

Election Law Reform Project

A Unification of Pakistan's Election Legislation including Model Provisions for Electoral Reform

June 15, 2011



Free & Fair Election Network

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ABOUT FAFEN

Established in 2006, the Free and Fair Election Network (FAFEN) is a network of 44 civil society organizations working in various fields throughout Pakistan. Registered in 2008 as a legal entity under the name of Trust for Democratic Education and Accountability (TDEA), FAFEN is now governed by TDEA.

The Network is run by a democratically elected, seven-member Executive Council (EC), which is responsible for policy direction, setting priorities and oversight. Its Secretariat, headed by a National Coordinator, performs day-to-day functions and implements projects and initiatives approved by the EC.

It believes in a democratic and just society that guarantees rights, respect and dignity to all individuals. It also believes that elections are necessary, though not sufficient, for democracy and is committed to supporting election monitoring and voter education in Pakistan that contribute to long-term civic engagement and democratic accountability.

FAFEN has chosen to focus its efforts on three primary areas which include:

- ***Observing and evaluating electoral processes within Pakistan:*** Since its founding, the Network has conducted election observation efforts across the country. In 2007, the organization observed the public display of Pakistan's draft electoral roll and conducted the country's first statistically-valid voters' list audit. For the General Elections in 2008, it deployed 264 long-term observers and more than 18,000 election-day observers at polling sites nationwide. And, since that time, it has deepened its commitment to election observation by evaluating elections in Gilgit Baltistan in 2009 and almost all by-elections since February 2008.
- ***Educating voters and motivating them to become involved in electoral processes:*** It has used the data and information it has collected as part of these and its other observation activities to educate Pakistan's citizens with respect to the role of elections in deepening democracy. In doing so, the organization has released many reports with a goal of offering not only an accurate picture of what has unfolded during the implementation of the country's electoral processes but of encouraging citizens across the political spectrum to become involved in public affairs; and, finally;
- ***Advocating on behalf of citizens for electoral and democratic reform:*** FAFEN is committed to advocating for both immediate and long-term democratic and electoral reform, making use of a variety of tools for achieving these ends, including private diplomacy with government institutions and political parties and making public statements that will encourage active citizen commitment to democratic ideas within Pakistan and engagement with democratic processes locally, provincially and nationally. The current paper—and the initiative through which has been produced, the *Election Law Reform Project*—has been published with the aim of furthering this third mandate.

ACKNOWLEDGEMENTS

The advice offered within this paper has been developed as part of the *Election Law Reform Project*, a FAFEN initiative established in 2009 with the aim of reforming the laws that govern electoral processes in Pakistan while seeking to implement a legislative framework that reflects best practice in election administration in a manner consistent with international standards.

The priorities for reform within the paper were established by FAFEN's Executive Council based on guidance from the project's Steering Committee, **Muddassir Rizvi, Ben Goldsmith, Mukhtar Ahmed Ali, Mossarat Qadeem and Zahid Islam**, and on consideration of views offered by election-related institutions, both domestic and international, advocating for reform to Pakistan's electoral legal framework.

The paper was written by members of the Election Law Reform Project's Drafting and Advisory Group, **Dr. Michael Boda, Mohsin Abbas and Qazi Saleem Akhtar**, with ongoing assistance from **Mariah Ahmad Arif**.

FAFEN gratefully acknowledges the work of all contributors in completing this paper.

EXECUTIVE SUMMARY

Around the globe, the extent to which a country's elections are conducted properly are measured against three primary "benchmarks." Initially, electoral processes are considered for whether they have been implemented in manner consistent with a state's election law. In turn, that law is evaluated against its consistency with best practices in election administration and for whether it meets a country's international legal obligations.

Since mid-2009, the Free and Fair Election Network (FAFEN) has been assessing Pakistan's election law within the *Election Law Reform Project*. Through the initiatives of this project, it has and will continue to assess the components of election law for how they might be improved. While pushing for reform within the three principal parts of election law—the Constitution, election-related legislation, and election regulations—this report focuses on needed reform to Pakistan's election legislation alone.

The report is constituted of three principal sections—sections that offer important building blocks for a comprehensive electoral reform process.

Section I – Unifying Pakistan's Election Legislation: A first section provides an accumulation of a currently inaccessible and fragmented set of laws making up the country's election legislation. The section not only offers an assessment of the benefits of unifying this legislation into a single Act, but constructs a Unified Election Bill based on present election-related Acts and Orders while providing decision makers with an important tool by which this Bill can be made into law. Perhaps of greatest importance is that the drafters of the Bill were issued specific instructions to unify the country's current legislation *without* altering its content. To the greatest extent possible, the Bill offers an accurate representation Pakistan's current electoral legislation.

Section II – 18th Amendment Changes to a Unified Bill: In March 2010, the Parliamentary Committee on Constitutional Reforms issued its draft of the 18th Amendment to the Constitution proposing more than 100 changes to the Constitution. With its passing, the 18th Amendment introduced a series of changes that require reform within the country's current election-related legislation. A second section of this report focuses on the changes to legislation dictated by the 18th Amendment and applies them to the Unified Election Bill constructed in Section I of this report, offering another tool to facilitate the unification of Pakistan's election legislation.

Section III – Proposed Revisions to a Unified Election Bill: A final section turns to the content of the current election legislation as presented within the Unified Election Bill as developed in Sections I and II in order to recommend changes to election law that augment its consistency with both best practices in election administration and international legal obligations. Section III offers a series of model provisions within twelve parts of the electoral process, advocating for the implementation of these provisions by offering clear justification for why each should become part of Pakistan's election law.

FAFEN's Election Law Reform Project

Summary of Proposed Measures for Reform within Components of Election

Proposed Measures	Model Provisions
1.0 – Legal Framework	
<p><i>Term Limits for Prime Minister, Chief Ministers</i></p> <p><i>Measure 1.1:</i> Repeal provision in election law that bars anyone from serving as Prime Minister and Chief Minister for more than two terms.</p> <p><i>Codes of Conduct for Election Stakeholders</i></p> <p><i>Measure 1.2:</i> Establish in election law that a “Code of Conduct for Political Parties and Contesting Candidates” will be established and revised annually in consultation with the country’s political parties. The law should stipulate that the code should then be issued without further consultation once an election has been called.</p> <p><i>Measure 1.3:</i> Establish in election law that a “Code of Conduct for Election Observers,” outlining conduct and practices consistent with international election observation practices, will be established in advance of each campaign period in consultation with domestic and international election observation organizations.</p> <p><i>Measure 1.4:</i> Establish in election law that codes of conduct for selected stakeholder groups will become part of the election regulations overseen by the Election Commission while providing the Commission with the authority to issue warnings and impose fines or advises.</p>	<p>Table II, Sec 135 of Unified Bill</p> <p>Table III, line 550</p> <p>Table III, line 537</p> <p>Table III, lines 512,524,537,550</p>
2.0 – Electoral Management	
<p><i>Terms of Members of Election Commission</i></p> <p><i>Measure 2.1:</i> Establish in election law that terms of Members of the Election Commission will be five years and their terms of service, including removal, shall be settled in the same manner as with the Chief Election Commissioner.</p> <p><i>Control over rules and regulations</i></p> <p><i>Measure 2.2:</i> Establish in election law that the Election Commission will have final approval over rules and regulations on the conduct of election.</p> <p><i>Control over election budget and ECP structures</i></p> <p><i>Measure 2.3:</i> Establish in election law that the ECP will have authority to alter its organizational structure and to manage its own budget, giving it authority to approve that budget, maintain accounts, create posts, and authorize supplementary grants.</p> <p><i>Authority to appoint election officials</i></p> <p><i>Measure 2.4:</i> Establish in election law that the ECP will have authority to appoint District Returning Officers and Returning Officers from among all citizens.</p> <p><i>Measure 2.5:</i> Establish in election law that the ECP will have full authority over seconded staff to direct, sanction, and remove such staff while conducting elections on its behalf.</p> <p><i>Measure 2.6:</i> Establish in election law that serving judges of superior and subordinate judiciary shall not be assigned the responsibilities as District Returning Officer and Returning Officers.</p>	<p>Table III, lines 2,5,24</p> <p>Table III, line 561</p> <p>Table III, lines 538,539,544</p> <p>Table III, lines 9,19</p> <p>Table III, lines 16,19</p> <p>Table III, line 9</p>

<p>Authority over government entities</p> <p>Measure 2.7: Establish in election law that government entities will not become involved in electoral processes without specific direction from the Election Commission of Pakistan.</p> <p>Measure 2.8: Establish in election law the suspension of any public functionary who, during an election, fails to comply with the directives of the ECP, despite notice.</p> <p>Measure 2.9: Establish in election law that Presiding Officers will have full authority over police and security forces in enforcing rules at polling stations.</p> <p>Public access to Election Commission activities</p> <p>Measure 2.10: Establish in election law that, subject to reasonable restrictions, the ECP must allow public access to its records, meetings and allow for public consultation in decision making processes.</p> <p>Measure 2.11: Establish in election law that the ECP must issue regular reports to Parliament, annually and following each general election.</p>	<p>Table III, line 32</p> <p>Table III, line 32</p> <p>Table III, line 21</p> <p>Table III, lines 24,38,48,72,77,322,341,384,395,416,561</p> <p>Table III, line 545</p>
<p>3.0 – Boundary Delimitation</p>	
<p>Equality of voting strength</p> <p>Measure 3.1: Establish in election law that, while constituencies may vary in size according to parameters outlined within the Constitution, the size of constituencies within provinces and territories should vary by more than 10 percent only under exceptional circumstances. In such cases, the reasoning for this decision should be published on the ECP website.</p> <p>Greater transparency when revising election boundaries</p> <p>Measure 3.2: Establish in election law a process that requires public input into the drawing of boundaries.</p>	<p>Table III, line 45</p> <p>Table III, line 48</p>
<p>4.0 – Voter Education</p>	
<p>Initiatives for women</p> <p>Measure 4.1: Establish in election law that the ECP, before every election, will conduct voter education programs specifically for women.</p> <p>Initiatives for minorities</p> <p>Measure 4.2: Establish in election law that the ECP, before every election, will conduct voter education programs specifically for minorities</p> <p>Initiatives for persons with disabilities</p> <p>Measure 4.3: Establish in election law that the ECP, before every election, will conduct voter education programs specifically for persons with disabilities</p>	<p>Table III, line 81</p> <p>Table III, line 81</p> <p>Table III, line 81</p>
<p>5.0 – Parties & Candidates</p>	
<p>Information on candidates</p> <p>Measure 5.1: Establish in election law that information on candidates may be made available to the public in the official Gazette.</p> <p>Measure 5.2: Establish in election law that information on candidates may be made available to the public before the final list of candidates on the Election Commission website.</p> <p>Measure 5.3: Establish in election law that the ECP will advertise the ways by which voters can access information about candidates.</p>	<p>Table III, lines 96,228</p> <p>Table III, lines 96,228</p> <p>Table III, lines 96,228</p>

<p>Measure 5.4: Establish in election law that candidates must submit details of all previous convictions against them.</p> <p>Candidate nomination</p> <p>Measure 5.5: Establish in election law that candidate nominations may be completed by an authorized person other than the candidate.</p> <p>Measure 5.6: Establish in election law that candidate nomination deposits be increased from RS 4 to 8 thousand for National Assembly and RS 2 to 4 thousand for Provincial Assemblies.</p> <p>Regulation of party participation</p> <p>Measure 5.7: Establish in election law that political parties must submit a list of names and other particulars for 1,000 members in order to qualify for an election symbol.</p>	<p>Table III, lines 96,228</p> <p>Table III, line 96</p> <p>Table III, line 110</p> <p>Table III, line 38</p>
<p>6.0 – Political Finance</p>	
<p>Refinement of responsibilities for political finance</p> <p>Measure 6.1: Establishing in election law the Election Commission’s responsibility for and jurisdiction over auditing, investigating and enforcing through fines or prosecution requirements for financial reporting by candidates, political parties, and officeholders.</p> <p>Measure 6.2: Establishing in law that political parties and candidates must designate a Finance Officer who is qualified and responsible for recordkeeping and financial reporting.</p> <p>Measure 6.3: Establishing in law that all political parties must submit their financial statements to an outside Auditor for review. The law should also stipulate that candidates must submit their financial statements to an outside Auditor for review if directed by the ECP.</p> <p>Broadening of definitions for political finance</p> <p>Measure 6.4: Consolidating political finance regulations and reporting obligations within a chapter of a unified law.</p> <p>Measure 6.5: Establishing in election law a definition of ‘election expenses’ that includes a broader range of expenditures.</p> <p>Measure 6.6: Establishing in election law a timeframe for the application of a definition of ‘election expenses’ to include those incurred after the date of the official announcement of elections through election day.</p> <p>Measure 6.7: Establishing in election law the Election Commission’s authority to establish appropriate levels of campaign spending so as to limit political parties and contesting candidates from circumventing the regulatory system. The law should stipulate that levels of spending should be issued in advance of the schedule for an election.</p> <p>Transparency in financial reporting</p> <p>Measure 6.8: Establishing in law that political parties must separate and classify their expenditures into categories of ‘general administration’, ‘operational expenses’ and ‘election expenses’.</p> <p>Measure 6.9: Establishing in law that political parties must submit an annual report of ‘general administrative and operational expenditures’ which includes all expenses incurred outside an election period and, within this report, note all sources of funds for such expenditures.</p> <p>Measure 6.10: Establishing in law that political parties must submit a post-election report of ‘election expenses’ incurred on behalf of or in support of candidates nominated</p>	<p>Table III, lines 308,322</p> <p>Table III, line 296</p> <p>Table III, line 296</p> <p>Table III, lines 37,52,223,286,290,302,320,327,328,332,339</p> <p>Table III, line 291</p> <p>Table III, line 291</p> <p>Table III, line 292</p> <p>Table III, line 298</p> <p>Table III, line 302</p> <p>Table III, line 302</p>

<p>by the party (or in opposition to candidates not nominated by the party) or to promote the party to the public during the election period and, within this report, note the sources of funds for such expenditures.</p> <p>Measure 6.11: Establishing in election law that all asset disclosure statements submitted by candidates and Members of Parliament are published in the official Gazette upon submission.</p> <p>Measure 6.12: Establishing in election law that all asset disclosure statements submitted by candidates and Members of Parliament, the Senate and Provincial Assemblies are available on the ECP website.</p>	<p>Table III, lines 97,317</p> <p>Table III, lines 97,317</p>
<p>7.0 – Voter Registration</p>	
<p>Improved administration of electoral roll</p> <p>Measure 7.1: Establish in election law the ECP’s authority to engage outside organizations in preparing and maintaining a current, accurate and complete electoral roll in advance of electoral processes. The law should establish that, in doing so, the ECP may coordinate with other state agencies regarding the removal of deceased and exclusion of persons declared of unsound mind.</p> <p>Measure 7.2: Establish in election law that CNICs will be a required form of identification for citizens registering to be included in the electoral rolls.</p> <p>Enhanced protection of election stakeholders’ rights</p> <p>Measure 7.3: Establish in election law an extension of the period--from three to six weeks--during which provisional electoral rolls for electoral areas are displayed publicly at polling sites and claims and objections may be lodged.</p> <p>Measure 7.4: Establish through election law that electoral area-wise voter lists will be posted at individual polling sites. In turn, the law should stipulate that voters will be able to verify their place on the voters list.</p> <p>Measure 7.5: Establish in election law that computerized electoral rolls will be used only for electoral purposes by the Election Commission, parties and contesting candidates, election observers, and research institutions. The law should authorize the ECP to provide the electoral rolls to these institutions while providing it with the ability issue a fine in instances where such directions are not followed.</p> <p>Measure 7.6: Establish in election law punishment for people intentionally registering multiple times.</p>	<p>Table III, line 55</p> <p>Table III, lines 55,66</p> <p>Table III, lines 67,68</p> <p>Table III, line 69</p> <p>Table III, line 77</p> <p>Table III, line 447</p>
<p>8.0 – Voting Operations</p>	
<p>Reliable access to polling stations</p> <p>Measure 8.1: Establish in election law a process resulting in a list of polling station sites providing appropriate access for all voters within each electoral constituency. This list should remain valid for three years and be revised subsequently through a consultative process after each three-year period.</p> <p>Measure 8.2: Establish in election law that in instances where an “emergency” situation arises in which a polling site location needs to be altered in advance of an election, such changes will be permitted, but only with the approval of the Election Commission and following publication of the site’s location on the Election Commission’s website in order to announce the change to voters within the constituency.</p> <p>Weapons at polling sites</p> <p>Measure 8.3: Establish in election law that weapons must not be brought into a polling site except by police and security forces.</p>	<p>Table III, line 83</p> <p>Table III, line 83</p> <p>Table III, line 448,484</p>

<p><i>Voters' access to the ballot</i></p> <p>Measure 8.4: Establish in election law that CNICs will be a required form of identification for citizens requesting a ballot at polling stations.</p>	<p>Table III, line 66,135</p>
<p>9.0 – Vote Counting</p>	
<p><i>Procedural guidance during vote count</i></p> <p>Measure 9.1: Establish in election law that Presiding Officers must examine ballots one by one, calling out loud markings, and making each ballot visible to accredited observers and polling agents when counting the ballots. They must also place each ballot in a separate pile for either a candidate or invalid (rejected) ballots when counting the ballots. Election law should also stipulate that only polling station officials will touch the ballots when being counted.</p> <p><i>Transparency in release of election results</i></p> <p>Measure 9.2: Establish in election law that the “Statement of Count” and “Ballot Paper Account” will be posted for public inspection at each polling station immediately upon completion of the count.</p> <p>Measure 9.3: Establish in election law that polling station-wise and constituency-level election results documents will be provided to specific election stakeholders, including election observers, immediately upon completion of the count and after the consolidation process. These documents must also be placed on the Election Commission’s website in advance of the returned candidate’s name being published in the official Gazette.</p> <p>Measure 9.4: Establish in election law that the ECP must announce consolidated election results at the constituency level within 48 hours after the close of polls unless adequate explanation is offered.</p> <p>Measure 9.5: Establishing in election law the circumstances under and manner by which a recount must be undertaken.</p> <p>Measure 9.6: Establishing in election law that the ECP may declare an election partially void, and that if a section of voters has been excluded from the process an election may be declared partially or completely void.</p> <p>Measure 9.7: Establishing in election law that more than a 100 percent turnout at a polling station will result in a rejection of those votes.</p>	<p>Table III, lines 154,270</p> <p>Table III, line 154</p> <p>Table III, lines 154,197,217,218,270, 534</p> <p>Table III, lines 218,284</p> <p>Table III, lines 197,270</p> <p>Table III, lines 224</p> <p>Table III, lines 197,270</p>
<p>10.0 – Dispute Resolution</p>	
<p><i>Structural change to address complaints more effectively</i></p> <p>Measure 10.1: Establish in election law that the ECP maintains a process by which it accepts complaints during the pre-election, election day, and post-election periods, evaluating its decisions based on the institution’s understanding of the Constitution, election law, and election-related policies and procedures.</p> <p>Measure 10.2: Establish in election law a system for tracking and enforcing a Code of Conduct for Parties and Candidates, directing that any violations to the Code of Conduct be reported to a Complaints Resolution Committee established for a constituency (or a group thereof), authorizing that body to report on any violations to the Code directly to the Election Commission.</p> <p>Measure 10.3: Establish in election law that the mandate of Election Tribunals be expanded to address complaints of citizens regarding the decisions of the ECP during pre-election, election day and post-election periods.</p> <p>Measure 10.4: Establish in law that Election Tribunals may be constituted of citizens capable of interpreting the ECP’s decisions regarding election administration, but not current judges of the High Court and Supreme Court. Such Election Tribunals will be</p>	<p>Table III, line 384</p> <p>Table III, line 550</p> <p>Table III, lines 391,411,414,415,416, 420,421,437,440,442, 443,560</p> <p>Table III, line 405</p>

<p>permanent bodies, with a “chair,” and with each member being appointed based on specific qualifications.</p> <p>Measure 10.5: While abolishing Appellate Tribunals as currently constituted within election law, establish that Election Tribunals will take on responsibilities within the current legislation regarding appeals against the acceptance of nomination papers by Returning Officers.</p> <p>Measure 10.6: Establish in election law that judicial review at the level of the High Court will be conducted following a review of the ECP’s decisions by Election Tribunals and in instances where citizens request it.</p> <p>Measure 10.7: Establish in election law that political parties, civil society organizations and voters may file petitions.</p> <p>Procedural revisions to strengthen “effective remedies”</p> <p>Measure 10.8: Establish in election law penalties that are more proportional to offenses. Reorganize, integrate, revise, and clarify the framework for criminal offences and penalties applicable within Pakistan’s current election law.</p> <p>Measure 10.9: Establish in election law that clear timelines to rule on election disputes within each body responsible, whether during pre-election, election day, or post-election periods.</p>	<p>Table III, lines 116,250,268</p> <p>Table III, lines 426,436</p> <p>Table III, line 403</p> <p>Table III, lines 445,446,448,455,464, 470,472,477,485,495, 499,503,508,509</p> <p>Table III, lines 384,391,395,416,436</p>
<p>11.0 – Election Observation</p>	
<p>Legal mandate for election observation</p> <p>Measure 11.1: Establish in election law a legal recognition and mandate for domestic and international election observers.</p> <p>Measure 11.2: Establish in election law the process by which domestic and international election observers will be registered and accredited.</p> <p>Enhanced access for those conducting election observation</p> <p>Measure 11.3: Establish in election law the inclusion of election observers on the list of individuals authorized to enter polling sites.</p> <p>Measure 11.4: Establish in election law that election observers will have access to all phases of electoral processes.</p> <p>Measure 11.5: Establish in election law that election observers may attend official meetings of the Election Commission and observe and inspect election activities and documents at any time during the election cycle, including those conducted and generated during the pre-election, Election Day and post-election periods.</p> <p>Measure 11.6: Establish in election law the basic parameters of conducting election observation activities, emphasizing in particular that observers are not to interfere with, but to observe and report on election-related activities.</p>	<p>Table III, lines 510,511</p> <p>Table III, lines 512,524</p> <p>Table III, line 534</p> <p>Table III, line 534</p> <p>Table III, line 534</p> <p>Table III, lines 512,524</p>

12.0 – Persons with Disabilities	
<i>Increased accessibility at polling sites</i>	
<i>Measure 12.1:</i> Establish in election law that the location of polling stations will be accessible to persons with disabilities to the greatest extent possible	Table III, line 83
<i>Measure 12.2:</i> Establish in election law that the arrangement of polling sites will be accessible to persons with disabilities to the greatest extent possible.	Table III, line 83
<i>Measure 12.3:</i> Establish in election law that persons with disabilities may be able to vote in secret in a public place through system accommodation (such as tactile, Braille and/or audio guides) at designated polling sites within the constituency.	Table III, line 135

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INTRODUCTION

An Agenda for Reform

Following its mandate of *advocating* on behalf of citizens for electoral and democratic reform,¹ the Free and Fair Election Network (FAFEN) has, for some time, been evaluating Pakistan's election law found within its Constitution, election legislation, and election regulations against international standards for electoral practice. FAFEN's ultimate goal has been to advocate for change to election law in instances where the rights of citizens are not being fulfilled.

