.

(2) No person shall be allowed to observe the process of conduct of election, if he—

(a) is not accredited as an observer by the Commission or its authorized officer;

(b) is affiliated with any political party;

(c) fails to provide his full particulars and documents, including photographs, which may be required by the Commission;

(d) has been involved in activities prejudicial to the peace and tranquillity of the people of a constituency;

(e) fails to provide an authorization from the organization of which he is a member; and

(f) has not obtained security clearance from the Government.

(3) Every observer while observing the process of conduct of election shall display prominently a card of his identification issued to him by the Commission or an officer authorized by it.

(4) Every observer or, as the case may be, organization may submit a report to the Commission highlighting the electoral irregularities which were noticed during observation relating to conduct of election, with recommendations, if any.

239. **Power to make rules.—**(1) The Commission may, by notification in the official Gazette and publication on the website of the Commission, make rules for carrying out the purposes of this Act.

(2) The Commission shall make the Rules under sub-section (1) subject to prior publication and after hearing and deciding objections or suggestions filed within fifteen days of the publication.

240. **Removal of difficulties.—**(1) If any difficulty arises in giving effect to any of the provisions of this Act, the Commission may, with the approval of the President, make such provision for the removal of the difficulty as it may deem fit and any such order shall be published on the website of the Commission.

(2) Every provision made under sub-section (1) shall be laid, may be after it is made, before each House of *Majlis-e-Shoora* (Parliament).

241. **Repeal.—**The following laws are hereby repealed—

(a) the Electoral Rolls Act, 1974 (Act No. XXI of 1974);

(b) the Delimitation of Constituencies Act, 1974 (Act No. XXXIV of 1974);

(c) the Senate (Election) Act, 1975 (Act No. LI of 1975);

(d) the Representation of the People Act, 1976 (Act No. LXXXV of 1976);

(e) the Election Commission Order, 2002 (Chief Executive's Order No.1 of 2002);

(f) the Conduct of General Elections Order, 2002 (Chief Executive's Order No.7 of 2002);

(g) the Political Parties Order, 2002 (Chief Executive's Order No.18 of 2002); and

(h) the Allocation of Symbols Order, 2002.

FORM A

[*See sections 60(2) &110(2)*]

Passport size Photograph of the candidate

NOMINATION FORM FOR ELECTION TO AN ASSEMBLY/SENATE

[Note: (1) Please fill in this page in capital letters.
(2) Strike off the words not applicable.]

No. and Name of constituency .....National Assembly/ Senate/ Provincial Assembly of .....(Name of the Province)

_____

(To be filled in by the proposer of a candidate for an Assembly seat)

(1) I..... (name of the proposer) having National Identity Card No.

					-								-	

Registered as a voter at serial number..... in the electoral roll of electoral area .....of Tehsil/Taluka .....District/ Agency ..... do hereby propose the name of Mr./Mrs./Ms..... whose address is.....as a candidate for election to the seat from constituency No.....

(2) I hereby certify that I have not sub scribed to any other nomination paper in this election either as proposer or seconder.

Date..... Signature of Proposer……

(To be filled in by the seconder of a candidate for an Assembly seat)

(1) I..... (name of the seconder) having National Identity Card No.

					-								-	

Registered as a voter at serial number.....in the electoral roll of electoral area ..... of Tehsil/Taluka..... District/Agency..... do hereby second the name of Mr./Mrs./Ms..... whose address is..... as a candidate for election to the seat from constituency No…….

(2) I hereby certify that I have not subscribed to any other nomination paper in this election either as proposer or seconder.

Date..... Signature of Seconder …….

FOR SENATE ELECTION ONLY

[Note: (1) Please fill in this page in capital letters.
(2) Strike off the words not applicable.]

(To be filled in by the proposer of a candidate for a Senate seat)

1 ....
(Name of proposer)

a member of *National Assembly/Provincial Assembly from Constituency No .....

do hereby propose the name of Mr./Mrs./Ms.....
(Name of candidate)

son/ wife/ daughter of.:.....

resident of .....
(Address)

whose name is entered at serial No…..... in the electoral roll of……..……..
(name of electoral area, tehsil/ taluka and district)

as a candidate for election from.....Province/ Federal Capital/ FATA against the following Senate seat …….…….....

(2) I hereby certify that I have not subscribed to any other nomination paper in this election either as proposer or seconder.