In mid-2009, FAFEN established the "Election Law Reform Project" with the intent of influencing reform to Pakistan's election law in a manner that is consistent with the country's international legal obligations. In December 2009, the project released a paper entitled *Priorities for Reform to Laws Governing the Conduct of Elections in Pakistan (December 14, 2009)*² in response to a call from the National Assembly's Standing Committee on Parliamentary Affairs for public input on how the current election law might be reformed. The paper prioritized reforms within the Constitution and election legislation that could have a "timely and tangible impact" on the law as it stood at that time. Through this effort, FAFEN came to realize that more substantial reform would be needed within the country's election law.

In early 2010, the project turned its focus to the longer-term goal of advocating for *comprehensive* legislative reform, establishing a plan to accumulate the components that are found within this report. In February, the project team began the tedious but necessary process of verifying the Acts and Orders that constitute Pakistan's current electoral legislation, comparing original versions of laws published in the *official Gazette* against others circulating in the public domain.

While work continued on the current report, which focuses on electoral legislation, the project increased its efforts to support Constitutional reform in Parliament that emerged in April. Project team members carefully evaluated the election-related Constitutional reforms proposed through the 18th Amendment to the Constitution of Pakistan.³ In anticipation of the 18th Amendment's release, a paper was generated drawing specific attention to the Constitutional reforms FAFEN had put forward earlier within its December 14, 2009 paper.⁴ Upon release of the 18th Amendment, research completed for the project supported a "non-paper"⁵ which offered an assessment of the impact these amendments would have on the conduct of elections. In addition, the project team generated text making it easier for lawmakers to alter the 18th Amendment so as to make it more consistent with FAFEN proposed Constitutional changes.⁶

Over the course of 2010, the project team continued to assemble the components of the current report while offering substantive support to the Election Commission of Pakistan as it considered the 18th Amendment's impact on the current framework of electoral legislation. While the project offered legal recommendations and supported the ECP's legislative reform efforts,⁷ it also provided the ECP with an early version of the Unified Bill provided within this report so as to facilitate its efforts.

FAFEN has and will continue to emphasize the collaborative nature of this project. Not only has the Election Law Reform Project provided support to the ECP in its effort to consider much-needed legal reforms in the context of elections, it has taken advice from both domestic and international institutions which have urged FAFEN to pursue a *comprehensive* approach in its review of Pakistan's electoral legislation. FAFEN has cooperated with and considered the various election legal reforms advocated for since 2008 by the Election Commission of Pakistan and civil society organizations and international institutions that focus on Pakistan's electoral processes. In publishing this report, FAFEN has carefully evaluated the election reforms reports distributed by these institutions, using these documents for context and as a foundation on which the priorities for this report have been established. The documents considered include:

¹ See "About FAFEN" above.

² Free & Fair Election Network (FAFEN), *Priorities for Reform to Laws Governing the Conduct of Elections in Pakistan (December 14, 2009)* (FAFEN, Islamabad 2009).

³ Constitution of Pakistan - 18th Amendment.

⁴ Free & Fair Election Network (FAFEN), *Priorities for Reform to Laws Governing the Conduct of Elections in Pakistan (March 2010 paper's contents drawn from December 14, 2009 paper of the same name, with focus on Constitutional reform alone)* (FAFEN, Islamabad 2010)

⁵ "18th Amendment to the Constitution of Pakistan - Assessment of the Electoral Components: A 'Non-Paper' distributed to the members of the Election Support Group and others", (May 5, 2010)

⁶ *Proposed text for Notices for Amendment in the Constitution (18th Amendment) Bill 2010* (April 2010).

⁷ As articulated in both Election Commission of Pakistan, "Proposed Amendments in Electoral Laws Necessitated by the 18th Amendment - 29 November 2010" (Election Commission of Pakistan, Islamabad 2010) and Election Commission of Pakistan, "Electoral Reform Proposal - 25 January 2011" (Election Commission of Pakistan, Islamabad 2010).

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- IFES Pakistan. *Proposed Electoral Constitutional Reforms: A Discussion Paper on the Electoral Components of the Constitution of Pakistan with Concrete Proposals for Amendments (15 July 2009)*;
- PILDAT (2010). *Proposals for Electoral Reforms – Proposals of Citizen Groups on Electoral Process (CGEP) Position Papers (March 2010)*;
- PILDAT (2010). *Policy Brief. Proposals for Electoral Reforms (Brief No. 02, April 2010)*; and
- PILDAT (2010). *Policy Brief. Proposals for Electoral Reforms (Brief No. 03, August 2010)*.

The current report also draws considerably on the election-related empirical evidence that FAFEN has recorded since its founding in 2006. Since then, the organization has published various documents that ‘tell the story’ of the implementation of elections in Pakistan. Consistent with the principles on which it bases its work, FAFEN has published these reports with an eye towards offering an *independent* and *non-partisan* understanding of what occurs during Pakistan’s electoral events.

Benchmarks for Success in Election Administration

Around the globe, whether or not a State has implemented an election properly is measured against three inter-related “benchmarks.” These include:

- **1) *International legal obligations:*** Since the establishment of the United Nations in the mid-twentieth century, States have begun to shape the conduct of their elections in a way that is consistent with universal legal mechanisms and other sources that demonstrate State practice. While the 1966 International Convention for Civil and Political Rights stands as foundational among these documents, many other election-related sources offer guidance in filling the “gaps” between overarching principles and electoral practice. These international legal sources provide relatively clear direction with respect to the manner by which an election’s parts should be organized and conducted.
- **2) *Comparative “best practice” in election administration:*** The “best practice” in election administration takes us further in filling the “gaps” between principle and practice. It demonstrates how States can better meet expectations for electoral conduct in a manner consistent with international law. “Best practice” can offer a range of ways by which an election’s parts can be conducted. Many times, it can offer a demonstration of what is known in international law as “custom law,” offering documents and manuals produced by international non-governmental organizations and international institutions which work with election administrators around the world; and,
- **3) *A State’s election law:*** Finally, standards for elections are found in a State’s Constitution, election legislation, and election regulation, all of which make up its “election law.” The “instructions” within these documents for a specific jurisdiction are integral to ensuring an election’s successful implementation. They offer essential guidance with respect to which of a State’s institutions will be responsible for conducting elections, with respect to the process by which elections are to be implemented and, ultimately, articulate the manner by which the ‘fruits’ of an electoral competition will be distributed.

In the pages to come, we will look ‘inside’ this standard *as it relates to Pakistan* in order to evaluate the consistency between its parts. The goal, in particular, is to recommend how Pakistan’s election law can be reformed so that it is *increasingly* consistent with the international obligations to which Pakistan has committed—obligations that provide a baseline for electoral practice around the world.

The Components of Election Law in Pakistan

As we consider the mandate of this report, it is important to first gain an understanding the parts of election law in Pakistan. Indeed, the country’s election law is made up of legal mechanisms at three levels of law, each helping to frame how elections should be conducted across the country.

- ***The Constitution:*** At a ‘highest’ level of law, the Constitution⁸ dictates the general principles with which all law in Pakistan must be consistent, with various changes being accepted within it in recent months based on the “18th Amendment.”⁹ The Constitution offers relatively general direction with respect to elections, including guidance on the appointment process, duties and length of terms for all members of the Election Commission, along with a framework for the allocation of seats, the timing of elections, and the manner by which election-related disputes are to be settled.¹⁰ At the same time, however, readers should be aware that the document outlines a host of other rights which do not

⁸ Constitution of Pakistan 1973.

⁹ Constitution of Pakistan - 18th Amendment 2010.

¹⁰ Ibid, Part VIII.

mention elections specifically but all of which must be fulfilled during the conduct of electoral processes.¹¹

- **Electoral Legislation:** At a second level of law, several Acts and Orders constitute Pakistan's legislation, offering more specific direction on how elections must be implemented, including eight general pieces and a series of others that tailor elections to the country's provinces and territories.¹² While these Acts have been passed in Parliament, the Orders have been accepted as legislation as dictated through the Constitution.¹³ This legislation has been altered over time to ensure its consistency with the Constitution while aiming to improve electoral processes. The legislation has not, however, been updated to reflect the most recent changes to the Constitution instigated by the "18th Amendment."
- **Electoral Regulation:** A third level of election law is made up of electoral regulation,¹⁴ being established as "rules" through the Chief Election Commissioner and Election Commission with the approval of the President and "orders" and "procedures" which are made directly by the Election Commission under authority established within Pakistan's Constitution or electoral legislation. While such regulation has an integral role in shaping the fine-grained components of the electoral process, it must always remain consistent not only with Pakistan's electoral legislation but, ultimately, the Constitution in the direction it provides.

Focus on Election Legislation

While, in recent months, FAFEN's Election Law Reform Project has offered a thoughtful assessment on how the Constitution might be altered so that it might become more consistent with international standards, the focus of this report will be on needed reform within Pakistan's *electoral legislation*. The coming sections of this report evaluate electoral legislation in different ways designed to allow readers to more fully understanding the reforms being proposed.

- **Section I – Unification of the Law:** The goal in this section is to offer an accumulation of what is currently an inaccessible set of laws that constitute electoral legislation in this country. The coming section offers a brief overview of a "fragmented" system of legislation that currently guides electoral processes and explains the benefits that would come with establishing a unified Election Act. It carefully explains the process the Election Law Reform Project has gone through to unify the various election-related Acts and Order into an Election Bill and provides a table that allows readers to compare and contrast the provisions from the current election-related Acts and Orders against the provisions proposed as part of the proposed Unified Bill. Perhaps the point of greatest important to be made within this section is this: In introducing a Unified Bill, the drafters were specifically instructed that they were *not* to change the law as it currently stands but to instead provide, an accurate accumulation of the legislation as it is evidenced within the law at this time.
- **Section II - Changes Necessitated by the 18th Amendment to the Constitution:** A second section of the report addresses Constitutional developments that arose in April 2010 with changes instituted by the 18th Amendment to the Constitution.¹⁵ Building on the careful assessment of the 18th Amendment's impact on the election-related Acts and Order in their current form, this report focuses in Section II on the influence that the Amendment would have on the Unified Bill outlined in Section I. The section provides a table by which readers can easily identify the changes that the 18th Amendment requires in relation to the provisions of the Unified Bill being proposed.

¹¹ The Constitution dictates that, no matter the activity, the rights expressed within it must be fulfilled. Such rights include but are not limited to the Fundamental Rights outlined in Part II of the Constitution.

¹² Principal legislation includes: The Conduct of General Elections Order 2002 (Chief Executive's Order No. 7 of 2002); The Delimitation of Constituencies Act 1974 (Act No. XXXIV of 1974); The Election Commission Order 2002 (Chief Executive's Order No. 1 of 2002); The Electoral Rolls Act 1974 (Act No. XXI of 1974); The Political Parties Order 2002 (Chief Executive's Order No. 18 of 2002); The Qualifications to Hold Office Order 2002 (Chief Executive's Order No. 19 of 2002); The Representation of the People Act 1976 (LXXXV of 1976); The Senate (Election) Act 1975 (No. LI of 1975).

¹³ Constitution of Pakistan 1973, art 270AA.

¹⁴ Regulations include, but are not limited to: The Allocation of Symbols Order 2002; The Electoral Rolls Rules 1974; The Political Parties Rules 2002; The Presidential Election Rules 1998; Procedure for Drawl of Lots for Members of the Senate; Procedure for Trial of Election Petitions relating to General Elections; Procedure for Trial of Election Petitions relating to Senate Election; The Representation of the People (Conduct of Election) Rules 1977; The Senate (Election) Rules 1975.

¹⁵ Constitution of Pakistan - 18th Amendment 2010.

- **Section III - Revisions to current Electoral Legislation: Model Provisions:** A final section offers a series of “model provisions” introduced as part of FAFEN’s effort to reform Pakistan’s current electoral legislation so that it is more consistent with the international obligations that should guide elections in this country. Initially, the section walks readers through reforms proposed within twelve constituent parts identified within an electoral process, offering a justification for why each change is important. Subsequently, a table affords readers the opportunity to compare in a first column the provisions of the proposed Unified Bill (from Section I), including where applicable the changes would be required due to the 18th Amendment (from Section II) against a proposed Model Provision that would lead to greater consistency with international obligations and best practices for election administration.

SECTION I – UNIFYING PAKISTAN’S ELECTION LEGISLATION

A Fragmented System

A review of the legislation that guides electoral processes in Pakistan leads quickly to the conclusion that it is not only complex but fragmented as well. Pakistan faces a particular challenge in that numerous changes to its Constitution have complicated its election legislation over the years. With those changes, the legislation has then been adapted and expanded in an effort to comply with an ever evolving election-related Constitutional mandate. The result has been a patchwork of legislation that has not always met the expectations or even been fully understood by election stakeholders—whether representatives of the people or the people themselves.

Around the world, election-related organizations have been calling for a consolidation of election laws in places where legislation has proven too complex to facilitate a proper understanding of it. A recent example can be found in an Organization for Security and Cooperation in Europe (OSCE) assessment of election legislation in the United Kingdom. While the UK has not had to react to frequent changes to a Constitution as Pakistan has, its legislation has ‘accumulated’ over the past century as electoral developments have required it. The Electoral Administration Act (2006) and the Political Parties and Elections Act (2009) were established, for example, largely to address the shortcomings of prior legislation.¹⁶ This country’s election legislation offers a good example of the need for pursue a consolidation effort. The UK Electoral Commission recently noted the complications that an uncoordinated legal framework can bring, stating, “What seems like a simple process—making a piece of paper with a pencil—is underpinned by a mass of legislative provisions governing relatively minor procedural details.” It argues that the “dispersed nature of the law means that it is not readily accessible and that electoral administrators and others with an interest in this area must acquire a wide knowledge of different pieces of legislation.”¹⁷ Given the situation, the OSCE has argued that the “legal framework for [UK] elections should be consolidated, simplified and modernized through the conduct of a comprehensive review of all relevant legislation and legal acts.”¹⁸

A similar problem has been identified with respect to Pakistan’s election legislation. Provisions in the Acts and Orders dictating how elections and their related processes are to be conducted have been altered and extended in recent decades. New legislation has also been passed as the situation has warranted it. Through discussion with election stakeholders across Pakistan and after carefully considering how other countries have addressed similar challenges, FAFEN argues that Pakistan should consolidate its current assortment of election legislation within a single *unified* Act of Parliament.

Benefits of a Unified Election Act

The advantages of *unifying* a country’s election legislation are relatively well known.

- ***An effective tool for understanding electoral processes:*** At a minimum, a unified law would provide all citizens with an effective tool by which they can more efficiently understand the parameters of elections held across the country. A law that consolidates all of Pakistan’s electoral provisions affords the opportunity for members of political parties, those within civil society, and the voting public to more fully comprehend the inner-workings of elections over the course of an entire election cycle—beginning just after an election is held and ending after completion of the next electoral process;
- ***An effective tool for uncovering inconsistencies within electoral processes:*** A unified law would also provide an effective tool by which the processes within Pakistan’s election legislation can be justified. When established, provisions dispersed across multiple pieces of legislation have not always been considered carefully in relation to and for their impact on other provisions, leading to inconsistencies between laws and in relation to the Constitution. The development of a unified law would allow all election stakeholders to carefully reconsider the consistency of Pakistan’s current election legislation, exposing some of the internal inconsistencies that have arisen of the history of the country’s election legislation and facilitating the identification of those components that fail to meet with a Constitutional mandate and Pakistan’s international legal obligations. In addition, a unified law helps lawmakers

¹⁶ OSCE/ODIHR, "United Kingdom of Great Britain and Northern Ireland - General Election (6 May 2010), OSCE/ODIHR Election Assessment Mission Report" (Organization for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights, Warsaw 2010), p.4.

¹⁷ United Kingdom Electoral Commission, "Voting for Change: An Electoral Law Modernisation Programme" (Electoral Commission, London 2003), p.28-29.

¹⁸ OSCE/ODIHR, "United Kingdom, General Election, 6 May 2010", p.5.

make corrections to the law where it has been recorded in a manner inconsistent with the Parliamentary record.

- ***An effective tool for electoral reform and maintenance of coherency:*** Finally, a unified law would also offer a tool for electoral reform. A consolidated law could facilitate methodical change to legislation in a manner that ensures increased compliance with the “benchmarks” against which it will be judged—the Constitution, international best practice, and the international legal obligations to which Pakistan is accountable. Once an initial round of reform is instituted, a unified law would also provide the means by which election legislation can be maintained, allowing for ongoing consistency and coherence within the law.

Approach to Unifying Pakistan’s Election Legislation

In recognizing these benefits, FAFEN moved forward with consolidating the pieces within Pakistan’s election law into a single Bill. In doing so, it first *accumulated* the individual Acts and Orders that currently direct electoral practice and then *verified* each to ensure the provisions within them were fully consistent with the original language. A catalogue and summary of this legislation follows:

- ***The Election Commission Order 2002 (Chief Executive’s Order No. 1 of 2002):*** This Order makes provisions with respect to the appointment and terms of the Chief Election Commissioner and members of the Election Commission, outlining their powers and duties;
- ***The Conduct of General Elections Order 2002 (Chief Executive’s Order No. 7 of 2002):*** This Order offers relatively general guidance regarding the conduct of elections for the National Assembly, Senate and Provincial Assemblies. It dictates the number of seats and system by which elections are to be held. Further, it outlines the eligibility and qualifications required of members along with other rules related to the conduct of electoral processes;
- ***The Political Parties Order 2002 (Chief Executive’s Order No. 18 of 2002):*** This Order offers provisions related to the formation and conduct of political parties. It establishes the rules for Constitutions of political parties, fees, and the suspension and expulsion of members. It frames the manner by which party officers are to be elected and dictates that a political party *Code of Conduct* will be published in consultation with the Election Commission;
- ***The Representation of the People Act 1976 (Act No. LXXXV of 1976):*** In relation to the Conduct of General Election Order 2002, this Act provides relatively specific direction with respect to the conduct of elections for the National and Provincial assemblies. It outlines the appointment, powers, and authority of the Election Commission of Pakistan to organize and implement electoral processes. The provisions provide guidance with respect to the appointment of ECP officers, the nomination of candidates, the conducting of polling and ballot counting, along with the disputes and malfeasance that may arise as part of an electoral process;
- ***The Electoral Rolls Act 1974 (Act No. XXI of 1974):*** This Act offers a legal framework for the development, distribution and upkeep of the electoral roll of voters. It provides provisions outlining the appointment of ECP officers to conduct the exercise, rules with respect to the establishment of the list, how the list will be revised, and manner by which it will be distributed;
- ***The Delimitation of Constituencies Act 1974 (Act No. XXXIV of 1974):*** This Act provides legal provisions outlining the principles and process for establishing boundaries for electoral constituencies. It describes the manner by which these boundaries will be established while framing the allocation of seats in the National Assembly, given these boundaries;

- ***The Senate (Election) Act 1975 (Act No. LI of 1975):*** Akin to the Representation of the People Act 1976, this Act provides relatively specific direction with respect to the conduct of elections for the Senate. It outlines the appointment, powers, and authority of the Election Commission of Pakistan to organize and implement electoral processes. The provisions provide guidance with respect to the appointment of ECP officers, the nomination of candidates, the conducting of polling and ballot counting, along with the disputes and malfeasance that may arise as part of an electoral process;
- ***The Qualification to Hold Public Offices Order 2002 (Chief Executive’s Order No. 19 of 2002):*** This Order provides provisions that limits the ability of a person to hold the position of Prime Minister and/or Chief Minister of Province to two terms.

Following the verification process, FAFEN began to develop a unified Election Bill. In doing so, it provided *specific* instructions to its drafters. First, the drafters were to reorganize the legislation in a manner that would allow all election stakeholders easy access to its contents. Second, and most important, they were to ensure that the exact same language evidenced within the current Provisions was transferred to the unified version. In other words, they were *not* to introduce changes to the text, even for technical purposes.¹⁹ There was, however, one exception to this rule. In some instances, the provisions between the pieces of legislation proved duplicative. Where this occurred, the drafters were given the authority to draw language from one of the provision involved but were directed to ensure the text remained consistent with the other provisions under consideration.

The table that follows has been designed to allow the *reader* to decide whether these instructions have been pursued appropriately. A first column contains the language of the unified Bill. A second column includes the original provision (or provisions) on which the provisions of the unified Act are based. A final column sources the provisions accumulated in the second column.

¹⁹ Various techniques are favored in modern legislative drafting, including, as examples, the use of active over passive voice and an avoidance of the use of “provided that.”

TABLE 1: UNIFIED ELECTION Bill

<u>Unified Election Bill</u>	<u>Current Provision(s) Supporting Unified Provision</u>	<u>Source of Current Provision</u>
<p align="center">A BILL</p> <p><i>to consolidate the election laws relating to the political parties, delimitation of constituencies, electoral rolls, conduct of election to Parliament and Provincial Assemblies, election disputes resolution, offences and penalties.</i></p>	<p align="center">AN ORDER</p> <p><i>to provide for the conduct of general elections, 2002</i></p> <p align="center">AN ORDER</p> <p><i>to revise, consolidate and re-enact the law relating to political parties</i></p> <p><i>An Act to provide for the conduct of elections to the National Assembly and the Provincial Assemblies</i></p> <p><i>An Act to provide for the preparation and revision of electoral rolls for elections to the National Assembly and the Provincial Assemblies</i></p> <p><i>An Act to provide for the delimitation of constituencies for elections to the National Assembly and the Provincial Assemblies</i></p> <p><i>An Act to provide for the conduct of election to the Senate</i></p> <p align="center">AN ORDER</p> <p><i>to provide for limitations to hold highest public offices</i></p>	<p>The Conduct of General Elections Order, 2002, long title.</p> <p>The Political Parties Order, 2002, long title.</p> <p>The Representation of the People Act, 1976, long title.</p> <p>The Electoral Rolls Act, 1974, long title.</p> <p>The Delimitation of Constituencies Act, 1974, long title.</p> <p>The Senate (Election) Act, 1975, long title.</p> <p>The Qualification to Hold Public Offices Order, 2002, long title.</p>

PREAMBLE

<p>Whereas it is expedient to consolidate the election laws relating to the political parties, delimitation of constituencies, electoral rolls, conduct of election to the Parliament and Provincial Assemblies, adjudication of election disputes and election offences for free and fair elections; and to provide for ancillary matters;</p> <p>It is enacted as follows:</p>	<p>In pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, read with the Provisional Constitution Order No. 1 of 1999, and in exercise of all powers enabling him in that behalf, the Chief Executive of the Islamic Republic of Pakistan is pleased to make and promulgate the following Order :—</p> <p>WHEREAS pursuant to the announcement for restoration of democracy by the President on the fourteenth day of August, 2001, it is expedient to provide for the holding of general elections in the country for the election of the members of the National Assembly and the Provincial Assemblies and the matters connected therewith and ancillary thereto;</p> <p>AND WHEREAS updated electoral rolls are to be prepared and delimitation of constituencies is to be carried out in view of the increase in the number of seats in the Assemblies;</p> <p>NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999, and in exercise of all other powers enabling him in that behalf, the Chief Executive of the Islamic Republic</p>	<p>The Election Commission Order, 2002, preamble.</p> <p>The Conduct of General Elections Order, 2002, preamble.</p>
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of Pakistan is pleased to make and promulgate the following Order:—

WHEREAS it is intended to create a political environment conducive to the promotion of a federal democratic system as enshrined in the Constitution; AND WHEREAS political parties play a pivotal role in fostering a constitutional federal democratic political culture;

AND WHEREAS the practice of democracy within the political parties will promote democratic governance in the country for sustaining democracy;

AND WHEREAS it is expedient to provide for the formation and regulation of political parties;

AND WHEREAS it is essential to revise, consolidate and re-enact the law relating to political parties and matters connected therewith and incidental thereto;

AND WHEREAS the Chief Executive is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No.1 of 1999, and in exercise of all other powers enabling him in that behalf, the Chief Executive of the Islamic Republic of Pakistan is pleased to make and promulgate the following Order:—

Whereas it is expedient to provide for the conduct of elections to the National Assembly and the Provincial Assemblies and to guard against corrupt and illegal practices and other offences at or in connection with such elections and for the determination of doubts and disputes arising out of or in connection with such elections, and other matters arising out of or connected therewith;

It is hereby enacted as follows:—

WHEREAS it is expedient to provide for the preparation and revision of electoral rolls for elections to the National Assembly and the Provincial Assemblies and for matters connected therewith and incidental thereto;

It is hereby enacted as follows:—

WHEREAS it is expedient to provide for the delimitation of constituencies for elections to the National Assembly and the Provincial Assemblies and for matters connected therewith or ancillary thereto:

It is hereby enacted as follows:—

WHEREAS it is expedient to provide for the conduct of election to the Senate and for matters connected therewith or incidental thereto;

It is hereby enacted as follows:—

WHEREAS it is imperative to consolidate the measures taken by Chief Executive of Pakistan for the achievement of the objective of reconstruction of the institutions of State for establishing genuine and sustainable democracy to ensure good governance for an irreversible transfer of power to the people of Pakistan;

AND WHEREAS it is necessary to strengthen the democratic institutions by putting limitations for holding the highest public offices for not more than the specified terms and matters connected therewith the ancillary thereto;

AND WHEREAS the Chief Executive is satisfied that circumstances exist which render it essential to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation

The Political Parties Order, 2002, preamble.

The Representation of the People Act, 1976, preamble.

The Electoral Rolls Act, 1974, preamble.

The Delimitation of Constituencies Act, 1974, preamble.

The Senate (Election) Act, 1975, preamble.

The Qualification to Hold Public Offices Order, 2002, preamble.

of Emergency of the Fourteenth day of October, 1999, the Provincial Constitutional Order No.1 of 1999, and in exercise of all the powers enabling him in that behalf, the Chief Executive of the Islamic Republic of Pakistan is pleased to make and promulgate the following order:

CHAPTER I: PRELIMINARY

<p>1. Short title, extent and commencement.—(1) This Act may be cited as the Code of Election Laws 2010.</p> <p>(2) It extends to the whole of Pakistan.</p> <p>(3) It shall come into force at once.</p>	<p>1. Short title and commencement.—(1) This Order may be called the Election Commission Order, 2002.</p> <p>(2) It shall come into force at once.</p> <p>1. Short title, extent and commencement.—(1) This Order may be called the Conduct of General Elections Order, 2002.</p> <p>(2) It extends to the whole of Pakistan.</p> <p>(3) It shall come into force at once.</p> <p>1. Short title, extent and commencement.—(1) This Order may be called the Political Parties Order, 2002.</p> <p>(2) It extends to the whole of Pakistan, except the Federally Administered Tribal Areas.</p> <p>(3) It shall come into force at once.</p> <p>1. Short title, extent, application and commencement.—(1) This Act may be called the Representation of the People Act, 1976.</p> <p>(2) It extends to the whole of Pakistan.</p> <p>(3) It shall apply to the general elections to the National Assembly and the Provincial Assemblies to be held under the Constitution and to the bye-elections to be held to the seats in those Assemblies falling vacant after the general elections.</p> <p>(4) It shall come into force at once.</p> <p>1. Short title and commencement.— (1) This Act may be called the Electoral Rolls Act, 1974.</p> <p>(2) It shall come into force at once.</p> <p>(3) It extends to the whole of Pakistan.</p> <p>1. Short title and commencement.— (1) This Act may be called the Delimitation of Constituencies Act, 1974.</p> <p>(2) It shall come into force at once.</p> <p>1. Short title and commencement.—(1) This Act may be called the Senate (Election) Act, 1975.</p> <p>(2) It shall come into force at once.</p> <p>1. Short title, extent and commencement.— (1) This Order may be called the Qualification to Hold Public Offices Order, 2002.</p> <p>(2) It extends to the whole of Pakistan.</p> <p>(3) It shall come into force at once.</p> <p>2. Definitions.—In this Order, unless there is anything repugnant in the subject or context,—</p> <p>(a) “Chief Election Commissioner” means the Chief Election Commissioner appointed under the Election Commission Order, 2002 (Chief Executive’s Order 1 of 2002);</p> <p>(b) “Constitution” means the Constitution of the Islamic Republic of Pakistan, 1973, which is in abeyance by virtue of the Proclamation of Emergency of the fourteenth day of October, 1999;</p> <p>(c) “prescribed” means prescribed by rules made under this Order; and</p>	<p>The Election Commission Order, 2002</p> <p>The Conduct of General Elections Order, 2002</p> <p>The Political Parties Order, 2002</p> <p>The Representation of the People Act, 1976</p> <p>The Electoral Rolls Act, 1974</p> <p>The Delimitation of Constituencies Act, 1974</p> <p>The Senate (Election) Act, 1975</p> <p>The Qualification to Hold Public Offices Order, 2002</p> <p>The Conduct of General Elections Order, 2002</p>
<p>2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—</p> <p>(i) “Article” means an Article of the Constitution;</p> <p>(ii) “Assembly” means the National Assembly or a Provincial Assembly of a Province;</p> <p>(iii) “ballot paper account” means ballot paper account prepared under the Act;</p> <p>(iv) “candidate” means a person proposed as a candidate for, or seeking election as a member;</p> <p>(v) “Commissioner” means the Chief Election commissioner and includes an acting Chief Election Commissioner;</p>		

(vi) "constituency" means a constituency delimited under the Act;

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

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

(ix) "election" means election to a seat of a member held under the Act;

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

(xi) "Election Commission" means the Election Commission constituted under Article 218 of the Constitution;

(xii) "election petition" means an election petition presented under the Act;

(xiii) "Election Tribunal" means an Election Tribunal appointed under the Act for the trial of election petitions;

(xiv) "electoral area" means—
 (a) in rural areas, a village or a census block; and
 (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; and
 (iii) where the ward or census block, Mohallah or street is too big, a well-defined part thereof; or
 (c) such other areas as may be determined by the Election Commission;

(xv) "electoral roll" means an electoral roll prepared, revised or corrected under the Act;

(xvi) "foreign-aided political party" means a political party which—
 (i) has been formed or organised at the instance of any government or political party of a foreign country; or
 (ii) is affiliated to or associated with any government or political party of a foreign country; or
 (iii) receives any aid, financial or otherwise, from any government or political party of a foreign country, or any portion of its funds from foreign nationals;

(xvii) "member" means member of an Assembly or Senate;

(xviii) "nomination day" means the day appointed under the Act for the nomination of candidates;

(xix) "polling agent" means a polling agent appointed under the Act;

(xx) "polling day" means the day on which poll is taken for an election;

(xxi) "polling officer" means a polling officer appointed under the Act for a polling station;

(xxii) "political party" means an association of citizens

(d) "technocrat" means a person who is the holder of a degree requiring conclusion of at least sixteen years of education, recognized by the University Grants Commission or a recognized statutory body, as well as at least twenty years of experience, including a record of achievement at the national or international level.

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

(a) "Chief Election Commissioner" means the Chief Election Commissioner of Pakistan;

(b) "Election Commission" means the Election Commission of Pakistan;

(c) "foreign-aided political party" means a political party which—

(i) has been formed or organised at the instance of any government or political party of a foreign country; or

(ii) is affiliated to or associated with any government or political party of a foreign country; or

(iii) receives any aid, financial or otherwise, from any government or political party of a foreign country, or any portion of its funds from foreign nationals;

(d) "political party" means an association of citizens or a combination or groups 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; and

(e) "prescribed" means prescribed by rules made under this Order.

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

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

(ii) "Assembly" means the National Assembly or a Provincial Assembly for a Province;

(iii) "ballot paper account" means ballot paper account prepared under sub-section (10) of section 38;

(iv) "candidate" means a person proposed as a candidate for, or seeking election as a member;

(v) "Commission" means the Election Commission constituted under Article 218;

(vi) "Commissioner" means the Chief Election Commissioner appointed under the Constitution and includes—

(i) the person continuing in the office of Chief Election Commissioner by virtue of Article 275; and

(ii) a Judge of the Supreme Court nominated under Article 217 to act as Chief Election Commissioner;

(vii) "constituency" means a constituency delimited under the Delimitation of Constituencies Act, 1974 (XXXIV of 1974);

The Political Parties Order, 2002

The Representation of the People Act, 1976

<p>or a combination or groups 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;</p> <p>(xxiii) “population” means the population in accordance with the last preceding census officially published;</p> <p>(xxiv) “prescribed” means prescribed by rules made under the Act;</p> <p>(xxv) “Presiding Officer” means a Presiding Officer appointed under the Act for a polling station and includes an Assistant Presiding Officer exercising the powers and performing the functions of the Presiding Officer;</p> <p>(xxvi) “Registration Officer” means a Registration Officer appointed under the Act, and includes an Assistant Registration Officer performing the functions of a Registration Officer;</p> <p>(xxvii) “returned candidate” means a candidate who has been declared elected as a member under the Act;</p> <p>(xxviii) “Returning Officer” means a Returning Officer appointed under the Act and includes an Assistant Returning Officer exercising the powers and performing the functions of the Returning Officer;</p> <p>(xxix) “Revising Authority” means a person appointed under the Act to hear and dispose of claims and objections and applications for correction relating to the electoral rolls;</p> <p>(xxx) “scrutiny day” means the day appointed under the Act for the scrutiny of nomination papers;</p> <p>(xxxi) “spoilt ballot paper” means a ballot paper which has been spoiled and is returned to the Presiding Officer;</p> <p>(xxxii) “technocrat” means a person who is the holder of a degree requiring conclusion of at least sixteen years of education, recognized by the University Grants Commission or a recognized statutory body, as well as at least twenty years of experience, including a record of achievement at the national or international level;</p> <p>(xxxiii) “validity nominated candidate” means a candidate whose nomination has been accepted;</p> <p>(xxxiv) “voter” means a person who is entitled to vote in an election under the Act; and</p> <p>(xxxv) “withdrawal day” means a day appointed under the Act on or before which candidature may be withdrawn.</p>	<p>(viii) “contesting candidate” means a validly nominated candidate who has not withdrawn his candidature;</p> <p>(ix) “election” means election to a seat of a member held under this Act;</p> <p>(x) “election agent” means an election agent appointed by a candidate under section 22 and, where no such appointment is made, the candidate acting as his own election agent;</p> <p>(xi) “election petition” means an election petition made under section 52;</p> <p>(xii) “elector”, in relation to a constituency, means a person who is enrolled on the electoral roll for any electoral area in that constituency;</p> <p>(xiii) “electoral roll” means an electoral roll prepared, revised or corrected under the Electoral Rolls Act, 1974 (XXI of 1974);</p> <p>(xiv) “member” means member of an Assembly;</p> <p>(xv) “nomination day” means the day appointed under section 11 for the nomination of candidates;</p> <p>(xvi) “polling agent” means a polling agent appointed under section 23;</p> <p>(xvii) “polling day” means the day on which poll is taken for an election;</p> <p>(xviii) “polling officer” means a polling officer appointed under section 9 for a polling station;</p> <p>(xix) “prescribed” means prescribed by rules made under this Act;</p> <p>(xx) “Presiding Officer” means a Presiding Officer appointed under section 9 for a polling station and includes an Assistant Presiding Officer exercising the powers and performing the functions of Presiding Officer;</p> <p>(xxi) “returned candidate” means a candidate who has been declared elected as a member under this Act;</p> <p>(xxii) “Returning Officer” means a Returning Officer appointed under section 7 and includes an Assistant Returning Officer exercising the powers and performing the functions of Returning Officer;</p> <p>(xxiii) “scrutiny day” means the day appointed under section 11 for the scrutiny of nomination paper;</p> <p>(xxiv) “spoilt ballot paper” means a ballot paper which has been spoiled and is returned to the Presiding Officer under section 36;</p> <p>(xxv) “Tribunal” means an Election Tribunal appointed under section 57 for the trial of election petitions;</p> <p>(xxvi) “validity nominated candidate” means a candidate whose nomination has been accepted; and</p> <p>(xxvii) “withdrawal day” means a day appointed under section 11 on or before which candidature may be withdrawn.</p> <p>2. Definitions.— In this Act, unless there is anything repugnant in the subject or context,—</p> <p>(1) “Commissioner” means the Chief Election Commissioner appointed under the Election Commission Order, 1977 President’s (P.P.) Order No. 4 of 1977;</p>
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The Electoral Rolls Act, 1974

(2) "electoral area" means—

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

(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; and

(iii) where the ward or census block, Mohallah or street is too big, a well-defined part thereof; or.

(c) such other areas as may be determined by the Commissioner;

(3) "prescribed" means prescribed by rules made under this Act;

(4) "Registration Officer" means a Registration Officer appointed under section 5, and includes an Assistant Registration Officer performing the functions of a Registration Officer; and

(5) "Revising Authority" means a person appointed under section 9 to hear and dispose of claims and objections and applications for correction relating to the electoral rolls.

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

(a) "Article" means Article of the Constitution of the Islamic Republic of Pakistan hereinafter referred to as the Constitution;

(b) "Commission" means the Election Commission constituted under Article 218;

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

(d) all words and expressions used but not defined in this Act shall have the same meaning as in the Constitution.

2. Definitions.—(1) In this Act, unless there is anything repugnant in the subject or context,—

(a) "bye-election" means an election to fill a casual vacancy referred to in section 77;

(b) "candidate" means a person proposed as a candidate for election as a member;

(c) "Chairman" means Chairman of the Senate;

(cc) "Commission" means the Election Commission;

(ccc) "Commissioner" means the Chief Election Commissioner;

(d) "contesting candidate" means a candidate who has been validly nominated for election as a member and has not withdrawn his candidature;

(e) "election" means an election to the Senate other than a bye-election and includes an election to fill the seat of a member which falls vacant on the expiration of his term;

(f) "election petition" means an election petition

The Delimitation of Constituencies Act, 1974

The Senate (Election) Act, 1975

<p>upon office, the Commissioner shall make before the Chief Justice of Pakistan oath in the form set-out in the Schedule-I.</p> <p>5. Acting Commissioner.—At any time when—</p> <p>(a) the office of Commissioner is vacant, or</p> <p>(b) the Commissioner is absent or is unable to perform the functions of his office due to any other cause, a Judge of the Supreme Court nominated by the Chief Justice of Pakistan shall act as Commissioner.</p>	<p>upon office, the Commissioner shall make before the Chief Justice of Pakistan oath in the form set-out in the Schedule.</p> <p>4. Acting Commissioner.—At any time when—</p> <p>(a) the office of Commissioner is vacant, or</p> <p>(b) the Commissioner is absent or is unable to perform the functions of his office due to any other cause, a Judge of the Supreme Court nominated by the Chief Justice of Pakistan shall act as Commissioner.</p>	<p>2002</p> <p>The Election Commission Order, 2002</p>
<p>6. Election Commission.—(1) For the purpose of the general election to the National Assembly and to a Provincial Assembly, and for the purpose of election to the Senate, an Election Commission shall be constituted in accordance with this section.</p> <p>(2) The Election Commission shall consist of—</p> <p>(a) The Commissioner, who shall be Chairman of the Commission ; and</p> <p>(b) four members, each of whom shall be a Judge of the High Court of each Province, appointed by the President after consultation with the Chief Justice of the High Court concerned and with the Commissioner.</p> <p>(3) It shall be the duty of the Election Commission constituted in relation to an election to organize and conduct the election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against.</p>	<p>5. Election Commission.—(1) For the purpose of the general election to the National Assembly and to a Provincial Assembly, and for the purpose of election to the Senate, an Election Commission shall be constituted in accordance with this Article.</p> <p>(2) The Election Commission shall consist of—</p> <p>(a) The Commissioner, who shall be Chairman of the Commission; and</p> <p>(b) four members, each of whom shall be a Judge of the High Court of each Province, appointed by the President after consultation with the Chief Justice of the High Court concerned and with the Commissioner.</p> <p>(3) It shall be the duty of the Election Commission constituted in relation to an election to organize and conduct the election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against.</p>	<p>The Election Commission Order, 2002</p>
<p>7. Powers of Election Commission.—(1) The Election Commission shall have power to issue such directions or orders as may be necessary for the performance of its functions and duties, including an order 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.</p> <p>(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.</p>	<p>6. Powers of Election Commission.—(1) The Election Commission shall have power to issue such directions or orders as may be necessary for the performance of its functions and duties, including an order 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.</p> <p>(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.</p>	<p>The Election Commission Order, 2002</p>
<p>8. Duties of Commissioner.—The Commissioner shall be charged with the duty of—</p> <p>(a) organizing and conducting election to fill casual vacancies in the National Assembly, the Senate or a Provincial Assembly ; and</p> <p>(b) appointing Election Tribunals.</p>	<p>7. Duties of Commissioner.—The Commissioner shall be charged with the duty of—</p> <p>(a) organizing and conducting election to fill casual vacancies in the National Assembly, the Senate or a Provincial Assembly ; and</p> <p>(b) appointing Election Tribunals.</p>	<p>The Election Commission Order, 2002</p>
<p>9. District Returning Officer.—(1) For the election of the National Assembly or a Provincial Assembly, the Election Commission shall appoint, from amongst the officers of the Federal Government, Provincial Governments, corporations controlled by any such Government and local authorities, a District Returning Officer for each district.</p> <p>(2) Subject to the superintendence, direction and control of the Election Commission, the District Returning Officer shall coordinate and supervise all work in the district in connection with the conduct of elections and shall also perform such other duties and functions as may be entrusted to him by the Election Commission.</p>	<p>7B. Officers and servants.—The officers and servants employed in connection with the functions of the Commissioner or the Election Commission immediately before the commencement of this Order shall be deemed to be the officers and servants employed in connection with the functions of the Commissioner or the Election Commission appointed or constituted under this Order on the same terms and conditions and subject to the same rules as were applicable to them until altered, modified or amended by the Commissioner.</p>	<p>The Election Commission Order, 2002</p>

10. Returning Officer and Assistant Returning Officer.—(1) The Election Commission shall appoint, from amongst the officers of the Federal Government, Provincial Governments, corporations controlled by any such Government and local authorities, a Returning Officer for each constituency:

Provided that a person may be appointed as Returning Officer for two or more constituencies.

(2) The Election Commission may appoint, from amongst the officers of the Federal Government, Provincial Governments, corporations controlled by such Government and local authorities, as many Assistant Returning Officers as may be necessary.

(3) 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 Election Commission, exercise and perform, under the control of the Returning Officer, the powers and functions of the Returning Officer.

(4) It shall be the duty of a Returning Officer to do all such acts and things as may be necessary for effectively conducting an election in accordance with the provisions of this Act and the rules.

(5) The Election Commission may, at any time, for reasons to be recorded in writing, suspend any officer performing any duty in connection with an election, or any other public functionary, or any member of the police force or any other law-enforcing agency, who obstructs or prevents or attempts to obstruct or prevent the conduct of fair and impartial poll or interferes or attempts to interfere with a voter when he records his vote, or influences in any manner the polling staff or a voter or does any other act calculated to influence the result of election, and make such arrangements as it or he may consider necessary for the performance of the functions of the officer so suspended.

(6) Where the Election Commission suspends any officer under sub-section (6), the Election Commission shall refer the matter to the appropriate authority for taking disciplinary action against such officer.

7. Appointment of District Returning Officer and Returning Officer, etc.—(1) The Commission shall appoint, from amongst the officers of the Federal Government, Provincial Governments, corporations controlled by any such Government and local authorities, a District Returning Officer for each District and a Returning Officer for each constituency:

Provided that a person may be appointed as Returning Officer for two or more constituencies.

(2) The Commission may appoint, from amongst the Officers of the Federal Government, Provincial Governments, corporations controlled by such Government and local authorities, as many Assistant Returning Officers as may be necessary.

(3) 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, exercise and perform, under the control of the Returning Officer, the powers and functions of the Returning Officer.

(4) It shall be the duty of a Returning Officer to do all such acts and things as may be necessary for effectively conducting an election in accordance with the provisions of this Act and the rules.

(5) Subject to the superintendence, direction and control of the Commission, the District Returning Officer shall coordinate and supervise all work in the district in connection with the conduct of elections and shall also perform such other duties and functions as may be entrusted to him by the Commission.

(6) The Commission or the Commissioner may, at any time, for reasons to be recorded in writing, suspend any officer performing any duty in connection with an election, or any other public functionary, or any member of the police force or any other law-enforcing agency, who obstructs or prevents or attempts to obstruct or prevent the conduct of fair and impartial poll or interferes or attempts to interfere with an elector when he records his vote, or influences in any manner the polling staff or an elector or does any other act calculated to influence the result of election, and make such arrangements as it or he may consider necessary for the performance of the functions of the officer so suspended.

(7) Where the Commission or the Commissioner suspends any officer under sub-section (6), the Commission or the Commissioner shall refer the matter to the appropriate authority for taking disciplinary action against such officer.

8. Duties and powers of Returning Officer.—(1) A Returning Officer shall conduct the poll in accordance with the provisions of this Act and the rules and shall exercise all necessary powers for maintaining order at the polling station and shall report to the Commissioner any fact or incident which may, in his opinion, affect the conduct or fairness of the poll.

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

(3) The Returning Officer shall authorise 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.