Date..... **Signature of Proposer**……

(To be filled in by the seconder of a candidate for a Senate seat)

I ……..……
(Name of seconder)
a member of National Assembly/Provincial Assembly from Constituency No. ……..... do hereby second the nomination of the above mentioned candidate against the following Senate seat ……

(2) I hereby certify that I have not subscribed to any other nomination paper in this election either as proposer or seconder.

Date..... **Signature of Seconder**……

DECLARATIONS BY THE CANDIDATE

1. I, _____ (nominated candidate), hereby declare that,—

(i) I have consented to the nomination and that I fulfill the qualifications specified in Article 62 of the Constitution and I am not subject to any of the disqualifications specified in Article 63 of the Constitution for being elected as a member of the National Assembly/ Senate/ Provincial Assembly; and

(ii) I belong to.....and certificate
(Name of political party)
from that political party showing that I am a party candidate from the above said constituency is attached or will be provided at the time of allocation of election symbol.
OR
I do not belong to any political party.
[*Note: Strike off the words not applicable*]

(iii) I believe in the absolute and unqualified finality of the Prophet-hood of Muhammad (Peace Be Upon Him), the last of the Prophets and that I am not the follower of anyone who claims to be a prophet in any sense of the word or of any description whatsoever after Prophet Muhammad (Peace Be Upon Him), and that I do not recognize such a claimant to be prophet or a religious reformer, nor do I belong to the Qadiani group or the Lahori group or call myself an Ahmadi.
[*Note: This paragraph is for Muslim candidates only and is not applicable to non-Muslim candidates*.]

(iv) I will be faithful to the declaration made by the Founder of Pakistan Quaid-e-Azam Muhammad Ali Jinnah, that Pakistan would be a democratic state based on Islamic principles of social justice. I will bear true faith and allegiance to Pakistan and uphold the sovereignty and integrity of Pakistan and that I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan.

(v) I have opened an exclusive Account No._____with _____ (Name and Branch of Scheduled Bank) for the purpose of election expenses.

2. My NIC No. is | | | | | | - | | | | | | | | - | |

3. My Contact No. is _____

4. My Email address is……..

5. **My statement of assets and liabilities** including assets and liabilities of my spouse (s) and dependent children as on preceding thirtieth day of June **on Form B** is attached.

Date..... Signature of the Candidate…….....

SOLEMN AFFIRMATION

I, ……..... S/o, W/o, D/o .....do hereby solemnly affirm that all the entries in this Form filled by me are correct and complete to the best of my knowledge and belief, and nothing has been concealed.

Signature of the Candidate……...

ELECTION COMMISSION OF PAKISTAN
RECEIPT
(To be filled in by the Returning Officer)
[Note: Strike off the words not applicable.]

Serial Number of nomination paper.....
The nomination paper of Mr./Ms/Mrs…….....a candidate for election to the seat from……..... National Assembly/ Senate/ Provincial Assembly of the Punjab/ Sindh/Khyber Pakhtunkhwa/Balochistan was delivered to meet my office at.....(hours) on ..... (date)by..... (person)

This nomination paper will be taken up for scrutiny at ..... ….....(hours) on.....(date) at.....(place)

Date..... Returning Officer……

(ADDITIONAL INFORMATION TO BE ATTACHED BY A CANDIDATE FOR SENATE TECHNOCRAT SEAT)

[Note: (1) This additional information is to be attached with the Nomination Form by a candidate for Senate Technocrat seat only.
(2) Each item is to be filled in clearly and completely.
(3) The information should be typed or hand written legibly.
(4) Strike off the words not applicable.]

BIODATA

1. Name …….....

2. Father/ Husband's name……..……

3. Date of birth …… 4. Place of birth ……..……

5. Marital status: Single / Married / Divorced / Widow (er)

6. Present address: …….....

7. Present telephone Nos. Mobile……..…… Office ……..…. Home …….……

8. Email address: ……..

9. Education

Years attended		Name and location of Institution of learning	Academic degrees and certificates or Diplomas obtained	Main Areas of study
From	To			

10. Professional experience

A. From …… to ……..
(the date since employed)
Title of present post and nature of duties.

Employer (Name and address) and type of business.

_____

B. From …… to ……..
(the date since employed)

Title of present post and nature of duties.

Employer (Name and address) and type of business.

_____

C. From …… to ……..
(the date since employed) (Please use additional sheets if required.)

Title of present post and nature of duties.