(4) The Returning Officer may, at any time during the poll, for reasons to be recorded in writing, suspend any

The Representation of the People Act, 1976

The Senate (Election) Act, 1975

<p>11. Returning Officers.—For the purposes of an election of the Senate, the Commissioner shall appoint a Returning Officer for each Province.</p>	<p>Polling Officer and make such arrangements as he may consider necessary for the performance of the functions of the Officer so suspended.</p> <p>(5) It shall be the duty of a Returning Officer to do all such acts and things as may be necessary for effectively conducting an election in accordance with the provisions of this Act and the rules.</p> <p>5. Returning Officers.—For the purposes of an election, the Commissioner shall appoint a Returning Officer for each Province.</p>	<p>The Senate (Election) Act, 1975</p>
<p>12. Presiding Officers and polling officer.—(1) A Returning Officer shall appoint for each polling stations a Presiding Officer and such number of Assistant Presiding Officers and polling officers from amongst the officers of the Federal Government, Provincial Governments, local governments and corporations established or controlled by such Governments to assist the Presiding Officer as the Returning Officer may consider necessary:</p> <p>Provided that a person who is, or has at any time been, in the employment of any candidate shall not be appointed as a Presiding Officer, Assistant Presiding Officer or polling officer.</p> <p>(2) A list of such Presiding Officers and polling officers shall be submitted to the District Returning Officer or the Election Commission at least fifteen days before the polling day for its approval and no change in the personnel shall be made except with the approval of the Election Commission.</p> <p>(3) A Presiding Officer shall conduct the poll in accordance with the provisions of this Act and the rules, shall be responsible for maintaining order at the polling station and shall report to the Returning Officer any fact or incident which may, in his opinion, affect the fairness of the poll:</p> <p>Provided that, during the course of the poll, the Presiding Officer may entrust such of his functions as may be specified by him to any Assistant Presiding officer and it shall be the duty of such Assistant Presiding Officer to perform the functions so entrusted.</p> <p>(4) The Returning Office 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; and any absence of the Presiding Officer and the reason for such absence shall, as soon as possible after the close of the poll, be reported to the Returning Officer.</p> <p>(5) The Returning Officer may, at any time during the poll, for reasons to be recorded in writing, suspend any Presiding Officer, Assistant Presiding Officer or polling officer and make such arrangements as he may consider necessary for the performance of the functions of the officer so suspended.</p>	<p>9. Presiding Officers and Polling Officer.—(1) A Returning Officer shall appoint for each polling stations a Presiding Officer and such number of Assistant Presiding Officers and polling officers from amongst the officers of the Federal Government, Provincial Governments, local governments and corporations established or controlled by such Governments to assist the Presiding Officer as the Returning Officer may consider necessary:</p> <p>Provided that a person who is, or has at any time been, in the employment of any candidate shall not be appointed as a Presiding Officer, Assistant Presiding Officer or polling officer.</p> <p>(2) A list of such Presiding Officers and polling officers shall be submitted to the District Returning Officer at least fifteen days before the polling day for its approval and no change in the personnel shall be made except with the approval of the Commission.</p> <p>(3) A Presiding Officer shall conduct the poll in accordance with the provisions of this Act and the rules, shall be responsible for maintaining order at the polling station and shall report to the Returning Officer any fact or incident which may, in his opinion, affect the fairness of the poll:</p> <p>Provided that, during the course of the poll, the Presiding Officer may entrust such of his functions as may be specified by him to any Assistant Presiding officer and it shall be the duty of such Assistant Presiding Officer to perform the functions so entrusted.</p> <p>(4) The Returning Office shall authorise 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; and any absence of the Presiding Officer, and the reason therefor, shall, as soon as possible after the close of the poll, be reported to the Returning Officer.</p> <p>(5) The Returning Officer may, at any time during the poll, for reasons to be recorded in writing, suspend any Presiding Officer, Assistant Presiding Officer or polling officer and make such arrangements as he may consider necessary for the performance of the functions of the officer so suspended.</p> <p>7. Polling Officers.—The Commissioner shall, for the purpose of conducting an election, also appoint such number of Polling Officers to assist the Returning Officer as he may consider necessary.</p>	<p>The Representation of the People Act, 1976</p> <p>The Senate (Election) Act, 1975</p>
<p>13. Registration Officer and Assistant Registration Officer.—(1) The Commissioner 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.</p>	<p>5. Appointment of Registration Officer, etc.—(1) The Commissioner 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.</p>	<p>The Electoral Rolls Act, 1974</p>

<p>(2) Subject to such instructions as may be given in this behalf by the Commissioner,—</p> <p>(a) an Assistant Registration Officer may, under the control of the Registration Officer, perform the functions of a Registration Officer; and</p> <p>(b) a Registration officer may require any person to assist him in the performance of his functions.</p>	<p>(2) Subject to such instructions as may be given in this behalf by the Commissioner,—</p> <p>(a) an Assistant Registration Officer may, under the control of the Registration Officer, perform the functions of a Registration Officer; and</p> <p>(b) a Registration officer may require any person to assist him in the performance of his functions.</p>	
<p>14. Decisions of the Election Commission.—(1) Subject to the provisions of this section, the Election Commission shall regulate its procedure.</p> <p>(2) If, upon any matter requiring a decision of the Election Commission, there is difference of opinion among its Members, the opinion of the majority shall prevail and the decision of the Election Commission shall be expressed in terms of the opinion of the majority.</p> <p>(3) The Election Commission may exercise its powers and perform its functions notwithstanding that there is a vacancy in the office of any one of its Members or that any one of its Members is, for any reason, unable to attend its proceedings and the decision of the other two Members shall have the effect of the decision of the Election Commission:</p> <p>Provided that, in the event of a difference of opinion between the two Members attending the proceedings of the Election Commission, the matter shall be placed for decision before the Commission.</p>	<p>3. Procedure of the Commission.—(1) Subject to the provisions of this section, the Commission shall regulate its procedure.</p> <p>(2) If, upon any matter requiring a decision of the Commission, there is difference of opinion among 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.</p> <p>(3) The Commission may exercise its powers and perform its functions notwithstanding that there is a vacancy in the office of any one of its members or that any one of its members is, for any reason, unable to attend its proceedings and the decision of the other two members shall have the effect of the decision of the Commission:</p> <p>Provided that, in the event of a difference of opinion between the two members attending the proceedings of the Commission, the matter shall be placed for decision before the Commission.</p> <p>8. Decisions of Commission, etc.—(1) All decisions of the Election Commission shall be expressed in terms of the opinion of the majority of its members, including the Chairman.</p> <p>(2) No election conducted, or other action taken or thing done, by the Election Commission shall be invalid or called in question only on the ground of the existence of a vacancy therein or of the absence of any member from any meeting thereof.</p> <p>4. Procedure of Commission.— (1) Subject to the provisions of this section, the Commission shall regulate its own procedure.</p> <p>(2) If, upon any matter requiring the 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.</p> <p>(3) The Commission may exercise its powers and performs its functions notwithstanding that there is a vacancy in the office of any one of its members or that any one of its members is, for any reason, unable to attend its proceedings and the decision of the other two members shall have the effect of the decision of the Commission:</p> <p>Provided that, in the event of a difference of opinion between the two members attending the proceedings of the Commission,—</p> <p>(a) if the Chairman is one of the two members, his opinion shall prevail and the decision of the Commission shall be expressed in terms of that opinion; and</p> <p>(b) in the other case, the matter shall be placed for decision before the Commission.</p>	<p>The Representation of the People Act, 1976</p> <p>The Election Commission Order, 2002</p> <p>The Delimitation of Constituencies Act, 1974</p>

CHAPTER III: POLITICAL PARTIES

<p>15. Formation of political parties.—(1) Subject to the provisions of this Act, it shall be lawful for any body of individuals or association of citizens to form, organize, and continue or set-up a political party.</p> <p>(2) A political party shall have a distinct identity of its structures at the national, provincial and local levels, wherever applicable.</p> <p>(3) Every political party shall have a distinct name.</p> <p>(4) Notwithstanding anything contained in sub-section (1), a political party shall not—</p> <p>(a) propagate any opinion, or act in a manner prejudicial to the fundamental principles enshrined in the Constitution; or</p> <p>(b) undermine the sovereignty or integrity of Pakistan, public order or public morality or indulge in terrorism; or</p> <p>(c) promote sectarian, regional or provincial hatred or animosity; or</p> <p>(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; or</p> <p>(e) impart any military or para-military training to its members or other persons; or</p> <p>(f) be formed, organized, set-up or convened as a foreign-aided political party.</p>	<p>3. Formation of political parties, etc.—(1) Subject to the provisions of this Order, it shall be lawful for any body of individuals or association of citizens to form, organize, continue or set-up a political party.</p> <p>(2) A political party shall have a distinct identity of its structures at the national, provincial and local levels, wherever applicable.</p> <p>(3) Every political party shall have a distinct name.</p> <p>(4) Notwithstanding anything contained in sub-section (1), a political party shall not—</p> <p>(a) propagate any opinion, or act in a manner prejudicial to the fundamental principles enshrined in the Constitution of the Islamic Republic of Pakistan; or</p> <p>(b) undermine the sovereignty or integrity of Pakistan, public order or public morality or indulge in terrorism; or</p> <p>(c) promote sectarian, regional or provincial hatred or animosity; or</p> <p>(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; or</p> <p>(e) impart any military or para-military training to its members or other persons; or</p> <p>(f) be formed, organised, set-up or convened as a foreign-aided political party.</p>	<p>The Political Parties Order, 2002</p>
<p>16. Constitution of political parties.—(1) Every political party shall formulate its constitution, with whatever name it may be referred, and the constitution shall include—</p> <p>(a) the aims and objectives of the party;</p> <p>(b) organizational structure of the party at the Federal, Provincial and local levels, whichever is applicable;</p> <p>(c) criteria of membership of the party;</p> <p>(d) membership fee to be paid by the members;</p> <p>(e) qualifications and tenure of the party leader and other office-bearers of the party;</p> <p>(f) criteria for receipt and collection of funds for the party; and</p> <p>(g) procedure for—</p> <p>(i) election of party leader and other office-bearers at the Federal, Provincial and local levels, wherever is applicable;</p> <p>(ii) selection or nomination of party candidates for election to public offices and legislative bodies;</p> <p>(iii) resolution of disputes between members</p>	<p>4. Constitution of political parties.—(1) Every political party, including a political party already in existence, shall formulate its constitution, with whatever name it may be referred, including, inter alia,—</p> <p>(a) the aims and objectives of the party;</p> <p>(b) organisational structure of the party at the Federal, Provincial and local levels, whichever is applicable;</p> <p>(c) criteria of membership of the party;</p> <p>(d) membership fee, to be paid by the members;</p> <p>(e) qualifications and tenure of the party leader and other office-bearers of the party;</p> <p>(f) criteria for receipt and collection of funds for the party; and</p> <p>(g) procedure for—</p> <p>(i) election of party leader and other office-bearers at the Federal, Provincial and local levels, wherever applicable;</p> <p>(ii) selection or nomination of party candidates for election to public offices and legislative bodies;</p> <p>(iii) resolution of disputes between members</p>	<p>The Political Parties Order, 2002</p>

<p>and party, including issues relating to suspension and expulsion of members; and</p> <p>(iv) method and manner of amendments in the constitution.</p> <p>(2) Every political party shall provide a copy of its constitution to the Election Commission.</p> <p>(3) Any change in the constitution of a political party shall forthwith be communicated to the Election Commission which shall maintain updated record of the constitutions of all the political parties.</p>	<p>and party, including issues relating to suspension and expulsion of members; and</p> <p>(iv) method and manner of amendments in the constitution of the party.</p> <p>(2) Every political party shall provide a copy of its constitution to the Election Commission.</p> <p>(3) Any change in the constitution of a political party shall forthwith be communicated to the Election Commission which shall maintain updated record of the constitutions of all the political parties.</p>	
<p>17. 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:</p> <p>Provided that a person shall not be appointed or serve as an office-bearer of a political party if he is not qualified to be, or is disqualified from being elected or chosen as a member under Article 63 of the Constitution or under this Act:</p> <p>Provided further that the condition of educational qualification being a graduate possessing a bachelor degree or equivalent laid down for a member of Majlis-e-Shoora (Parliament) or a Provincial Assembly shall not be applicable to an office-bearer of a political party.</p> <p>(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 such political party.</p> <p>(3) A person shall not be a member of more than one political party at a time.</p> <p>(4) A member of a political party shall have the right of access to the records of the political party.</p>	<p>5. 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:</p> <p>Provided that a person shall not be appointed or serve as an office-bearer of a political party if he is not qualified to be, or is disqualified from being elected or chosen as a member of the Majlis-e-Shoora (Parliament) under Article 63 of the Constitution of the Islamic Republic of Pakistan or under any other law for the time being in force:</p> <p>Provided further that the condition of educational qualification being a graduate possessing a bachelor degree or equivalent laid down for a member of Majlis-e-Shoora (Parliament) or a Provincial Assembly shall not be applicable to an office-bearer of a political party.</p> <p>(2) Where a person joins a political party, his name shall be duly 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 such political party.</p> <p>(3) A person shall not be a member of more than one political party at a time.</p> <p>(4) A member of a political party shall have the right of access to the records of the political party.</p>	<p>The Political Parties Order, 2002</p>
<p>18. Membership fee and contributions.—(1) A member of a political party shall be required to pay a membership fee as provided in the party's constitution and may, in addition, make voluntary contributions towards the party's funds.</p> <p>(2) The contribution made by members or supporters of any party shall be recorded by the political parties.</p> <p>(3) Any contribution made, directly or indirectly, by any foreign government, multi-national or domestically incorporated public or private company, firm, trade or professional association shall be prohibited and the parties may accept contributions and donations only from individuals.</p> <p>(4) Any contribution or donation which is prohibited under this Act shall be confiscated in favour of the State in the manner as may be prescribed.</p> <p><i>Explanation.</i>— For the purpose of this section, a "contribution or donation" includes a contribution or donation made in cash, kind, stocks, hospitality, accommodation, transport, fuel and provision of other such facilities.</p>	<p>6. Membership fee and contributions.—(1) A member of a political party shall be required to pay a membership fee as provided in the party's constitution and may, in addition, make voluntary contributions towards the party's funds.</p> <p>(2) The contribution made by members or supporters of any party shall be duly recorded by the political parties.</p> <p>(3) Any contribution made, directly or indirectly, by any foreign government, multi-national or domestically incorporated public or private company, firm, trade or professional association shall be prohibited and the parties may accept contributions and donations only from individuals.</p> <p>(4) Any contribution or donation which is prohibited under this Order shall be confiscated in favour of the State in the manner as may be prescribed.</p> <p><i>Explanation.</i>—For the purpose of this section, a "contribution or donation" includes a contribution or donation made in cash, kind, stocks, hospitality, accommodation, transport, fuel and provision of other such facilities.</p>	<p>The Political Parties Order, 2002</p>

<p>19. Suspension or expulsion of a member.— A member of a political party may be suspended or expelled from the party's membership in accordance with the procedure provided in the party's constitution:</p> <p>Provided that before making an order for suspension or expulsion of a member from the party, such member shall be provided with a reasonable opportunity to show cause against the action proposed and of hearing.</p>	<p>7. Suspension or expulsion of a member.—A member of a political party may be suspended or expelled from the party's membership in accordance with the procedure provided in the party's constitution:</p> <p>Provided that before making an order for suspension or expulsion of a member from the party, such member shall be provided with a reasonable opportunity to show cause against the action proposed and of hearing.</p>	<p>The Political Parties Order, 2002</p>
<p>20. Selection for elective offices.— The political parties shall make the selection of candidates for elective offices, including the membership of the Majlis-e-Shoora (Parliament) and Provincial Assemblies, through a transparent democratic procedure.</p>	<p>8. Selection for elective offices.—The political parties shall make the selection of candidates for elective offices, including the membership of the Majlis-e-Shoora (Parliament) and Provincial Assemblies, through a transparent democratic procedure.</p>	<p>The Political Parties Order, 2002</p>
<p>21. Functioning of political parties.—(1) Every political party shall have an elected general council at the Federal, Provincial and local levels, wherever is applicable, and by whatever names these may be referred.</p> <p>(2) Every political party shall, at least once in a year, convene a general meeting at the Federal, Provincial and local levels of the party, wherever applicable, to which the party members or their delegates shall be invited to participate.</p> <p>(3) A member or group of members of the political party may nominate in writing any other member of the party as a delegate to represent him or them and cast his or their votes in a party meeting.</p>	<p>10. Functioning of political parties.—(1) Every political party shall have an elected general council at the Federal, Provincial and local levels, wherever applicable, and by whatever names these may be referred.</p> <p>(2) Every political party shall, at least once in a year, convene a general meeting at the Federal, Provincial and local levels of the party, wherever applicable, to which the party members or their delegates shall be invited to participate.</p> <p>(3) A member or group of members of the political party may nominate in writing any other member of the party as a delegate to represent him or them and cast his or their votes in a party meeting.</p>	<p>The Political Parties Order, 2002</p>
<p>22. Elections within a political party.—(1) The party leader and other office-bearers of every political party at the Federal, Provincial and local levels, wherever is applicable, shall be elected periodically in accordance with party's constitution through secret ballot based on a democratic and transparent system:</p> <p>Provided that a period, not exceeding four years, shall intervene between any two elections.</p> <p>(2) Every member of the political party shall, subject to the provisions of the party's constitution, be provided with an equal opportunity of contesting election for any party office, including that of the party leader.</p> <p>(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.</p>	<p>11. Elections within a political party.—(1) The party leader and other office-bearers of every political party at the Federal, Provincial and local levels, wherever applicable, shall be elected periodically in accordance with party's constitution through secret ballot based on a democratic and transparent system:</p> <p>Provided that a period, not exceeding four years, shall intervene between any two elections.</p> <p>(2) Every member of the political party shall, subject to the provisions of the party's constitution, be provided with an equal opportunity of contesting election for any party office, including that of the party leader.</p> <p>(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.</p>	<p>The Political Parties Order, 2002</p>
<p>23. Certification by the political party.—(1) The party leader of each political party shall, within seven days from completion of the intra-party elections submit a certificate under his signatures to the Election Commission to the effect that the elections were held in accordance with the constitution of the party and this Act to elect the party leader and other office-bearers at the Federal, Provincial and local levels, wherever applicable.</p> <p>(2) The certificate referred to in sub-section (1) shall contain information in respect of—</p> <p>(a) the date of the last intra-party elections;</p> <p>(b) the names, designations and addresses of the party leader and all other office-bearers elected at the Federal, Provincial and local levels, wherever is applicable;</p> <p>(c) the election results, including the total number</p>	<p>12. Certification by the political party.—(1) The party leader of each political party shall, within seven days from completion of the intra-party elections submit a certificate under his signatures to the Election Commission to the effect that the elections were held in accordance with the constitution of the party and this Order to elect the party leader and other office-bearers at the Federal, Provincial and local levels, wherever applicable.</p> <p>(2) The certificate referred to in clause (1) shall contain information in respect of—</p> <p>(a) the date of the last intra-party elections;</p> <p>(b) the names, designations and addresses of the party leader and all other office-bearers elected at the Federal, Provincial and local levels, wherever applicable;</p> <p>(c) the election results, including the total number</p>	<p>The Political Parties Order, 2002</p>

<p>of votes cast and the number of votes secured by each contestant for all of its party offices; and</p> <p>(d) copy of the party's notifications declaring the results of the election.</p> <p>(3) The Election Commission shall publish for public information the certificate including details of elections referred to in sub-section (2).</p>	<p>of votes cast and the number of votes secured by each contestant for all of its party offices; and</p> <p>(d) copy of the party's notifications declaring the results of the election.</p> <p>(3) The Election Commission shall publish for public information the certificate including details of elections referred to in clause (2).</p>	
<p>24. Information about the sources of party's fund.— (1) Every political party shall, in such manner and in such form as may be prescribed or specified by the Election Commission, submit to the Commissioner, within sixty days from the close of each financial year, a consolidated statement of accounts of the party audited by a Chartered Accountant containing—</p> <p>(a) annual income and expenses;</p> <p>(b) sources of its funds; and</p> <p>(c) assets and liabilities.</p> <p>(2) The statement referred to in sub-section (1), shall be accompanied by a certificate signed by the party leader stating that—</p> <p>(a) no funds from any source prohibited under this Act were received by the party; and</p> <p>(b) the statement contains an accurate financial position of the party.</p>	<p>13. Information about the sources of party's fund.—(1) Every political party shall, in such manner and in such form as may be prescribed or specified by the Chief Election Commissioner, submit to the Election Commission, within sixty days from the close of each financial year, a consolidated statement of accounts of the party audited by a Chartered Accountant containing—</p> <p>(a) annual income and expenses;</p> <p>(b) sources of its funds; and</p> <p>(c) assets and liabilities.</p> <p>(2) The statement referred to in clause (1), shall be accompanied by a certificate signed by the party leader stating that—</p> <p>(a) no funds from any source prohibited under this Order were received by the party; and</p> <p>(b) the statement contains an accurate financial position of the party.</p>	<p>The Political Parties Order, 2002</p>
<p>25. Eligibility of party to obtain election symbol.— (1) Notwithstanding anything contained any other law for the time being in force, a political party shall be eligible to obtain an election symbol for contesting election for membership of Majlis-e-Shoora (Parliament) or a Provincial Assembly on submission of certificates and statement referred to in sections 23 and 24:</p> <p>Provided that a combination of political parties shall be entitled to obtain a common election symbol for such election if each party constituting such combination submits the certificates and statement referred to in sections 23 and 24.</p> <p>(2) Where any political party or a combination of political parties, severally or collectively, contravenes the provisions of sections 23 and 24, it shall not be entitled to obtain an election symbol for election to the Majlis-e-Shoora (Parliament) or a Provincial Assembly, and the Election Commission shall not allocate an election symbol to such party or, as the case may be, the combination of political parties for such election.</p>	<p>14. Eligibility of party to obtain election symbol.—(1) Notwithstanding anything contained any other law for the time being in force, a political party shall be eligible to obtain an election symbol for contesting elections for Majlis-e-Shoora (Parliament) and Provincial Assemblies on submission of certificates and statement referred to in Articles 12 and 13:</p> <p>Provided that a combination of political parties shall be entitled to obtain a common election symbol for such election only if, each party constituting such combination, submits the certificates and statement referred to in Articles 12 and 13.</p> <p>(2) Where any political party or a combination of political parties, severally or collectively, contravenes the provisions of Article 12 or 13, it shall not be entitled to obtain an election symbol for election to the Majlis-e-Shoora (Parliament) or the Provincial Assemblies, and the Election Commission shall not allocate an election symbol to such party or, as the case may be, the combination of political parties for such election.</p>	<p>The Political Parties Order, 2002</p>
<p>26. Dissolution of a political party.—(1) Where the Federal Government is satisfied that a political party is a foreign-aided party or has been formed or is operating in a manner prejudicial to the sovereignty or integrity of Pakistan or is indulging in terrorism, it shall make such declaration by a notification in the official Gazette.</p> <p>(2) Within fifteen days of making a declaration under sub-section (1), the Federal Government shall refer the matter to the Supreme Court of Pakistan whose decision on such reference shall be final.</p> <p>(3) Where the Supreme Court upholds the declaration</p>	<p>15. Dissolution of a political party.—(1) Where the Federal Government is satisfied that a political party is a foreign-aided party or has been formed or is operating in a manner prejudicial to the sovereignty or integrity of Pakistan or is indulging in terrorism, it shall make such declaration by a notification in the official Gazette.</p> <p>(2) Within fifteen days of making a declaration under clause (1), the Federal Government shall refer the matter to the Supreme Court whose decision on such reference shall be final.</p> <p>(3) Where the Supreme Court upholds the declaration</p>	<p>The Political Parties Order, 2002</p>

<p>made against a political party under sub-section (1), such party shall stand dissolved forthwith.</p> <p>27. Effects of Dissolution of political party.—(1) Where a political party is dissolved under section 26, any member of such political party, if he is a member of the Majlis-e-Shoora (Parliament) or a Provincial Assembly, shall be disqualified for the remaining term to be a member of the Majlis-e-Shoora (Parliament) or a Provincial Assembly, unless before the final decision of the Supreme Court, he resigns from the membership of the party and publicly announces his disassociation with such political party.</p> <p>(2) A person becoming disqualified from being a member of the Majlis-e-Shoora (Parliament) of a Provincial Assembly under sub-section (1) shall not participate in election for any elective office or any legislative body till the expiry of four years from the date of his disqualification from being a member of the Majlis-e-Shoora (Parliament) or a Provincial Assembly.</p> <p>(3) The order of members of a political party becoming disqualified from being members of Majlis-e-Shoora (Parliament) of a Provincial Assembly on its dissolution shall be notified in the official Gazette by the Election Commission.</p>	<p>made against a political party under clause (1), such party shall stand dissolved forthwith.</p> <p>16. Effects of Dissolution of political party.—(1) Where a political party is dissolved under Article 15, any member of such political party, if he is a member of the Majlis-e-Shoora (Parliament) or a Provincial Assembly, shall be disqualified for the remaining term to be a member of the Majlis-e-Shoora (Parliament) or as the case may be, the Provincial Assembly, unless before the final decision of the Supreme Court, he resigns from the membership of the party and publicly announces his disassociation with such political party.</p> <p>(2) A person becoming disqualified from being a member of the Majlis-e-Shoora (Parliament) of Provincial Assembly under clause (1) shall not participate in election for any elective office or any legislative body till the expiry of four years from the date of his disqualification from being a member of the Majlis-e-Shoora (Parliament) or, as the case may be, the Provincial Assembly.</p> <p>(3) The order of members of a political party becoming disqualified from being members of Majlis-e-Shoora (Parliament) of the Provincial Assembly on its dissolution shall be notified in the official Gazette.</p>	<p>The Political Parties Order, 2002</p>
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CHAPTER IV: DELIMITATION OF CONSTITUENCIES FOR GENERAL SEATS OF ASSEMBLIES

<p>28. Election Commission to delimit constituencies.— The Election Commission shall delimit territorial constituencies for elections to the National Assembly and to each Provincial Assembly in accordance with the provisions of the Constitution and this Act.</p>	<p>3. Commission to delimit constituencies.— The Commission shall delimit territorial constituencies for elections to the National Assembly and to each Provincial Assembly in accordance with the provisions of the Constitution and this Act.</p>	<p>The Delimitation of Constituencies Act, 1974</p>																																																
<p>29. Allocation of seats in the National Assembly.—(1) On the basis of population, the seats in the National Assembly for each Province, the Federally Administered Tribal Areas and the Federal Capital are allocated as follows:—</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">Muslim Seats</th> <th style="text-align: center;">Seats reserved for women</th> </tr> </thead> <tbody> <tr> <td>The North-West Frontier Province</td> <td style="text-align: center;">26</td> <td style="text-align: center;">2</td> </tr> <tr> <td>Federally Administered Tribal Areas</td> <td style="text-align: center;">8</td> <td style="text-align: center;">-</td> </tr> <tr> <td>Federal Capital</td> <td style="text-align: center;">1</td> <td style="text-align: center;">-</td> </tr> <tr> <td>The Punjab</td> <td style="text-align: center;">115</td> <td style="text-align: center;">12</td> </tr> <tr> <td>Sind</td> <td style="text-align: center;">46</td> <td style="text-align: center;">4</td> </tr> <tr> <td>Baluchistan</td> <td style="text-align: center;">11</td> <td style="text-align: center;">2</td> </tr> <tr> <td>Total:</td> <td style="text-align: center;">207</td> <td style="text-align: center;">20</td> </tr> </tbody> </table> <p>Provided that the allocation of seats reserved for women shall not be effective after the holding of the third general election to the National Assembly under the Constitution.</p> <p>(2) The seats allocated under sub-section (1) shall be reallocated after each succeeding census.</p>		Muslim Seats	Seats reserved for women	The North-West Frontier Province	26	2	Federally Administered Tribal Areas	8	-	Federal Capital	1	-	The Punjab	115	12	Sind	46	4	Baluchistan	11	2	Total:	207	20	<p>7. Allocation of seats in the National Assembly.—(1) On the basis of population, the seats in the National Assembly for each Province, the Federally Administered Tribal Areas and the Federal Capital are allocated as follows:—</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">Muslim Seats</th> <th style="text-align: center;">Seats reserved for women</th> </tr> </thead> <tbody> <tr> <td>The North-West Frontier Province</td> <td style="text-align: center;">26</td> <td style="text-align: center;">2</td> </tr> <tr> <td>Federally Administered Tribal Areas</td> <td style="text-align: center;">8</td> <td style="text-align: center;">-</td> </tr> <tr> <td>Federal Capital</td> <td style="text-align: center;">1</td> <td style="text-align: center;">-</td> </tr> <tr> <td>The Punjab</td> <td style="text-align: center;">115</td> <td style="text-align: center;">12</td> </tr> <tr> <td>Sind</td> <td style="text-align: center;">46</td> <td style="text-align: center;">4</td> </tr> <tr> <td>Baluchistan</td> <td style="text-align: center;">11</td> <td style="text-align: center;">2</td> </tr> <tr> <td>Total:</td> <td style="text-align: center;">207</td> <td style="text-align: center;">20</td> </tr> </tbody> </table> <p>Provided that the allocation of seats reserved for women shall not be effective after the holding of the third general election to the National Assembly under the Constitution.</p> <p>(2) The seats allocated under sub-section (1) shall be reallocated after each succeeding census.</p>		Muslim Seats	Seats reserved for women	The North-West Frontier Province	26	2	Federally Administered Tribal Areas	8	-	Federal Capital	1	-	The Punjab	115	12	Sind	46	4	Baluchistan	11	2	Total:	207	20	<p>The Delimitation of Constituencies Act, 1974</p>
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<p>30. Delimitation of Constituencies.—(1) For the purpose of election to the general seats of the National Assembly, the Election Commission shall divide—</p> <p>(a) each Province into as many separate</p>	<p>8. Delimitation of Constituencies.—(1) For the purpose of election to the National Assembly, the Commission shall divide—</p> <p>(a) each Province into as many separate</p>	<p>The Delimitation of Constituencies Act, 1974</p>																																																

<p>territorial constituencies as the number of general seats allocated to that Province under section 29; and</p> <p>(b) the Federally Administered Tribal Areas and the Federal Capital into as many territorial constituencies as the number of Muslim seats respectively allocated to the said Areas and the Federal Capital under that section and the delimitation of the said Areas shall be as set out in the Schedule-II.</p> <p>(2) For the purpose of election to Provincial Assemblies, the Election Commission shall divide each Province into as many territorial constituencies as the number of general seats fixed under clause (1) of Article 106.</p>	<p>territorial constituencies as the number of Muslim seats allocated to that Province under section 7; and</p> <p>(b) the Federally Administered Tribal Areas and the Federal Capital into as many territorial constituencies as the number of Muslim seats respectively allocated to the said Areas and the Federal Capital under that section and the delimitation of the said Areas shall be as set out in the Schedule.</p> <p>(2) For the purpose of election to Provincial Assemblies, the Commission shall divide each Province into as many territorial constituencies as the number of Muslim seats fixed under clause (1) of Article 106.</p>	
<p>31. Principles of delimitation.—(1) All constituencies for general seats shall, as far as practicable, be delimited having regard to the distribution of population, including non-Muslims, in geographically compact areas, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies.</p> <p>(2) As far as may be the constituencies for election to the same Assembly shall be equal among themselves in population.</p>	<p>9. Principles of delimitation.—(1) All constituencies for Muslim seats shall, as far as practicable, be delimited having regard to the distribution of population, including non-Muslims, in geographically compact areas, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies:</p> <p>(2) As far as may be the constituencies for election to the same Assembly shall be equal among themselves in population.</p>	The Delimitation of Constituencies Act, 1974
<p>32. Hearing, report and list of constituencies.—(1) For the purpose of delimiting constituencies, the Election 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.</p> <p>(2) Any person entitled to vote at an election to the National Assembly or a Provincial Assembly may, within fifteen days of the publication of the report under sub-section (1), make a representation to the Election Commission in respect of the delimitation of constituencies.</p> <p>(3) The Election Commission shall, after hearing and considering the representations, if any, received by it, make such amendments, alterations or modifications, in the preliminary list published under sub-section (1) as it thinks fit or necessary, and shall publish in the official Gazette the final report and list of constituencies showing the areas included in each constituency.</p>	<p>10. 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.</p> <p>(2) Any person entitled to vote at an election to the National Assembly or a Provincial Assembly may, within fifteen days of the publication of the report under sub-section (1), make a representation to the Commission in respect of the delimitation of constituencies.</p> <p>(3) The Commission shall, after hearing and considering therepresentations, if any, received by it, make such amendments, alterations or modifications, in the preliminary list published under sub-section (1) as it thinks fit or necessary, and shall publish in the official Gazette the final report and list of constituencies showing the areas included in each constituency.</p>	The Delimitation of Constituencies Act, 1974
<p>33. Modification in the final list of constituencies.—Notwithstanding anything contained in this Act, the Election Commission may, at any time, of its own motion, make such amendments, alterations or modifications in the final list of constituencies published under sub-section (3) of section 32, or in the areas included in a constituency, as it thinks necessary.</p>	<p>10A. Power of Commission to make amendment, alteration or modification in the final list of constituencies.—Notwithstanding anything contained in this Act, the Commission may, at any time, of its own motion, make such amendments, alterations or modifications in the final list of constituencies published under sub-section (3), or in the areas included in a constituency, as it thinks necessary.</p>	The Delimitation of Constituencies Act, 1974

CHAPTER V: ELECTORAL ROLLS

<p>34. Preparation of electoral rolls.— (1) The Commissioner shall cause to be prepared the electoral rolls for election to the National Assembly and Provincial Assemblies afresh or by revising the electoral rolls existing immediately before coming into force of</p>	<p>4. Preparation and computerization of electoral rolls for election to the Assemblies. —(1) The Commissioner shall cause to be prepared the electoral rolls for election to the National Assembly and Provincial Assemblies afresh or by revising the electoral rolls existing immediately</p>	The Electoral Rolls Act, 1974
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<p>this Act, and revised from time to time in the prescribed manner.</p> <p>(2) The Commissioner shall make arrangements for the computerization of the electoral rolls in the manner as it may determine and any printout of the computer maintained by, or with the authority of, the Commissioner, shall be deemed to be an electoral roll published under this Act.</p>	<p>before the commencement of Electoral Rolls (Amendment) Ordinance, 2000, and revised from time to time in the prescribed manner.</p> <p>(2) The Commissioner shall make arrangements for the computerization of the electoral rolls in the manner as he may determine and any printout of the computer maintained by, or with the authority of, the Commissioner, shall be deemed to be an electoral roll published under this Act.</p>	
<p>35. Preparation of preliminary electoral rolls.—(1) Subject to the superintendence, directions and control of the Commissioner, the Registration Officer shall prepare the electoral rolls by including therein the name of every person entitled to be enrolled as voter in the electoral area under this Act.</p> <p>(2) A person shall be entitled to be enrolled as a voter in an electoral area if he—</p> <p>(a) is a citizen of Pakistan;</p> <p>(b) is not less than twenty one years of age on the first day of January in the year in which the preparation or revision of the electoral rolls commences under this Act;</p> <p>(c) is not declared by a competent court to be of unsound mind; and</p> <p>(d) is, or is deemed under this Act to be, resident in the electoral area.</p>	<p>6. Preparation of preliminary electoral rolls, etc.—(1) Subject to the superintendence, directions and control of the Commissioner, the Registration Officer shall prepare the electoral rolls by including therein the name of every person entitled to be enrolled as voter in the electoral area under this Act.</p> <p>(2) A person shall be entitled to be enrolled as a voter in an electoral area if he—</p> <p>(a) is a citizen of Pakistan;</p> <p>(b) is not less than twenty-one years of age on the first day of January in the year in which the preparation or revision of the electoral rolls commences under this Act;</p> <p>(c) is not declared by a competent court to be of unsound mind; and</p> <p>(d) is, or is deemed under section 7 to be, resident in the electoral area.</p>	<p>The Electoral Rolls Act, 1974</p>
<p>36. Meaning of resident.—(1) Save as hereinafter provided, a person shall be deemed to be resident in an electoral area if he ordinarily resides, or owns or is in possession of a dwelling house or other immoveable property, in that area.</p> <p>(2) Where a person owns or possesses dwelling houses or other immovable property in more than one electoral area, he may, at his option, be enrolled in any one such area.</p> <p>(3) A person who is in the service of Pakistan or holds any public office shall be deemed to be resident in the electoral area where he is posted, unless he applies in writing to the Registration Officer for enrolment in the electoral area in which he would have been enrolled if he had not been in such service or had not held such office.</p> <p>(4) The wife of any such person as is referred to in subsection (3) and such of his children as are entitled to be enrolled shall, if they ordinarily reside with such person, be deemed to be residents in the electoral area in which such person is deemed to be resident under that subsection.</p> <p>(5) A person who is detained in prison or held in other custody at any place in Pakistan shall be deemed to be resident in the electoral area in which he would have been resident if he had not been so detained or held in such custody.</p>	<p>7. Meaning of resident.—(1) Save as hereinafter provided, a person shall be deemed to be resident in an electoral area if he ordinarily resides, or owns or is in possession of a dwelling house or other immoveable property, in that area.</p> <p>(2) Where a person owns or possesses dwelling houses or other immovable property in more than one electoral area, he may, at his option, be enrolled in any one such area.</p> <p>(3) A person who is in the service of Pakistan or holds any public office shall be deemed to be resident in the electoral area where he is posted, unless he applies in writing to the Registration Officer for enrolment in the electoral area in which he would have been enrolled if he had not been in such service or had not held such office.</p> <p>(4) The wife of any such person as is referred to in subsection (3) and such of his children as are entitled to be enrolled shall, if they ordinarily reside with such person, be deemed to be residents in the electoral area in which such person is deemed to be resident under that subsection.</p> <p>(5) A person who is detained in prison or held in other custody at any place in Pakistan shall be deemed to be resident in the electoral area in which he would have been resident if he had not been so detained or held in such custody.</p>	<p>The Electoral Rolls Act, 1974</p>
<p>37. Preliminary publication.— The preliminary electoral rolls prepared under section 35, together with a notice inviting claims and objections and applications for corrections, if any, with respect thereto, shall be published and displayed in such manner and form as may be prescribed.</p>	<p>8. Preliminary publication.— The preliminary electoral rolls prepared under section 6, together with a notice inviting claims and objections and applications for corrections, if any, with respect thereto, shall be published and displayed in such manner and form as may be prescribed.</p>	<p>The Electoral Rolls Act, 1974</p>

<p>38. Appointment of Revising Authorities.— The Commissioner 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 corrections of electoral rolls relating thereto.</p>	<p>9. Appointment of Revising Authorities.— The Commissioner 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 corrections relating thereto.</p>	<p>The Electoral Rolls Act, 1974</p>
<p>39. Period for lodging claims and objection.—Every claim for inclusion of a name in the electoral roll, and every objection to, or application for correction of, any entry therein shall be made to the Revising Authority on the prescribed form within a period of twenty-one days next following the date of the publication of the preliminary electoral rolls under section 37.</p>	<p>10. Period for lodging claims and objection.—Every claim for inclusion of a name in the electoral roll, and every objection to, or application for correction of, any entry therein shall be made to the Revising Authority on the prescribed form within a period of twenty-one days next following the date of the publication of the preliminary electoral rolls under section 8.</p>	<p>The ElectoralRolls Act, 1974</p>
<p>40. 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 by filing—</p> <p>(a) an objection to the inclusion of his name in the roll in which it has been included, and</p> <p>(b) a claim for the inclusion of his name in the other, with the appropriate Revising Authority or Revising Authorities, if it is preferred before the final publication of the electoral roll under section 45, or with the appropriate Registration Officer or Registration Officers, if it is preferred after such final publication.</p>	<p>11. 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 by filing—</p> <p>(a) an objection to the inclusion of his name in the roll in which it has been included, and</p> <p>(b) a claim for the inclusion of his name in the other, with the appropriate Revising Authority or Revising Authorities, if it is preferred before the final publication of the electoral roll under section 16, or with the appropriate Registration Officer or Registration Officers, if it is preferred after such final publication.</p>	<p>The ElectoralRolls Act, 1974</p>
<p>41. Rejection of claims and objections.— Any claim or objection or application for correction not made within the period specified in section 39 or in the prescribed manner shall be rejected.</p>	<p>12. Rejection of claims and objections.— Any claim or objection or application for correction not made within the period specified in section 10 or in the prescribed manner shall be rejected.</p>	<p>The Electoral Rolls Act, 1974</p>
<p>42. Application by the Registration Officer for inclusion of name.— The Registration Officer may, within the period mentioned in section 38, apply to the Revising Authority,—</p> <p>(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</p> <p>(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 44.</p>	<p>13. Application by the Registration Officer for inclusion of name.— The Registration Officer may, within the period mentioned in section 10, apply to the Revising Authority,—</p> <p>(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</p> <p>(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 sub-section (2) of section 15.</p>	<p>The ElectoralRolls Act, 1974</p>
<p>43. Enquiry into claims and objections.—(1) Except where a claim or objection or an application for correction is rejected under section 41, or is decided without further inquiry being valid prima facie, the Revising Authority shall, give its decision after holding a summary inquiry into each claim, objection or application, after giving notice to the parties concerned.</p> <p>(2) Every decision of the Revising Authority under sub-section (1) shall be final and be communicated to the appropriate Registration Officer.</p>	<p>14. Enquiry into claims and objections, etc.—(1) Except where a claim or objection or an application for correction is rejected under section 12, or is decided without further inquiry being valid prima facie, the Revising Authority shall, give its decision after holding a summary inquiry into each claim, objection or application, after giving notice to the parties concerned.</p> <p>(2) Every decision of the Revising Authority under sub-section (1) shall be final and be communicated to the appropriate Registration Officer.</p>	<p>The Electoral Rolls Act, 1974</p>
<p>44. Correction of electoral rolls.— The Registration Officer—</p> <p>(i) shall correct the electoral roll in accordance with the decisions of the Revising Authority under section 42; and</p> <p>(ii) may further correct any clerical, printing or other error subsequently discovered in the roll, but not so as to include therein, or exclude from the rolls, the name of any voter.</p>	<p>15. Correction of electoral rolls.— The Registration Officer—</p> <p>(i) shall correct the electoral roll in accordance with the decisions of the Revising Authority under section 14; and</p> <p>(ii) may further correct any clerical, printing or other error subsequently discovered in the roll, but not so as to include therein, or exclude therefrom, the name of any elector.</p>	<p>The ElectoralRolls Act, 1974</p>

<p>45. Final publication.—After making additions, deletions, modifications or corrections, if any, under section 44, the Registration Officer shall publish in the prescribed manner and form the final electoral roll for each electoral area.</p>	<p>16. Final publication.—After making additions, deletions, modifications or corrections, if any, under section 15, the Registration Officer shall publish in the prescribed manner and form the final electoral roll for each electoral area.</p>	<p>The Electoral Rolls Act, 1974</p>
<p>46. Annual revision of electoral roll.— An electoral roll shall be revised and corrected annually in the prescribed manner and form—</p> <p>(a) so as to include the name of any qualified person whose name does not appear in such roll, or</p> <p>(b) so as to delete the name of any person who has died or who is or has become disqualified for enrolment, or</p> <p>(c) for correcting any entry or for supplying any omission in such roll:</p> <p>Provided that, if, for any reason, the electoral roll for any electoral area is not revised, the validity or continued operation of the electoral roll shall not thereby be affected.</p>	<p>17. Annual revision of electoral roll.— An electoral roll shall be revised and corrected annually in the prescribed manner and form—</p> <p>(a) so as to include the name of any qualified person whose name does not appear in such roll, or</p> <p>(b) so as to delete the name of any person who has died or who is or has become disqualified for enrolment, or</p> <p>(c) for correcting any entry or for supplying any omission in such roll:</p> <p>Provided that, if, for any reason, the electoral roll for any electoral area is not revised, the validity or continued operation of the electoral roll shall not thereby be affected.</p>	<p>The Electoral Rolls Act, 1974</p>
<p>47. Enrolment and correction other than the annual revision.—(1) Any person whose name is not included in an electoral roll for the time being in force and who claims that he was or is entitled to be enrolled on that roll may apply to the appropriate Registration Officer, along with a photo-stat copy of the identity card issued, or deemed to have been issued, to him under the National Database and Registration Authority Ordinance, 2000 (VIII of 2000) for the inclusion of his name therein, and if the Registration Officer is satisfied after giving such notice and making such inquiry as he may consider necessary that the applicant was or is entitled to have his name enrolled, he shall for the purpose of further correcting the roll insert the name of such person in that roll:</p> <p>Provided that if the name of applicant is already included in the electoral roll of any other electoral area of the same district or any other district, the Registration Officer shall strike off his name from the roll of that other electoral area of the same district and inform the Registration Officer of other district who shall, on receipt of the information, strike off the name of the applicant from that roll.</p> <p>(2) Any person may apply to the Registration Officer for the correction of any entry in an electoral roll for the time being in force; and—</p> <p>(a) if the entry relates to the applicant and the Registration Officer is satisfied after giving such notice and making such inquiry as he may consider necessary that the entry relates to the applicant and is erroneous or defective in any particular, he shall correct the roll accordingly; and</p> <p>(b) 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 inquiry as he may consider necessary that the entry is erroneous or defective or should be deleted, he shall correct the electoral roll accordingly.</p> <p>(3) Where the Registration Officer rejects application made under sub-section (1) or sub-section (2), he shall record in writing brief reasons of his decision.</p> <p>(4) A person aggrieved by the order of the Registration Officer made under sub-section (1) or sub-section</p>	<p>18. Enrolment and correction at a time other than the annual revision.—(1) Any person whose name is not included in an electoral roll for the time being in force and who claims that he was or is entitled to be enrolled on that roll may apply to the appropriate Registration Officer, alongwith a photo-stat copy of the identity card issued, or deemed to have been issued, to him under the National Database and Registration Authority Ordinance, 2000 (VIII of 2000) for the inclusion of his name therein, and if the Registration Officer is satisfied after giving such notice and making such inquiry as he may consider necessary that the applicant was or is entitled to have his name enrolled, he shall for the purpose of further correcting the roll insert the name of such person in that roll.</p> <p>Provided that if the name of applicant is already included in the electoral roll of any other electoral area of the same district or any other district, the Registration Officer shall strike off his name from the roll of that other electoral area of the same district and inform the Registration Officer of other district who shall, on receipt of the information, strike off the name of the applicant from that roll.</p> <p>(2) Any person may apply to the Registration Officer for the correction of any entry in an electoral roll for the time being in force; and</p> <p>(a) if the entry relates to the applicant and the Registration Officer is satisfied after giving such notice and making such inquiry as he may consider necessary that the entry relates to the applicant and is erroneous or defective in any particular, he shall correct the roll accordingly; and</p> <p>(b) 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 inquiry as he may consider necessary that the entry is erroneous or defective or should be deleted, he shall correct the electoral roll accordingly.</p> <p>(3) Where the Registration Officer rejects application made under sub-section (1) or sub-section (2), he shall record in writing brief reasons of his decision.</p> <p>(4) A person aggrieved by the order of the Registration Officer made under sub-section (1) or sub-section</p>	<p>The Electoral Rolls Act, 1974</p>