Employer (Name and address) and type of business.

_____

11. Please list your special qualifications and skills

_____

12. Please list any significant publications you have written (Publications need not be attached).

_____

13. If you have previously held public office (e.g. Minister, Advisor, Senator, Member of Parliament, Provincial Assembly or a local government) please give details:

_____

14. Please list your present and past memberships, if any, of political parties and/ or civil society organizations:

_____

I declare that all the above entries and statements are correct and complete to the best of my knowledge and belief, and nothing has been concealed.

Date..... Signature of the Candidate.....

FORM B

[*See sections 60, 110 & 137*]

STATEMENT OF ASSETS AND LIABILITIES

I,..... candidate/ Member,*National Assembly/ Senate, Provincial Assembly, Punjab/ Sindh/ Khyber Pakhtunkhwa/ Balochistan from constituency...../ from the seats reserved for women/ non-Muslims hereby declare that no immovable and moveable property, including bonds, shares, certificates, securities, insurance policies and jewelry, other than specified herein below, is held by me, my spouse(s) and dependent children on 30th day of June,_____.

ASSETS

ASSET	COST OF ASSET	REMARKS
1	2	3
1. **IMMOVABLE PROPERTY** Open plots, houses, apartments, commercial buildings, under construction properties, agricultural property, etc. **(a) Held within Pakistan*** (i) _____ (ii) _____ (iii) _____ **(b) Held outside Pakistan*** (i) _____ (ii) _____		
2. MOVABLE ASSETS **(a) Business capital within Pakistan** (i) Name of business (ii) Capital amount **(b) Business capital outside Pakistan** (i) Name of business (ii) Capital amount **(c) Assets brought or remitted from outside Pakistan*** (i) Bank drafts/ Remittances (ii) Machinery (iii) Other **(d) Assets brought out of remittance from abroad***		

ASSET	COST OF ASSET	REMARKS
1	2	3
(e) Investments (i) Stock and Shares (ii) Debentures (iii) National Investment (Unit) Trust (iv) ICP Certificates (v)National Savings Schemes -- Defence Savings Certificate -- Special Savings Certificate -- Regular Income Certificate (vi) Unsecured loans (vii) Mortgages (viii) Any other		
(f) Motor Vehicles* Make Model Reg. No. (i) _____ _____ _____ (ii) _____ _____ _____		
(g) Jewelry etc. (i) Weight_____ (ii) Description_____		
(h) Cash and Bank Accounts* (i) Cash in hand (ii) Cash at Bank Account No. Bank & Branch Current _____ _____ Deposit _____ _____ Saving _____ _____ Other Deposit _____ _____		
(i) Furniture, Fittings &articles of personal use–		
(j) Assets transferred to any person– (i) Without adequate consideration, or (ii) by revocable transfer		
(k) Any other assets.		

*Details to be annexed.

LIABILITIES

LIABILITY	AMOUNT	REMARKS
(i) Mortgages secured on Property or land (ii) Unsecured Loans owing (iii) Bank Overdraft (iv) Bank Loans (v) Amounts due under Hire Purchase Agreement (vi) House Building Loans (vii) Advances from Provident Funds etc. (viii) Other debts due* (ix) Liabilities in the names of dependent children (in respect of assets standing in their names) **Total**		

*Details to be annexed.

VERIFICATION

I,.....S/o,W/o,D/o..... do hereby declare that, to the best of my knowledge and belief, the above statement of the assets and liabilities of myself, my spouse(s), dependent children is correct and complete as on 30th June…….. and nothing has been concealed therefrom.

Date..... Signature of the Candidate/ Member

_____

FORM C

[*See section 134*]

RETURN OF ELECTION EXPENSES

Election to the Senate from_____ (Province/Areas)/ National Assembly / Provincial Assembly of the Punjab/ Sindh / Khyber Pakhtunkhwa / Balochistan

No. and Name of Constituency _____

Name of the candidate_____

Address of the candidate_____

PART A.—Account of Election Expenses

Date on which expenditure was incurred or authorized.	Nature of expenditure	Amount of expenditure		
		The amount paid (i)	The amount outstanding (ii)	Total of (i) and (ii)
(a)	(b)	(c)		

PART B.—Account of unpaid claim/Outstanding amount.