<p>(2) may, within thirty days of such order, appeal to the appellate authority to be appointed by the Commissioner and the decision of such authority given thereon shall be final.</p> <p>48. Preparation of rolls afresh.— If the Commissioner, on account of any gross error or irregularity in or in the preparation of an electoral roll for any electoral area or a part thereof, considers it necessary so to do, it may by order direct that the roll for such area or part shall stand cancelled and that a fresh electoral roll for that area or part be prepared in accordance with the provisions of this Act.</p>	<p>(2) may, within thirty days of such order, appeal to the appellate authority to be appointed by the Commissioner and the decision of such authority given thereon shall be final.</p> <p>19. Preparation of rolls afresh.— If the Commissioner, on account of any gross error or irregularity in or in the preparation of an electoral roll for any electoral area or a part thereof, considers it necessary so to do, he may by order direct that the roll for such area or part shall stand cancelled and that a fresh electoral roll for that area or part be prepared in accordance with the provisions of this Act.</p>	<p>The Electoral Rolls Act, 1974</p>
<p>49. No correction after constituency called upon to elect.— No revision or correction of any electoral roll for an electoral area shall be made nor shall any order under section 48 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.</p>	<p>20. No correction to be made after constituency called upon to elect.— No revision or correction of any electoral roll for an electoral area shall be made nor shall any order under section 19 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.</p>	<p>The Electoral Rolls Act, 1974</p>
<p>50. Maintenance of electoral rolls.— An electoral roll as revised and corrected shall be maintained in the prescribed manner and shall be kept open to public inspection; and copies of such roll shall be supplied to any person who applies for a copy and on payment of such fee as may be prescribed.</p>	<p>21. Maintenance of electoral rolls.— An electoral roll as revised and corrected shall be maintained in the prescribed manner and shall be kept open to public inspection; and copies of such roll shall be supplied to any person applying therefor, on payment of such fee as may be prescribed.</p>	<p>The Electoral Rolls Act, 1974</p>
<p>51. Departure in exceptional circumstances.—Where the Commissioner is satisfied that it is not possible to follow the procedure laid down for the preparation of an electoral roll in respect of any electoral area, it may direct that an electoral roll for such electoral area shall be prepared in such manner as it deems fit.</p>	<p>22. Departure from normal procedure in exceptional circumstances.—Where the Commissioner is satisfied that it is not possible to follow the procedure laid down for the preparation of an electoral roll in respect of any electoral area, he may direct that an electoral roll for such electoral area shall be prepared in such manner as he deems fit.</p>	<p>The Electoral Rolls Act, 1974</p>
<p>52. 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.</p>	<p>23. 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.</p>	<p>The Electoral Rolls Act, 1974</p>
<p>53. Access to register of births and deaths.—(1) The person in charge of any register of births and deaths and 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 at the request of a Registration Officer furnish him with such information, including extracts from such register or, as the case may be, application, as may be necessary for the purposes of this Act.</p> <p>(2) Sub-section (1) shall have effect notwithstanding anything contained in section 28 of the National Database and Registration Authority Ordinance, 2000 (VIII of 2000), and no person who furnishes any information to a Registration Officer in pursuance of the said sub-section shall be liable to any punishment.</p>	<p>24. Access to register of births and deaths, etc.—(1) The person in charge of any register of births and deaths and 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 at the request of a Registration Officer furnish him with such information, including extracts from such register or, as the case may be, application, as may be necessary for the purposes of this Act.</p> <p>(2) Sub-section (1) shall have effect notwithstanding anything contained in section 28 of the National Database and Registration Authority Ordinance, 2000 (VIII of 2000), and no person who furnishes any information to a Registration Officer in pursuance of the said sub-section shall be liable to any punishment.</p>	<p>The Electoral Rolls Act, 1974</p>
<p>54. Prohibition on more than one enrollments.— No person shall be enrolled—</p> <p>(a) on the electoral roll for any electoral area more than once; or</p> <p>(b) on the electoral rolls for more than one electoral area.</p>	<p>25. No person to be enrolled more than once or in more than one electoral area.— No person shall be enrolled—</p> <p>(a) on the electoral roll for any electoral area more than once; or</p> <p>(b) on the electoral rolls for more than one electoral area.</p>	<p>The Electoral Rolls Act, 1974</p>
<p>55. Validity of electoral rolls not affected by reason of any mistake.— An electoral roll shall not be invalid by reason of any misdescription of a person enrolled in the roll or of omission of the name of any person entitled to be so enrolled or of inclusion of the name of any person</p>	<p>26. Validity of electoral rolls, etc, not affected by reason of any mistake.— An electoral roll shall not be invalid by reason of any misdescription of a person enrolled thereon or of omission of the name of any person entitled to be so enrolled or of inclusion of the</p>	<p>The Electoral Rolls Act, 1974</p>

<p>not so entitled.</p> <p>56. Commissioner's power to include a name in an electoral roll.— Subject to section 49, the Commissioner may, at any time, order—</p> <p>(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;</p> <p>(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</p> <p>(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.</p>	<p>name of any person not so entitled.</p> <p>27. Commissioner's power to include a name in an electoral roll.— Subject to section 20 the Commissioner may, at any time, order—</p> <p>(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;</p> <p>(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</p> <p>(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.</p>	<p>The Electoral Rolls Act, 1974</p>
<p>57. Age of voters.—Notwithstanding anything contained in the Constitution or any other law for the time being in force, for the election of members of the Senate, National Assembly and Provincial Assemblies in 2002, a citizen who has attained the age of eighteen years on the first day of January, 2002, shall be eligible to vote:</p> <p>Provided that any claim for inclusion of any name or objection against any entry in the electoral roll shall be made to the Revising Authority within 15 days of the publication of the draft electoral roll.</p>	<p>7A. Age of voters.—Notwithstanding anything contained in the Constitution or any other law for the time being in force including the Electoral Rolls Act, 1974 (XXI of 1974), for the election of members of the Senate, National Assembly and Provincial Assemblies, a citizen who has attained the age of eighteen years on the first day of January, 2002, shall be eligible to vote and the Chief Election Commissioner shall cause the electoral rolls to be prepared accordingly under the provisions of the Electoral Rolls Act, 1974:</p> <p>Provided that any claim for inclusion of any name or objection against any entry in the electoral roll shall be made to the Revising Authority within 15 days of the publication of the draft electoral roll.</p>	<p>The Conduct of General Elections Order, 2002</p>
<p>58. Status of Ahmadis to remain unchanged.— Notwithstanding anything contained in any other law for the time being in force, including the Forms prescribed for preparation of electoral rolls on joint electorate basis in pursuance of this Act, the status of Qadiani 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 a religious reformer shall remain the same as provided in the Constitution.</p> <p>59.—If a person has got himself enrolled as voter and objection is filed before the Revising Authority notified under this Act, within ten days from issuance of the Conduct of General Elections (Second Amendment) Order, 2002, 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 regarding his belief about the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him) in Form-IV prescribed under the Electoral Rolls Rules, 1974. 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</p>	<p>7B. Status of Ahmadis etc. to remain unchanged.— Notwithstanding anything contained in the Electoral Rolls Act, 1974 (XXI of 1974), the Electoral Rolls Rules, 1974, or any other law for the time being in force, including the Forms prescribed for preparation of electoral rolls on joint electorate basis in pursuance of Article 7 of the Conduct of General Elections Order, 2002 (Chief Executive's Order No. 7 of 2002), the status of Qadiani 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 a religious reformer shall remain the same as provided in the Constitution of the Islamic Republic of Pakistan, 1973.</p> <p>7C.—If a person has got himself enrolled as voter and objection is filed before the Revising Authority notified under the Electoral Rolls Act, 1974, within ten days from issuance of the Conduct of General Elections (Second Amendment) Order, 2002, 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 regarding his belief about the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him) in Form-IV prescribed under the Electoral Rolls Rules, 1974. 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</p>	<p>The Conduct of General Elections Order, 2002</p> <p>The Conduct of General Elections Order, 2002</p>

<p>parte order may be passed against him.</p> <p>حلف نامہ و اقرارنامہ</p> <p>میں حلفیہ اقرار کرتا / کرتی ہوں کہ میں خاتم النبیین حضرت محمد 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 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۔</p>	<p>ex parte order may be passed against him.</p> <p>حلف نامہ و اقرارنامہ</p> <p>میں حلفیہ اقرار کرتا / کرتی ہوں کہ میں خاتم النبیین حضرت محمد 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 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۔</p>
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CHAPTER VI: CONDUCT OF ELECTION FOR NATIONAL AND PROVINCIAL ASSEMBLIES

<p>60. Notification for election.—(1) As soon as may be necessary and practicable, the President makes an announcement of the date or dates on which the polls shall be taken, the Election Commission, not later than thirty days of such announcement, shall, by notification in the official Gazette, call upon a constituency to elect a representative or representatives and appoint—</p> <p>(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;</p> <p>(b) the dates for the scrutiny of nominations, which shall be the seven days 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;</p> <p>(c) 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;</p> <p>(d) 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;</p> <p>(e) the last date for the withdrawal of candidature, which shall be the day following the last date for decision of appeals or, if that day is a public holiday, the next succeeding day which is not a public holiday;</p> <p>(f) the last date for publication of the revised list of candidates, which shall be the second day following the last date for decision of appeals; and</p> <p>(g) 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-second day after the publication of the revised list of candidates.</p> <p>(2) A Returning Officer shall, as soon as may be after the publication of a notification under sub-section (1), give public notice of the dates specified by the Election Commission in respect of the constituency or constituencies of which he is the Returning Officer; and</p>	<p>11. Notification for election.—(1) As soon as may be necessary and practicable the President makes an announcement of the date or dates on which the polls shall be taken, the Election Commission, not later than thirty days of such announcement, shall, by notification in the official Gazette, call upon a constituency to elect a representative or representatives and appoint—</p> <p>(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;</p> <p>(b) the dates for the scrutiny of nominations, which shall be the seven days 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;</p> <p>(c)</p> <p>(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;</p> <p>(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;</p> <p>(ee) the last date for the withdrawal of candidature, which shall be the day following the last date for decision of appeals or, if that day is a public holiday, the next succeeding day which is not a public holiday;</p> <p>(f) the last date for publication of the revised list of candidates, which shall be the second day following the last date for decision of appeals; and</p> <p>(g) 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-second day after the publication of the revised list of candidates.</p> <p>(3) A Returning Officer shall, as soon as may be after the publication of a notification under sub-section (1), 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 the public notice shall be</p>	<p>The Representation of the People Act, 1976</p>
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<p>the public notice shall be published at some prominent place or places within the constituency to which it relates.</p> <p>(3) A Returning Officer shall, by the public notice given under sub-section (2) invite nominations specifying the time by which and the place at which nomination papers shall be received by him.</p>	<p>published at some prominent place or places within the constituency to which it relates.</p> <p>(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.</p>	
<p>61. Alteration in election programme.—Notwithstanding anything contained in section 60, the Election Commission may, at any time after the issue of a notification under sub-section (1) of that section, make such alterations in the programme announced in that notification for the different stages of the election as may, in its opinion, be necessary.</p>	<p>11A. Alteration in election programme.—Notwithstanding anything contained in section 11, the Commission may, at any time after the issue of a notification under sub-section (1) of that section, make such alterations in the programme announced in that notification for the different stages of the election as may, in its opinion, be necessary.</p>	<p>The Representation of the People Act, 1976</p>
<p>62. Supply of electoral rolls.—(1) The Election Commission shall provide the Returning Officer for each constituency with copies of electoral rolls for all the electoral areas within that constituency.</p> <p>(2) The Returning Officer shall provide the Presiding Officer of each polling station with copies of electoral rolls containing the names of the voters entitled to vote at that polling station.</p>	<p>10. Supply of electoral rolls.—(1) The Commission shall provide the Returning Officer for each constituency with copies of electoral rolls for all the electoral areas within that constituency.</p> <p>(2) The Returning Officer shall provide the Presiding Officer of each polling station with copies of electoral rolls containing the names of the electors entitled to vote at that polling station.</p>	<p>The Representation of the People Act, 1976</p>
<p>63. Polling Stations.—(1) The Returning Officer shall, before such time as the Election Commission may fix, submit to the District Returning Officer a list of polling stations he proposes to provide in a constituency for the purpose of election of a member for that constituency.</p> <p>(2) Subject to the direction of the Election Commission, the District Returning Officer may make such alterations in the list of polling stations submitted under sub-section (1) as he deems necessary and shall, at least fifteen days before the polling day, publish in the official Gazette the final list of polling stations specifying the electoral area the voters whereof will be entitled to vote at each polling stations.</p> <p>(3) The Returning Officer shall establish in each constituency polling stations according to the final list published under sub-section (2).</p> <p>(4) A polling station shall be situated in a Government building for the constituency and, where no Government building is available for the purpose, an improvised polling station shall be set up on a public property:</p> <p>Provided that no polling station shall be located in any premises which belong to or are under the direct or indirect control of any candidate.</p>	<p>8. Polling Stations.—(1) The Returning Officer shall, before such time as the Commission may fix, submit to the District Returning Officer a list of polling stations he proposes to provide in a constituency for the purpose of election of a member for that constituency.</p> <p>(2) Subject to the direction of the Commission, the District Returning Officer may make such alterations in the list of polling stations submitted under sub-section (1) as he deems necessary and shall, at least fifteen days before the polling day, publish in the official Gazette the final list of polling stations specifying the electoral area the electors whereof will be entitled to vote at each polling stations.</p> <p>(3) The Returning Officer shall establish in each constituency polling stations according to the final list published under sub-section (2).</p> <p>(4) A polling station shall be situated in a Government building for the constituency and, where no Government building is available for the purpose, an improvised polling station shall be set up on a public property:</p> <p>Provided that no polling station shall be located in any premises which belong to, or are under the direct or indirect control of, any candidate.</p>	<p>The Representation of the People Act, 1976</p>
<p>64. Nomination for election.—(1) Any voter of a constituency may propose or second the name of any duly qualified person to be a member for that constituency.</p> <p>(2) Every nomination shall be made by a separate nomination paper in the prescribed form which shall be signed both by the proposer and the seconder and shall, on solemn affirmation made and signed by the candidate, accompany—</p> <p>(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 or any other law for the time being in force for being elected as a member;</p>	<p>12. Nomination for election.—(1) Any elector of a constituency may propose or second the name of any duly qualified person to be a member for that constituency</p> <p>(2) Every nomination shall be made by a separate nomination paper in the prescribed form which shall be signed both by the proposer and the seconder and shall, on solemn affirmation made and signed by the candidate, accompany—</p> <p>(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 or any other law for the time being in force for being elected as a member;</p> <p>(b)</p>	<p>The Representation of the People Act, 1976</p>

(b) a declaration that no loan for an amount of two million rupees or more, obtained from any bank, financial institution, cooperative society or corporate body in his own name or in the name of his spouse or any of his dependents, or any business concern mainly owned by him or the aforesaid, stands unpaid for more than one year from the due date, or has got such loan written off;

(c) a declaration that he, his spouse or any of his dependents or a business concern mainly owned by him or the aforesaid, is not in default in payment of government dues or utility charges, including telephone, electricity, gas and water charges of an amount in excess of ten thousand rupees, for over six months, at the time of filing of nomination papers;

(d) a statement specifying his educational qualifications, occupation, National Identity Card number and National Tax Number, if any, along with attested copies thereof; and;

(e) a statement of his assets and liabilities and those of his spouse and dependents on the prescribed form as on the preceding thirtieth day of June.

Explanation.—For the purpose of this section, the expression—

(i) "loan" shall mean any loan, advance, credit or finance obtained or written off on or after the 31st day of December, 1985, but shall not include the loan the recovery of which has been stayed or suspended by any order of a court or tribunal, including the High Court and the Supreme Court

(ii) "mainly owned" shall mean holding or controlling a majority interest in a business concern;

(iii) "taxes" include all taxes levied by Federal Government, Provincial Government or a local government, but shall not include taxes the recovery of which has been stayed or suspended by any order of a court or tribunal;

(iv) "government dues and utility charges" shall include rent, charges of rest houses or lodges owned by the Federal Government, Provincial Governments, local governments or corporations established or controlled by such governments, but shall not include the government dues and utilities charges the recovery of which has been stayed or suspended by any order of a court or tribunal.

(3) Every nomination paper shall be delivered to the Returning Officer by the candidate in person and the Returning Officer shall acknowledge receipt of the nomination paper specifying the date and time of receipt.

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

(5) The Returning Officer shall assign a serial number to every nomination paper and endorse thereon 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

(c) a declaration that no loan for an amount of two million rupees or more, obtained from any bank, financial institution, cooperative society or corporate body in his own name or in the name of his spouse or any of his dependents, or any business concern mainly owned by him or the aforesaid, stands unpaid for more than one year from the due date, or has got such loan written off;

(d) a declaration that he, his spouse or any of his dependents or a business concern mainly owned by him or the aforesaid, is not in default in payment of government dues or utility charges, including telephone, electricity, gas and water charges of an amount in excess of ten thousand rupees, for over six months, at the time of filing of nomination papers;

(e) a statement specifying his educational qualifications, occupation, National Identity Card number and National Tax Number, if any, along with attested copies thereof; and

(f) a statement of his assets and liabilities and those of his spouse and dependents on the prescribed form as on the preceding thirtieth day of June;

Explanation.—For the purpose of this section, the expression—

(i) "loan" shall mean any loan, advance, credit or finance obtained or written off on or after the 31st day of December, 1985, but shall not include the loan the recovery of which has been stayed or suspended by any order of a court or tribunal, including the High Court and the Supreme Court;

(ii) "mainly owned" shall mean holding or controlling a majority interest in a business concern;

(iii) "taxes" include all taxes levied by Federal Government, Provincial Government or a local government, but shall not include taxes the recovery of which has been stayed or suspended by any order of a court or tribunal;

(iv) "government dues and utility charges" shall, inter alia, include rent, charges of rest houses or lodges owned by the Federal Government, Provincial Governments, local governments or corporations established or controlled by such governments, but shall not include the government dues and utilities charges the recovery of which has been stayed or suspended by any order of a court or tribunal.

(3) Every nomination paper shall be delivered to the Returning Officer by the candidate in person and the Returning Officer shall acknowledge receipt of the nomination paper specifying the date and time of receipt.

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

(5) [Omitted]

(6) The Returning Officer shall assign a serial number to every nomination paper and endorse thereon 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.

(7) 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

<p>paper.</p> <p>(7) The nomination form and accompanying; declarations and statements shall be open to inspection by the public, and copies thereof may be made available by the Election Commission in such manner and on payment of such fee as may be prescribed.</p>	<p>paper.</p> <p>(8) The nomination: form and accompanying; declarations and statements shall be open to inspection by the public, and copies thereof may be made available by the Commission in such manner and on payment of such fee as may be prescribed.</p>	
<p>65. Deposits.—(1) Subject to the provisions of sub-section (2), no nomination paper delivered under section 64 shall be accepted unless—</p> <p>(a) a sum of rupees—</p> <p>(i) four thousand for election to a seat in the National Assembly; and</p> <p>(ii) two thousand for election to a seat in the Provincial Assembly, is deposited in cash by the candidate or by any person on his behalf at the time of its delivery; or</p> <p>(b) it is accompanied by a bank draft for a sum as aforesaid drawn in favour of the Returning Officer or 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.</p> <p>(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 for the same seat by more than one nomination paper.</p>	<p>13. Deposits.—(1) Subject to the provisions of sub-section (2), no nomination paper delivered under section 12 shall be accepted unless—</p> <p>(a) a sum of rupees—</p> <p>(i) four thousand for election to a seat in the National Assembly; and</p> <p>(ii) two thousand for election to a seat in the Provincial Assembly, is deposited in cash by the candidate or by any person on his behalf at the time of its delivery; or</p> <p>(b) it is accompanied by a bank draft for a sum as aforesaid drawn in favour of the Returning Officer or 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.</p> <p>(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 for the same seat by more than one nomination paper.</p>	<p>The Representation of the People Act, 1976</p>
<p>66. Scrutiny.—(1) 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 to the nomination of a candidate, may attend the scrutiny of nomination papers, and the Returning Officer shall give them reasonable opportunity for examining all nomination papers delivered to him under section 63:</p> <p>Provided that a voter who has filed an objection to the nomination of a candidate shall only attend the scrutiny of the nomination paper of that candidate.</p> <p>(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.</p> <p>(3) The Returning Officer may, either of his own motion or upon any objection, either by a voter or by any person referred to in sub-section (1), conduct such summary enquiry as he may think fit and may reject nomination paper if he is satisfied that—</p> <p>(a) the candidate is not qualified to be elected as a member;</p> <p>(b) the proposer or the seconder is not qualified to subscribe to the nomination paper;</p> <p>(c) any provision of section 64 or section 65 has not been complied with or submits any false or incorrect declaration or statement in any material particular; or</p> <p>(d) the signature of the proposer or the seconder is not genuine:</p> <p>Provided that—</p>	<p>14. Scrutiny.—(1) The candidates, their election agents, the proposers and seconders and one other person authorised in this behalf by each candidate and an elector who has filed an objection to the nomination of a candidate, may attend the scrutiny of nomination papers, and the Returning Officer shall give them reasonable opportunity for examining all nomination papers delivered to him under section 12:</p> <p>Provided that an elector who has filed an objection to the nomination of a candidate shall only attend the scrutiny of the nomination paper of that candidate.</p> <p>(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.</p> <p>(3) The Returning Officer may, either of his own motion or upon any objection, either by an elector or by any person referred to in sub-section (1), conduct such summary enquiry as he may think fit and may reject nomination paper if he is satisfied that—</p> <p>(a) the candidate is not qualified to be elected as a member;</p> <p>(b) the proposer or the seconder is not qualified to subscribe to the nomination paper;</p> <p>(c) any provision of section 12 or section 13 has not been complied with or submits any false or incorrect declaration or statement in any material particular; or</p> <p>(d) the signature of the proposer or the seconder is not genuine:</p> <p>Provided that—</p>	<p>The Representation of the People Act, 1976</p>

<p>(i) the rejection of a nomination paper shall not invalidate the nomination of a candidate by any other valid nomination paper;</p> <p>(ii) the Returning Officer may, for the purpose of scrutiny, require any agency or authority to produce any, document or record;</p> <p>(iii) 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, his proposer or seconder so as to bring them in conformity with the corresponding entries in the electoral roll; and</p> <p>(iv) the Returning Officer shall not enquire into the correctness or validity of any entry in the electoral roll.</p> <p>(4) Notwithstanding anything contained in sub-section (3), where a candidate deposits any amount of loan, tax or utility charges payable by him before rejection of his nomination paper on the ground of default in payment of such loan, taxes or utility charges, such nomination paper shall not be rejected for default thereof.</p> <p>(5) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting it and shall, in the case of rejection, record brief reasons for rejection.</p> <p>(6) A candidate may prefer an appeal against the decision of the Returning Officer rejecting or, as the case may be, accepting the nomination paper of the candidate to the Tribunal constituted for the constituency to which the nomination relates and consisting of not less than two nor more than three Judges of the High Court nominated by the Commissioner, with the approval of the President; and such appeal shall be summarily decided within such time as may be notified by the Election Commission and any order passed thereon shall be final.</p> <p>(7) If, on the basis of any information or material brought to its knowledge by any source, a Tribunal constituted under sub-section (6) is of the opinion that a candidate whose nomination papers have been accepted is a defaulter of loan, taxes government dues or utility charges or has had any loan written off 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 Tribunal is satisfied that the candidate is actually a defaulter as aforesaid or has had a loan written off or suffers from any disqualification, it may reject the nomination papers.</p> <p>(8) An appeal not disposed of within the period specified in sub-section (6) shall be deemed to have been rejected.</p> <p>(9) Announcement of the day and time appointed for the hearing of an appeal under sub-section (6) over the radio or television or by publication in the press shall be deemed to be sufficient notice of the day and time so appointed.</p>	<p>(i) the rejection of a nomination paper shall not invalidate the nomination of a candidate by any other valid nomination paper;</p> <p>(1a) the Returning Officer may, for the purpose of scrutiny, require any agency or authority to produce any, document or record;</p> <p>(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, his proposer or seconder so as to bring them in conformity with the corresponding entries in the electoral roll; and</p> <p>(iii) the Returning Officer shall not enquire into the correctness or validity of any entry in the electoral roll.</p> <p>(3A) Notwithstanding anything contained in sub-section (3), where a candidate deposits any amount of loan, tax or utility charges payable by him before rejection of his nomination paper on the ground of default in payment of such loan, taxes or utility charges, such nomination paper shall not be rejected for default thereof.</p> <p>(4) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting it and shall, in the case of rejection, record brief reasons therefor;</p> <p>(5) A candidate may prefer an appeal against the decision of the Returning Officer rejecting or, as the case may be, accepting the nomination paper of the candidate to the Tribunal constituted for the constituency to which the nomination relates and consisting of not less than two nor more than three Judges of the High Court nominated by the Commissioner, with the approval of the President; and such appeal shall be summarily decided within such time as may be notified by the Commission and any order passed thereon shall be final.</p> <p>(5A) If, on the basis of any information or material brought to its knowledge by any source, a Tribunal constituted under sub-section (5) is of the opinion that a candidate whose nomination papers have been accepted is a defaulter of loan, taxes government dues or utility charges or has had any loan written off 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 Tribunal is satisfied that the candidate is actually a defaulter as aforesaid or has had a loan written off or suffers from any disqualification, it may reject the nomination papers.</p> <p>(6) An appeal not disposed of within the period specified in sub-section (5) shall be deemed to have been rejected.</p> <p>(7) Announcement of the day and time appointed for the hearing of an appeal under sub-section (5) over the radio or television or by publication in the press shall be deemed to be sufficient notice of the day and time so appointed.</p>	<p>The Representation of the People Act, 1976</p>
<p>67. Publication of list of candidates.—(1) The Returning Officer shall, after the scrutiny of nomination papers, prepare and publish in the prescribed manner a list of validly nominated candidates.</p> <p>(2) In case an appeal against the decision of the Returning Officer is accepted by the Tribunal referred to in sub-section (6) of section 66, the Returning Officer shall revise the list of validly nominated candidates</p>	<p>15. Publication of list of candidates. —(1) The Returning Officer shall, after the scrutiny of nomination papers, prepare and publish in the prescribed manner a list of validly nominated candidates.</p> <p>(2) In case an appeal against the decision of the Returning Officer is accepted by the Tribunal referred to in sub-section (5) of section 14, the Returning Officer shall revise the list of validly nominated candidates</p>	

<p>accordingly.</p> <p>(3) The Returning Officer shall, on the second day following the last date for decision of appeal under sub-section (6) of section 66, prepare and publish in the prescribed manner the revised list of validly nominated candidates.</p>	<p>accordingly.</p> <p>(3) The Returning Officer shall, on the second day following the last date for decision of appeal under sub-section (5) of section 14, prepare and publish in the prescribed manner the revised list of validly nominated candidates.</p>	
<p>68. Withdrawal.—(1) Any 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 through an advocate duly authorized in writing by him, withdraw his candidature.</p> <p><i>Explanation.</i>—Authorization in favour of an advocate shall be attested by a competent authority, such as Oath Commissioner or a Notary appointed under the Notaries Ordinance 1961 (XIX of 1961).</p> <p>(2) A notice of withdrawal under sub-section (1) shall, in no circumstances, be open to recall or cancellation.</p> <p>(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.</p> <p>(4) The Returning Officer shall, on the withdrawal day, prepare and publish in the prescribed manner a list of contesting candidates which shall, if there are more than one contesting candidates, indicate their respective symbols and supply a copy of the list to each of them.</p>	<p>16. Withdrawal.—(1) Any 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 through an advocate duly authorized in writing by him, withdraw his candidature.</p> <p><i>Explanation.</i>—Authorisation in favour of an advocate shall be attested by a competent authority, such as, Oath Commissioner or a Notary appointed under the Notaries Ordinance 1961 (XIX of 1951).</p> <p>(2) A notice of withdrawal under sub-section (1) shall, in no circumstances, be open to recall or cancellation.</p> <p>(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.</p> <p>(4) The Returning Officer shall, on the withdrawal day, prepare and publish in the prescribed manner a list of contesting candidates which shall, if there are more than one contesting candidates, indicate their respective symbols and supply a copy of the list to each of them.</p>	<p>The Representation of the People Act, 1976</p>
<p>69. Retirement from election.—(1) A contesting candidate may retire from the contest by a notice in writing signed by him and delivered to the Returning Officer on any day not later than four days before the polling day either by such candidate in person or by an agent authorized in this behalf in writing by such candidate.</p> <p>(2) No person who has given a notice of retirement under sub-section (1) shall be allowed to cancel the notice.</p> <p>(3) The Returning Officer shall upon receiving a notice of retirement under sub-section (1) cause a copy thereof to be affixed at some conspicuous place in his office and also to be published in such manner as he may think fit.</p> <p>(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 68.</p>	<p>17. Retirement from election, etc.—(1) A contesting candidate may retire from the contest by a notice in writing signed by him and delivered to the Returning Officer on any day not later than four days before the polling day either by such candidate in person or by an agent authorised in this behalf in writing by such candidate.</p> <p>(2) No person who has given a notice of retirement under sub-section (1) shall be allowed to cancel the notice.</p> <p>(3) The Returning Officer shall upon receiving a notice of retirement under sub-section (1) cause a copy thereof to be affixed at some conspicuous place in his office and also to be published in such manner as he may think fit.</p> <p>(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 16.</p>	<p>The Representation of the People Act, 1976</p>
<p>70. Death of a candidate after nomination.—(1) If a contesting candidate dies before the day for taking of the poll, the Returning Officer shall, by public notice, terminate the proceedings relating to that election.</p> <p>(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:</p> <p>Provided that it shall not be necessary for the other contesting candidates to file fresh nomination papers or make a further deposit under section 65.</p>	<p>18. Death of a candidate after nomination.—(1) If a contesting candidate dies before the day for taking of the poll, the Returning Officer shall, by public notice, terminate the proceedings relating to that election.</p> <p>(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:</p> <p>Provided that it shall not be necessary for the other contesting candidates to file fresh nomination papers or make a further deposit under section 13.</p>	<p>The Representation of the People Act, 1976</p>
<p>71. 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 such proceedings, he may</p>	<p>19. Postponement, etc., 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</p>	<p>The Representation of the People Act, 1976</p>

<p>postpone such proceedings.</p> <p>(2) When the proceedings are postponed by the Returning Officer under sub-section (1), he shall inform the Election Commission of his having done so and the Election Commission shall, by notification in official Gazette, fix another day for the proceedings so postponed and if necessary, also the day or days for any subsequent proceedings.</p>	<p>therefor he may postpone such proceedings.</p> <p>(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 official Gazette, fix another day for the proceedings so postponed and if necessary, also the day or days for any subsequent proceedings.</p>	
<p>72. Uncontested election.—(1) Where, after scrutiny under section 65, there remains only one validly nominated candidate or where, after withdrawal under section 67 or retirement under section 68, there remains only one contesting candidate, the Returning Officer shall, by public notice, declare such candidate to be elected to the seat:</p> <p>Provided that, if after scrutiny any candidate indicates that he intends to file an appeal under sub-section (6) of section 65 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 such appeal.</p> <p>(2) The Returning officer shall submit to the Election Commission a return of the election in respect of which he has made a declaration under sub-section (1).</p> <p>(3) The Election Commission shall, after such inquiry as it may deem necessary in any case, publish in the official Gazette the name of the candidate declared elected under sub-section (2).</p>	<p>20. Uncontested election.— (1) Where, after scrutiny under section 14, there remains only one validly nominated candidate or where, after withdrawal under section 16 or retirement under section 17, there remains only one contesting candidate, the Returning Officer shall, by public notice, declare such candidate to be elected to the seat:</p> <p>Provided that, if after scrutiny any candidate indicates that he intends to file an appeal under sub-section (5) of section 14 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 such appeal.</p> <p>(2) The Returning officer shall submit to the Commission a return of the election in respect of which he has made a declaration under sub-section (1).</p> <p>(3) The Commission shall, after such inquiry as it may deem necessary in any case, publish in the official Gazette the name of the candidate declared elected under sub-section (2).</p>	<p>The Representation of the People Act, 1976</p>
<p>73. Candidate to file certificate of party affiliation.— Each contesting-candidate, before seeking allotment of prescribed symbol, shall file a declaration before the Returning Officer about his party affiliation, if any, along with a certificate from the political party showing that he is a party candidate from the constituency.</p>	<p>20A. Candidate to file certificate of party affiliation.—Each contesting-candidate, before seeking allotment of prescribed symbol, shall file a declaration before the Returning Officer about his party affiliation, if any, along with a certificate from the political party showing that he is a party candidate from the constituency.</p>	<p>The Representation of the People Act, 1976</p>
<p>74. Contested election and allocation of symbols.—(1) If there are more contesting candidates than one in respect of any constituency, the Returning Officer shall—</p> <p>(a) allocate, subject to any direction of the Election Commission, one of the prescribed symbols to each contesting candidate; and in so doing shall, so far as possible, have regard for any preference indicated by the candidate at the time of filing his nomination papers;</p> <p>(b) publish in such manner as the Election Commission may direct the name of the contesting candidates arranged in the Urdu alphabetical order specifying against each the symbol allocated to him; and</p> <p>(c) given public notice of the poll:</p> <p>Provided that the Election Commission may, on an application made to it in this behalf, allot one of the prescribed symbols to any political party or a combination of two or more political parties who have agreed to put up joint candidates for election.</p> <p>(2) The Returning Officer shall arrange to exhibit prominently at each polling station the name of and symbol of each contesting candidate.</p>	<p>21. Contested election and allocation of symbols.— (1) If there are more contesting candidates than one in respect of any constituency, the Returning Officer shall—</p> <p>(a) allocate, subject to any direction of the Commission, one of the prescribed symbols to each contesting candidate; and in so doing shall, so far as possible, have regard for any preference indicated by the candidate at the time of filing his nomination papers;</p> <p>(b) publish in such manner as the Commission may direct the name of the contesting candidates arranged in the Urdu alphabetical order specifying against each the symbol allocated to him; and</p> <p>(c) given public notice of the poll:</p> <p>Provided that the Commission may, on an application made to it in this behalf, allot one of the prescribed symbols to any political party or a combination of two or more political parties who have agreed to put up joint candidates for election.</p> <p>(2) The Returning Officer shall arrange to exhibit prominently at each polling station the name of and symbol of each contesting candidate.</p>	<p>The Representation of the People Act, 1976</p>
<p>75. Election Agent.—(1) A candidate may appoint a person qualified to be elected as a member to be his election agent.</p>	<p>22. Election Agent.—(1) A candidate may appoint a person qualified to be elected as a member to be his election agent.</p>	<p>The Representation of the People Act, 1976</p>

<p>(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 the election agent dies, another person may be appointed by the candidate to be his election agent.</p> <p>(3) When an election agent is appointed, the candidate 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.</p> <p>(4) Where no appointment of an election agent is made under this section, a 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.</p>	<p>(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 the election agent dies, another person may be appointed by the candidate to be his election agent.</p> <p>(3) When an election agent is appointed, the candidate 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.</p> <p>(4) Where no appointment of an election agent is made under this section, a 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.</p>	
<p>76. Polling agent.—(1) The contesting candidate or his election agent may, before the commencement of the poll, appoint for each polling station as many polling agents as may be prescribed and shall give notice thereof in writing to the Presiding Officer.</p> <p>(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 the polling agent dies, another person may be appointed by the candidate or the election agent to be a polling agent; and a notice of such appointment shall be given to the Presiding Officer.</p>	<p>23. Polling agent.—(1) The contesting candidate or his election agent may, before the commencement of the poll, appoint for each polling station as many polling agents as may be prescribed and shall give notice thereof in writing to the Presiding Officer.</p> <p>(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 the polling agent dies, another person may be appointed by the candidate or the election agent to be a polling agent; and a notice of such appointment shall be given to the Presiding Officer.</p>	The Representation of the People Act, 1976
<p>77. Absence of candidates not to invalidate acts.—Where any act or thing is 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 appointed for the purpose shall not invalidate any act or thing otherwise validly done.</p>	<p>24. Absence of candidates etc., not to invalidate acts, etc.—Where any act or thing is authorised 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 appointed for the purpose shall not invalidate any act or thing otherwise validly done.</p>	The Representation of the People Act, 1976
<p>78. One day poll.—Polls for a general election for an Assembly shall be held on the same day and the polls for National Assembly seats and the Provincial Assembly seats may be held simultaneously:</p> <p>Provided that, if the Election 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 Election Commission may fix another day for holding the poll in that constituency.</p>	<p>25. One day poll.—Polls for a general election for an Assembly shall be held on the same day and the polls for National Assembly seats and the Provincial Assembly seats may be held simultaneously:</p> <p>Provided that, 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.</p>	The Representation of the People Act, 1976
<p>79. Hours of the poll.—The Election 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 accordingly.</p>	<p>26. 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 accordingly.</p>	The Representation of the People Act, 1976
<p>80. Stopping of the poll.—(1) The Presiding Officer of a polling station shall stop the poll and inform the Returning Officer that he has done so if—</p> <p>(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 79; and</p> <p>(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.</p> <p>(2) Where a poll has been stopped under sub-section (1)</p>	<p>27. Stopping of the poll.—(1) The Presiding Officer of a polling station shall stop the poll and inform the Returning Officer that he has done so if—</p> <p>(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 26; and</p> <p>(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.</p> <p>(2) Where a poll has been stopped under sub-section (1)</p>	The Representation of the People Act, 1976

<p>the Returning Officer shall immediately report the circumstances to the Election Commission and the Election 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, taken with the result of the polling at other polling stations in the same constituency.</p> <p>(3) Where the Election Commission orders a fresh poll under sub-section (2), it shall, by notification in the official Gazette,—</p> <p>(a) 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</p> <p>(b) the Returning Officer shall give public notice of the day so appointed and the place and hours so fixed.</p> <p>(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 poll stopped under sub-section (1) shall be counted; and the provisions of this Act and the rules and orders made thereunder shall apply to such fresh poll.</p>	<p>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, taken with the result of the polling at other polling stations in the same constituency.</p> <p>(3) Where the Commission orders a fresh poll under sub-section (2), it shall, by notification in the official Gazette,—</p> <p>(a) 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</p> <p>(b) the Returning Officer shall give public notice of the day so appointed and the place and hours so fixed.</p> <p>(4) At a fresh poll taken under sub-section (3) at a polling station, all electors entitled to vote there at shall be allowed to vote and no vote cast at the poll stopped under sub-section (1) shall be counted; and the provisions of this Act and the rules and orders made thereunder shall apply to such fresh poll.</p>	
<p>81. Election by secret ballot.—An election under this Act shall be decided by secret ballot and, subject to the provisions of section 82, 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.</p>	<p>28. Election by secret ballot.—An election under this Act shall be decided by secret ballot and, subject to the provisions of section 29 every elector 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.</p>	<p>The Representation of the People Act, 1976</p>
<p>82. Postal ballot.—(1) The following persons may cast their votes by postal ballot in such manner as may be prescribed—</p> <p>(a) a person referred to in sub-section (3) or sub-section (4) or sub-section (5) of section 36; and</p> <p>(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.</p> <p>(2) A voter who, being entitled to do so, intends to cast his vote by postal ballot shall,—</p> <p>(a) in the case of a person referred to in clause (a) of sub-section (1), within such time as may be specified by the Election Commission soon after the issue of the notification under section 60; and</p> <p>(b) in the case of a person referred to in clause (b) of sub-section (1), as soon as may be after 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.</p> <p>(3) The Returning Officer shall immediately upon the 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.</p> <p>(4) A voter on receiving his ballot paper for voting by postal ballot shall record his vote in the prescribed</p>	<p>29. Postal ballot.—(1) The following persons may cast their votes by postal ballot in such manner as may be prescribed, namely:—</p> <p>(a) a person referred to in sub-section (3) or sub-section (4) or sub-section (5) of section 7 of the Electoral Rolls Act, 1974 (XXI of 1974); and</p> <p>(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.</p> <p>(2) An elector who, being entitled to do so, intends to cast his vote by postal ballot shall,—</p> <p>(a) in the case of a person referred to in clause (a) of sub-section (1), within such time as may be specified by the Commission soon after the issue of the notification under section 11; and</p> <p>(b) in the case of a person referred to in clause (b) of sub-section (1), as soon as may be after his appointment, apply to the Returning Officer of the constituency in which he is an elector for a ballot paper for voting by postal ballot; and every such application shall specify the name of the elector, his address and his serial number in the electoral roll.</p> <p>(3) The Returning Officer shall immediately upon the receipt of an application by an elector under sub-section (2) send by post to such elector 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 elector.</p> <p>(4) An elector on receiving his ballot paper for voting by postal ballot shall record his vote in the prescribed</p>	<p>The Representation of the People Act, 1976</p>

<p>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.</p>	<p>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.</p>	
<p>83. Ballot boxes.—(1) The Returning Officer shall provide each Presiding Officer with such number of ballot boxes as may be necessary.</p> <p>(2) The ballot boxes shall be of such material and design as may be approved by the Election Commission.</p> <p>(3) Not more than one ballot box shall be used at a time for the purpose of the poll at any polling station, or at any polling booth, where there are more than one polling booths at a polling station.</p> <p>(4) Before the time fixed for the commencement of the poll, the Presiding Officer shall—</p> <p>(a) ensure that every ballot box to be used is empty;</p> <p>(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 them;</p> <p>(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</p> <p>(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.</p> <p>(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).</p> <p>(6) A 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.</p>	<p>30. Ballot boxes.—(1) The Returning Officer shall provide each Presiding Officer with such number of ballot boxes as may be necessary.</p> <p>(2) The ballot boxes shall be of such material and design as may be approved by the Commission.</p> <p>(3) Not more than one ballot box shall be used at a time for the purpose of the poll at any polling station, or at any polling booth, where there are more than one polling booths at a polling station.</p> <p>(4) Before the time fixed for the commencement of the poll, the Presiding Officer shall—</p> <p>(a) ensure that every ballot box to be used is empty;</p> <p>(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 them;</p> <p>(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</p> <p>(d) place the ballot box so as to be conveniently accessible to the electors, 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.</p> <p>(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).</p> <p>(6) A Presiding officer shall make such arrangements at the polling station that every elector may be able to secretly mark his ballot paper before folding and inserting it in the ballot box.</p>	<p>The Representation of the People Act, 1976</p>
<p>84. Admission to the polling station.—The Presiding Officer shall, subject to such instructions as the Election Commission may give in this behalf, regulate the number of voters to be admitted to the polling station at a time and shall exclude from the polling station all other persons except—</p> <p>(a) any person on duty in connection with the election;</p> <p>(b) the contesting candidates, their election agents and polling agents; and</p> <p>(c) such other persons as may be specifically permitted by the Returning Officer.</p>	<p>31. 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 electors to be admitted to the polling station at a time and shall exclude from the polling station all other persons except—</p> <p>(a) any person on duty in connection with the election;</p> <p>(b) the contesting candidates, their election agents and polling agents; and</p> <p>(c) such other persons as may be specifically permitted by the Returning Officer.</p>	<p>The Representation of the People Act, 1976</p>
<p>85. 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.</p> <p>(2) Any person removed under sub-section (1) from a</p>	<p>32. 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.</p> <p>(2) Any person removed under sub-section (1) from a</p>	<p>The Representation of the People Act, 1976</p>