Nature of claim/ outstanding amount.	Date of claim/outstanding amount.	Amount of claim/outstanding amount
(a)	(b)	(c)

PART –C: Attach bank statement of the account opened by the candidate showing all transactions made by the candidate from that account.

Place_____

Date_____

Signature of the candidate

FORM D

[*See section 210*]

CONSOLIDATED STATEMENT OF ACCOUNTS OF A POLITICAL PARTY AUDITED BY A CHARTERED ACCOUNTANT

Name of Political Party_____

Financial year_____

Statement of accounts audited by a Chartered Accountant under section 210 of the Elections Act, 2017 is attached, showing *inter-alia*:

(1) Income/ receipts during the year with source of funds;

(2) Total expenses for the year with details of expenditure; and

(3) Total assets and liabilities at the beginning and end of the financial year.

Name, signature & stamp of Charted Accountant

ICAP's membership number_____

It is certified that:

(i) No funds were received by the party from any source prohibited under the Elections Act 2017.

(ii) The statement of accounts contains an accurate picture of the financial position of the party.

(iii) The information given above is correct to the best of my knowledge and belief.

(iv) The above statement is audited by the Charted Accountant and detailed report thereof is annexed.

Name, Signature and seal on behalf of the party

Date: _____

JAWAD RAFIQUE MALIK,
Secretary.

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[AS PASSED BY THE NATIONAL ASSEMBLY]

A

BILL

to amend the Election Act, 2017

WHEREAS it is expedient to amend the Election Act, 2017 (XXXIII of 2017) for purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title and commencement.— (1) This Act may be called the Elections (Amendment) Act, 2017.

(2) It shall come into force at once.

2. Amendment of section 241 in Act XXXIII of 2017.— In the Elections Act, 2017 (XXXIII of 2017), hereinafter referred to as the 'said Act', in section 241, in clause (f), before the semicolon, the expression "except Articles 1, 7B and 7C" shall be inserted.

3. Amendment in Form A of Act XXXIII of 2017.— In the said Act, in Form A, in the Declaration by the Candidate:

(1) for the heading "DECLARATIONS BY THE CANDIDATE", the expression "DECLARATION AND OATH BY THE PERSON NOMINATED" shall be substituted;

(2) under the heading substituted above, for subparagraphs (i), (ii), (iii), (iv) and (v) of paragraph I, the following shall be substituted:

"1. I, the above mentioned candidate, hereby declare on oath that,—

(i) I have consented to the above nomination and that I fulfill the qualifications specified in Article 62 of the Constitution and I am not subject to any of the dis-qualifications specified in Article 63 of the Constitution or any other law for the time being in force for being elected as a member of the Senate/National Assembly/ Provincial Assembly. *

*(ii) I belong to ..... and
(Name of political party)
a certificate from that political party showing that I am a party candidate from the above said constituency is attached.

OR

I do not belong to any political party.

2. I, the above mentioned candidate, solemnly swear that,—

**(i) I believe in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him), the last of the prophets and that I am not the follower of any one who claims to be a Prophet in any sense of the word or of any description whatsoever after Prophet Muhammad (peace be upon him), and that I do not recognize such a claimant to be Prophet or a religious reformer, nor do I belong to the Qadiani group or the Lahori group or call myself an Ahmadi.

(ii) I will be faithful to the declaration made by the Founder of Pakistan Quaid-e-Azam Muhammad Ali Jinnah, that Pakistan would be a democratic state based on Islamic principles of social justice. I will bear true faith and allegiance to Pakistan and uphold the sovereignty and integrity of Pakistan and that I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan.

3. I, the above mentioned candidate, declare that I have opened an exclusive Account No._____ with _____ (Name and Branch of Scheduled Bank) for the purpose of election expenses."

(3) the remaining paragraphs 2, 3, 4 and 5 shall be renumbered as 4, 5, 6 and 7; and

(4) at the bottom of the page, the following expression shall be inserted:

"* Strike off the words not applicable
** For Muslim candidates only".

STATEMENT OF OBJECTS AND REASONS

Subsequent to the enactment of the Election Act, 2017 (XXXIII of 2017), misgivings have been expressed in the National Assembly and also reported in the media regarding the wording of the "DECLARATIONS BY THE CANDIDATE" in the nomination form (FORM A) attached with the Act.

2. In order to avoid further controversy, there is consensus amongst the political parties in the National Assembly that the original text of "DECLARATION AND OATH BY THE PERSON NOMINATED", included in original Form-IA, should be restored in toto.

3. Misgivings have also been expressed regarding the omission of Articles 7B and 7C consequent upon the repeal of the Conduct of General Elections Order, 2002 (Chief Executive's Order No.7 of 2002). Again to avoid further controversy, there is consensus amongst the political parties that the provisions of Article 7B and 7C *ibid* be retained through amendment in section 241 of the Election Act, 2017. Hence this Bill.

MR. ZAHID HAMID,
Minister for Law and Justice
Minister-in-Charge

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

BILL

to amend the Elections Act, 2017

WHEREAS it is expedient to amend the Elections Act, 2017 (XXXIII of 2017) for purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**— (1) This Act may be called the Elections (Amendment) Act, 2017.

(2) It shall come into force at once.

2. **Insertion of section 48A in Act XXXIII of 2017.**– In the Elections Act, 2017 (XXXIII of 2017), hereinafter referred to as the 'said Act', after section 48, the following section 48A shall be inserted:

"**48A. Status of Ahmadis etc. to remain unchanged.**– (1) Notwithstanding anything contained in this Act or any other law for the time being in force including Rules or forms prescribed thereunder, the status of Quadiani Group or the Lahori Group (who call themselves 'Ahmadis' or by any other name) or a person who does not believe in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him), the last of the prophets or claimed or claims to be a Prophet, in any sense of the word or of any description whatsoever, after Muhammad (peace be upon him) or recognizes such a claimant as a Prophet or religious reformer shall remain the same as provided in the Constitution of the Islamic Republic of Pakistan, 1973.

(2) If a person has got himself enrolled as voter and objection is filed before the Revising Authority notified under this Act that such a voter is not a Muslim, the Revising Authority shall issue a notice to him to appear before it within fifteen days and require him to sign a declaration reproduced below regarding his belief about the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him). In case he refuses to sign the declaration as aforesaid, he shall be deemed to be a non-Muslim and his name shall be deleted from the joint electoral rolls and added to a supplementary list of voters in the same electoral area as non-Muslim. In case the voter does not turn up in spite of service of notice, an *ex-parte* order may be passed against him.

Declaration and oath:

I, _____(name of the voter), do solemnly swear that I believe in the absolute and unqualified finality of the Prophethood of Muhammad (Peace be upon him), the last of the prophets and that I am not the follower of anyone who claims to be a Prophet in any sense of the word or of any description whatsoever after prophet Muhammad (Peace be upon him), and that I do not recognize such a claimant to be prophet or a religious reformer, nor do I belong to the Qadiani group or the Lahori group or call myself an Ahmadi.

(Name and Signature of Voter)

حلف نامہ واقرار نامہ

میں ۔۔۔۔۔۔۔۔۔۔۔۔۔۔۔۔۔۔۔۔(ووٹر کا نام) حلفیہ اقرار کرتا / کرتی ہوں کہ میں خاتم النبیین حضرت محمد صلی اللہ علیہ وسلم کی ختم نبوت پر مکمل اور غیر مشروط طور پر ایمان رکھتا / رکھتی ہوں۔ اور یہ کہ میں کسی ایسے شخص کا / کی پیروکار نہیں ہوں جو حضرت محمد صلی اللہ علیہ وسلم کے بعد اس لفظ کے کسی بھی مفہوم یا کسی بھی تشریح کے لحاظ سے پیغمبر ہونے کا دعویدار ہو۔ اور نہ ہی میں ایسے دعویدار کو پیغمبر یا مذہبی مصلح مانتا / مانتی ہوں۔ نہ ہی میں قادیانی گروپ یا لاہوری گروپ سے تعلق رکھتا / رکھتی ہوں یا خود کو احمدی کہتا / کہتی ہوں۔

(ووٹر کا نام و دستخط)

3. **Amendment of section 241 in Act XXXIII of 2017.**— In the said Act, in section 241, in clause (f), before the semicolon, the expression "except Articles 1, 7B and 7C" shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to incorporate and reaffirm the provisions of Articles 7B and 7C of the Conduct of General Elections Order, 2002 (Chief Executive's Order No.7 of 2002) through addition of a new section 48A in the Elections Act, 2017. This Bill is in accordance with the suggestion earlier made by the Government in this regard. Hence, this Bill.

ZAHID HAMID
MINISTER FOR LAW & JUSTICE