<p>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 polling station, be liable to be arrested without warrant by a Police Officer.</p> <p>(3) The powers under this section shall be so exercised not to deprive a voter of an opportunity to cast his vote at the polling station at which he is entitled to vote.</p>	<p>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 polling station, be liable to be arrested without warrant by a Police Officer.</p> <p>(3) The powers under this section shall be so exercised not to deprive an elector of an opportunity to cast his vote at the polling station at which he is entitled to vote.</p>	
<p>86. 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 the identity of the voter and shall, for that purpose, require the voter to produce his identity card issued under the National Registration Act, 1973 (LVI of 1973) or the National Database and Registration Authority Ordinance, 2000 (VIII of 2000).</p> <p>2) Before a ballot paper is issued to a voter—</p> <p>(a) the number and name of the voter as entered in the electoral roll shall be called out;</p> <p>(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;</p> <p>(c) he shall be required to receive a personal mark, made with indelible ink, on any finger of either hand as indicated by the Election Commission;</p> <p>(d) the ballot paper shall be stamped on its back with the official mark and signed by the Presiding Officer; and</p> <p>(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 National Identity Card of the voter, stamp it with the official mark, sign it and obtain on it the thumb impression of the voter.</p> <p>(3) A ballot paper shall not be issued to a person who—</p> <p>(a) fails or refuses to produce his identity card issued under the National Registration Act, 1973 (LVI of 1973) or the National Database and Registration Authority Ordinance, 2000(VIII of 2000);</p> <p>(b) refuses to put his thumb impression on the counterfoil or whose thumb bears traces of its having already been used for putting an impression; or</p> <p>(c) refuses to receive the personal mark with indelible ink or who already bears such a mark or traces of such a mark.</p> <p>(4) 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.</p>	<p>33. Voting procedure.—(1) Where an elector presents himself at the polling station to vote, the Presiding Officer shall issue a ballot paper to the elector after satisfying himself about the identity of the elector and shall, for that purpose, require the elector to produce his identity card provided for in the National Registration Act, 1973 (LVI of 1973) or issued under the National Database and Registration Authority Ordinance, 2000 (VIII of 2000).</p> <p>(2) Before a ballot paper is issued to an elector—</p> <p>(a)</p> <p>(b) the number and name of the elector as entered in the electoral roll shall be called out;</p> <p>(c) the entry relating to the elector on the electoral roll shall be struck off to indicate that a ballot paper has been issued to him;</p> <p>(cc) he shall be required to receive a personal mark, made with indelible ink, on any finger of either hand as indicated by the Commission;</p> <p>(d) the ballot paper shall be stamped on its back with the official mark and signed by the Presiding Officer;</p> <p>(e) the Presiding Officer shall record on the counterfoil of the ballot paper the number of the elector on the electoral roll the number of National Identity Card of the elector, stamp it with the official mark, sign it and obtain on it the thumb impression of the elector.</p> <p>(3) A ballot paper shall not be issued to a person who;—</p> <p>(a) fails or refuses to produce his identity card provided for in the National Registration Act, 1973 (LVI of 1973) or issued under the National Database and Registration Authority Ordinance, 2000(VIII of 2000);</p> <p>(b)</p> <p>(c) refuses to put his thumb impression on the counterfoil or whose thumb bears traces of its having already been used for putting an impression; or</p> <p>(d) refuses to receive the personal mark with indelible ink or who already bears such a mark or traces of such a mark.</p> <p>(4) If a contesting candidate or his election agent or polling agent alleges that an elector 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 elector 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 elector does not insert more than one ballot paper in the ballot box.</p>	<p>The Representation of the People Act, 1976</p>

<p>(5) On receiving the ballot paper, the voter shall—</p> <p>(a) forthwith proceed to the place reserved for marking the ballot paper;</p> <p>(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</p> <p>(c) after he has so marked the ballot paper, fold and insert it in the ballot box.</p> <p>(6) 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.</p> <p>(7) Where a voter is blind or is otherwise so incapacitated that he cannot vote without the assistance of a companion, the Presiding Officer shall allow him such assistance and thereupon such voter may do with such assistance anything which a voter is required or permitted to do under this Act.</p>	<p>(5) On receiving the ballot paper, the elector shall—</p> <p>(a) forthwith proceed to the place reserved for marking the ballot paper;</p> <p>(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</p> <p>(c) after he has so marked the ballot paper, fold and insert it in the ballot box.</p> <p>(6) The elector shall vote without undue delay and shall leave the polling station immediately after he has inserted his ballot paper in the ballot box.</p> <p>(7) Where an elector is blind or is otherwise so incapacitated that he cannot vote without the assistance of a companion, the Presiding Officer shall allow him such assistance and thereupon such elector may do with such assistance anything which an elector is required or permitted to do under this Act.</p>	
<p>87. Tendered ballot papers.—(1) If a person representing himself to be a voter applies for a ballot paper when another person has already represented himself to be that voter and has voted under the name of the person so applying, 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.</p> <p>(2) A ballot paper issued under sub-section (1) shall, after it has been marked and folded by the voter, be placed in the same condition in separate packet bearing the label “Tendered Ballot Paper” instead of being placed in the ballot box and shall not be included in the count by the Presiding Officer or the Returning Officer.</p> <p>(3) The name of the person applying for a ballot paper under sub-section (1) and his number on the electoral roll shall be entered in a list (hereinafter referred to as “the tendered votes list”) to be prepared by the Presiding Officer.</p>	<p>34. Tendered ballot papers.— (1) If a person representing himself to be an elector applies for a ballot paper when another person has already represented himself to be that elector and has voted under the name of the person so applying, 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 elector.</p> <p>(2) A ballot paper issued under sub-section (1) shall, after it has been marked and folded by the elector, be placed in the same condition in separate packet bearing the label “Tendered Ballot Paper” instead of being placed in the ballot box and shall not be included in the count by the Presiding Officer or the Returning Officer.</p> <p>(3) The name of the person applying for a ballot paper under sub-section (1) and his number on the electoral roll shall be entered in a list (hereinafter referred to as “the tendered votes list”) to be prepared by the Presiding Officer.</p>	<p>The Representation of the People Act, 1976</p>
<p>88. Challenge of voters.—(1) If, at the time a person applies for a 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 at the election, at the same or another polling station, or is not the person against whose name entered in the electoral roll he is seeking to vote, and undertakes to prove the charge in a court of law and deposits with the Presiding Officer in cash a sum of two 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 (hereinafter referred to as “challenged ballot paper”) to that person.</p> <p>(2) If the Presiding Officer issues a ballot paper under sub-section (1) to such person he shall enter the name and address of that person in a list to be prepared by him (hereinafter referred to as “the challenged votes list”) and obtain thereon the thumb impression and, if he is literate, also the signature of that person.</p> <p>(3) A ballot paper issued under sub-section (1) shall, after it has been marked and folded by the voter, be placed in the same condition in a separate packet bearing the label “Challenged Ballot Papers”, instead of being placed in the ballot box.</p>	<p>35. Challenge of electors.—(1) If, at the time a person applies for a 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 at the election, at the same or another polling station, or is not the person against whose name entered in the electoral roll he is seeking to vote, and undertakes to prove the charge in a court of law and deposits with the Presiding Officer in cash a sum of two 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 (hereinafter referred to as “challenged ballot paper”) to that person.</p> <p>(2) If the Presiding Officer issues a ballot paper under sub-section (1) to such person he shall enter the name and address of that person in a list to be prepared by him (hereinafter referred to as “the challenged votes list”) and obtain thereon the thumb impression and, if he is literate, also the signature of that person.</p> <p>(3) A ballot paper issued under sub-section (1) shall, after it has been marked and folded by the elector, be placed in the same condition in a separate packet bearing the label “Challenged Ballot Papers”, instead of being placed in the ballot box.</p>	<p>The Representation of the People Act, 1976</p>
<p>89. Spoilt ballot paper.—(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</p>	<p>36. Spoilt ballot paper.—(1) An elector who has inadvertently so spoilt his ballot paper that it cannot be used as a valid ballot paper may, upon proving the fact of</p>	<p>The Representation of the People Act, 1976</p>

<p>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.</p> <p>(2) The Presiding Officer shall forthwith cancel the ballot paper returned to him under sub-section (1), make a note to that effect on the counterfoil over his own signatures and sign the cancelled ballot paper, and place it in a separate packet bearing the label "Spoilt Ballot Papers".</p>	<p>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.</p> <p>(2) The Presiding Officer shall forthwith cancel the ballot paper returned to him under sub-section (1), make a note to that effect on the counterfoil over his own signatures and sign the cancelled ballot paper, and place it in a separate packet bearing the label "Spoilt Ballot Papers".</p>	
<p>90. Voting after close of poll.—No person shall be given any ballot paper or be permitted 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.</p>	<p>37. Voting after close of poll.—No person shall be given any ballot paper or be permitted 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.</p>	<p>The Representation of the People Act, 1976</p>
<p>91. 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 and polling agents as may be present</p> <p>(2) The Presiding Officer shall give such of the contesting candidates, election agents and polling agents as may be present reasonable facility of observing the count and give them such information with respect thereto as can be given consistent with the orderly conduct of the count and the discharge of his duties in connection therewith.</p> <p>(3) No person other than the Presiding Officer, the polling officer, any other person on duty in connection with the poll, the contesting candidates, their election agents and polling agents shall be present at the count.</p> <p>(4) The Presiding Officer shall—</p> <p>(a) open the used ballot box or ballot boxes and count the entire lot of ballot papers taken out therefrom;</p> <p>(b) open the packet bearing the label "Challenged Ballot Papers" and count them;</p> <p>(c) count, in such manner as may be prescribed, the votes cast in favour of each contesting candidate excluding from the count the ballot papers which bear—</p> <p>(i) no official mark and signature of the Presiding Officer;</p> <p>(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;</p> <p>(iii) no prescribed mark to indicate the contesting candidate for whom the voter has voted; or</p> <p>(iv) any mark from which it is not clear for whom the voter has voted:</p> <p>Provided that 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</p>	<p>38. 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 and polling agents as may be present.</p> <p>(2) The Presiding Officer shall give such of the contesting candidates, election agents and polling agents as may be present reasonable facility of observing the count and give them such information with respect thereto as can be given consistent with the orderly conduct of the count and the discharge of his duties in connection therewith.</p> <p>(3) No person other than the Presiding Officer, the Polling Officer, any other person on duty in connection with the poll, the contesting candidates, their election agents and polling agents shall be present at the count.</p> <p>(4) The Presiding Officer shall—</p> <p>(a) open the used ballot box or ballot boxes and count the entire lot of ballot papers taken out therefrom;</p> <p>(b) open the packet bearing the label "Challenged Ballot Papers" and count them;</p> <p>(c) count, in such manner as may be prescribed, the votes cast in favour of each contesting candidate excluding from the count the ballot papers which bear—</p> <p>(i) no official mark and signature of the Presiding Officer;</p> <p>(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;</p> <p>(iii) no prescribed mark to indicate the contesting candidate for whom the elector has voted; or</p> <p>(iv) any mark from which it is not clear for whom the elector has voted:</p> <p>Provided that 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</p>	<p>The Representation of the People Act, 1976</p>

<p style="text-align: center;">ballot paper shall be deemed invalid.</p> <p>(5) The Presiding officer may recount the votes—</p> <p>(a) of his own motion if he considers it necessary; or</p> <p>(b) upon the request of a contesting candidate or an election agent present if, in his opinion, the request is not unreasonable.</p> <p>(6) 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 the contents thereof, specifying the name and symbol of the contesting candidate to whom the packet relates.</p> <p>(7) The ballot papers excluded from the count shall be put in a separate packet indicating thereon the total number both in letters and figures of the ballot papers, contained therein.</p> <p>(8) The packets mentioned in sub-sections (6) and (7) shall be put in a principal packet which shall be sealed by the Presiding Officer.</p> <p>(9) The Presiding Officer shall, immediately after the count, prepare a statement 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.</p> <p>(10) The Presiding Officer shall also prepare in the prescribed form a ballot paper account showing separately—</p> <p>(a) the number of ballot papers entrusted to him;</p> <p>(b) the number of un-issued ballot papers;</p> <p>(c) the number of ballot papers taken out of the ballot box or boxes and counted;</p> <p>(d) the number of tendered ballot papers;</p> <p>(e) the number of challenged ballot papers; and</p> <p>(f) the number of spoilt ballot papers.</p> <p>(11) The Presiding Officer shall give a certified copy of the statement of the count and the ballot paper account to such of the candidates, their election agents or polling agents as may be present and obtain a receipt for such copy.</p> <p>(12) The Presiding Officer shall seal in separate packets-</p> <p>(a) the un-issued ballot papers;</p> <p>(b) the spoilt ballot papers;</p> <p>(c) the tendered ballot papers;</p> <p>(d) the challenged ballot papers;</p> <p>(e) the marked copies of the electoral rolls;</p> <p>(f) the counterfoils of used ballot papers;</p> <p>(g) the tendered votes list;</p> <p>(h) the challenged votes list; and</p>	<p style="text-align: center;">ballot paper shall be deemed invalid.</p> <p>(5) The Presiding officer may recount the votes—</p> <p>(a) of his own motion if he considers it necessary; or</p> <p>(b) upon the request of a contesting candidate or an election agent present if, in his opinion, the request is not unreasonable.</p> <p>(6) 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 the contents thereof, specifying the name and symbol of the contesting candidate to whom the packet relates.</p> <p>(7) The ballot papers excluded from the count shall be put in a separate packet indicating thereon the total number both in letters and figures of the ballot papers, contained therein.</p> <p>(8) The packets mentioned in sub-sections (6) and (7) shall be put in a principal packet which shall be sealed by the Presiding Officer.</p> <p>(9) The Presiding Officer shall, immediately after the count, prepare a statement 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.</p> <p>(10) The Presiding Officer shall also prepare in the prescribed form a ballot paper account showing separately—</p> <p>(a) the number of ballot papers entrusted to him;</p> <p>(b) the number of un-issued ballot papers;</p> <p>(c) the number of ballot papers taken out of the ballot box or boxes and counted;</p> <p>(d) the number of tendered ballot papers;</p> <p>(e) the number of challenged ballot papers; and</p> <p>(f) the number of spoilt ballot papers.</p> <p>(11) The Presiding Officer shall give a certified copy of the statement of the count and the ballot paper account to such of the candidates, their election agents or polling agents as may be present and obtain a receipt for such copy.</p> <p>(12) The Presiding Officer shall seal in separate packets-</p> <p>(a) the un-issued ballot papers;</p> <p>(b) the spoilt ballot papers;</p> <p>(c) the tendered ballot papers;</p> <p>(d) the challenged ballot papers;</p> <p>(e) the marked copies of the electoral rolls;</p> <p>(f) the counterfoils of used ballot papers;</p> <p>(g) the tendered votes list;</p> <p>(h) the challenged votes list; and</p>
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<p>(i) such other papers as the Returning Officers may direct.</p> <p>(13) 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.</p> <p>(14) A person required to sign a packet or statement under sub-section (13) may, if he so desires, also affix his seal to it.</p> <p>(15) After the close of the proceedings under the foregoing sub-sections, the Presiding Officer shall, in compliance with such instructions as may be given by the Election Commission in this behalf, cause the packets, the statement of the count and the ballot paper account prepared by him to be sent to the Returning Officer together with such other records as the Election Commission may direct.</p>	<p>(i) such other papers as the Returning Officers may direct.</p> <p>(13) 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.</p> <p>(14) A person required to sign a packet or statement under sub-section (13) may, if he so desires, also affix his seal to it.</p> <p>(15) After the close of the proceedings under the foregoing sub-sections, the Presiding Officer shall, in compliance with such instructions as may be given by the Commission in this behalf, cause the packets, the statement of the count and the ballot paper account prepared by him to be sent to the Returning Officer together with such other records as the Commission may direct.</p>	
<p>92. Consolidation of results.—(1) 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 aforesaid.</p> <p>(2) The consolidation proceedings shall be held without any avoidable delay as soon as possible after the polling day.</p> <p>(3) 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 thereby.</p> <p>(4) 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 sub-section (4) of section 83.</p> <p>(5) The ballot papers rejected by the Returning Officer under sub-section (4) shall be shown separately in the consolidated statement.</p> <p>(6) The Returning Officer may recount the ballot papers—</p> <p>(a) upon the request of, or challenge in writing made by, a contesting candidate or his election agent, if the Returning Officer is satisfied that the request or the challenge is reasonable; or</p> <p>(b) if so directed by the Election Commission, in which case the recount shall be held in such manner and at such place as may be directed by the Election Commission.</p>	<p>39. Consolidation of results.—(1) 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 aforesaid.</p> <p>(2) The consolidation proceedings shall be held without any avoidable delay as soon as possible after the polling day.</p> <p>(3) 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 thereby.</p> <p>(4) 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 sub-section (4) of section 38.</p> <p>(5) The ballot papers rejected by the Returning Officer under sub-section (4) shall be shown separately in the consolidated statement.</p> <p>(6) The Returning Officer may recount the ballot papers—</p> <p>(a) upon the request of, or challenge in writing made by, a contesting candidate or his election agent, if the Returning Officer is satisfied that the request or the challenge is reasonable; or</p> <p>(b) if so directed by the Commission, in which case the recount shall be held in such manner and at such place as may be directed by the Commission.</p>	<p>The Representation of the People Act, 1976</p>
<p>93. Resealing of packets and supply of copies.—The Returning Officer shall—</p> <p>(a) immediately after preparing the consolidated statement and the return of election, reseal in the prescribed manner the packets and statements</p>	<p>40. Resealing of packets and supply of copies.—The Returning Officer shall—</p> <p>(a) immediately after preparing the consolidated statement and the return of election, reseal in the prescribed manner the packets and statements</p>	<p>The Representation of the People Act, 1976</p>

<p>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</p> <p>(b) supply duly attested copies of the consolidated statement and the return of election to such of the candidates and their election agents as may be present.</p>	<p>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</p> <p>(b) supply duly attested copies of the consolidated statement and the return of election to such of the candidates and their election agents as may be present.</p>	
<p>94. Equality of votes.—(1) Where, after consolidation of the results of the count under section 92, it appears that there is equality of votes between two or more contesting candidates and the addition of one vote for one such candidate would entitle him to be declared elected, the Returning Officer or the Election Commission, as the case may be, shall forthwith draw a lot in respect of such candidates and the candidate on whom the lot falls shall be deemed to have received the highest number of votes entitling him to be declared elected.</p> <p>(2) The lot shall be drawn in the presence of such of the contesting candidates and their election agents as may be present.</p> <p>(3) The Returning Officer or the Election Commission, as the case may be, shall keep a record of the proceedings and obtain thereon the 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.</p>	<p>41. Equality of votes.—(1) Where, after consolidation of the results of the count under section 39, it appears that there is equality of votes between two or more contesting candidates and the addition of one vote for one such candidate would entitle him to be declared elected, the Returning Officer or the Commission, as the case may be, shall forthwith draw a lot in respect of such candidates and the candidate on whom the lot falls shall be deemed to have received the highest number of votes entitling him to be declared elected.</p> <p>(2) The lot shall be drawn in the presence of such of the contesting candidates and their election agents as may be present.</p> <p>(3) The Returning Officer or the Commission, as the case may be, shall keep a record of the proceedings and obtain thereon the 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.</p>	<p>The Representation of the People Act, 1976</p>
<p>95. Declaration of results.—(1) The Returning Officer shall, after obtaining the result of the count under section 92 or of the draw of the lots under section 94, intimate the results of the count to the Election Commission which shall declare by public notice the contesting candidate who has or is deemed to have received the highest number of votes to be elected.</p> <p>(2) The public notice shall contain the name of, and the total number of votes received by, each contesting candidate as a result of consolidation under section 92 or as a result of draw of lots under section 94.</p> <p>(3) The Returning Officer shall, immediately after the count, submit to the Election Commission a copy of the consolidated statement in the prescribed form.</p> <p>(4) Every returned candidate shall, within ten days from the poll of an election, submit a return of election expenses in accordance with the provisions of section 132.</p> <p>(5) The Election Commission shall publish in the official Gazette the name of the returned candidate:</p> <p>Provided that the result of a returned candidate shall not be published who fails to submit the return of expenses.</p>	<p>42. Declaration of results.—(1) The Returning Officer shall, after obtaining the result of the count under section 39 or of the draw of the lots under section 41, intimate the results of the count to the Commission which shall declare by public notice the contesting candidate who has or is deemed to have received the highest number of votes to be elected.</p> <p>(2) The public notice shall contain the name of, and the total number of votes received by, each contesting candidate as a result of consolidation under section 39 or as a result of draw of lots under section 41.</p> <p>(3) The Returning Officer shall, immediately after the count, submit to the Commission a copy of the consolidated statement in the prescribed form.</p> <p>(3A) Every returned candidate shall, within ten days from the poll of an election, submit a return of election expenses in accordance with the provisions of section 50.</p> <p>(4) The Commission shall publish in the official Gazette the name of the returned candidate:</p> <p>Provided that the result of a returned candidate shall not be published who fails to submit the return of expenses specified in sub-section (3A).</p>	<p>The Representation of the People Act, 1976</p>
<p>96. Yearly submission of statements of assets and liabilities.—(1) Every member shall, on a form prescribed under clause (e) of sub-section (2) of section 64, submit a statement of assets and liabilities of his own, his spouse and dependents annually to the Election Commission by the thirtieth day of September each year.</p> <p>(2) The statements of assets and liabilities submitted under sub-section (1) shall be published in the official Gazette and copies thereof may be obtained on payment of prescribed fee.</p> <p>(3) The Commissioner shall, by the fifteenth day of October each year, notify the names of the members who</p>	<p>42A. Yearly submission of statements of assets and liabilities.— (1) Every member shall, on a form prescribed under clause (f) of sub-section (2) of section 12, submit a statement of assets and liabilities of his own, his spouse and dependents annually to the Commission by the thirtieth day of September each year.</p> <p>(2) The statements of assets and liabilities submitted under sub-section (1) shall be published in the official Gazette and copies thereof may be obtained on payment of prescribed fee.</p> <p>(3) The Commissioner shall, by the fifteenth day of October each year, notify the names of the members who</p>	<p>The Representation of the People Act, 1976</p>

<p>fail to file statements of assets and liabilities within the period specified in sub-section (1) and by an order, direct that such member shall cease to function till such statement is submitted.</p> <p>(4) Where a member submits the statement of assets and liabilities under sub-section (1) which is found to be false in material particulars, he may be proceeded against under this Act for committing the offence of corrupt practice.</p>	<p>fail to file statements of assets and liabilities within the period specified in sub-section (1) and by an order, direct that such member shall cease to function till such statement is submitted.</p> <p>(4) Where a member submits the statement of assets and liabilities under sub-section (1) which is found to be false in material particulars, he may be proceeded against under section 82 for committing the offence of corrupt practice.</p>	
<p>97. Return or forfeiture of deposit.—(1) After the termination of the proceedings relating to an election under section 70 where the proceedings have been so terminated and the contesting candidate does not want to utilize his security deposit for a subsequent election, or after the declaration of the result of an election under section 72 or section 95 the deposit made under section 58, in respect of any candidate shall be returned to the person making it or to his legal representative, except the deposit in respect of a candidate who has received less than one-eighth of the total number of votes cast at the election:</p> <p>Provided that a deposit shall not be required to be returned after six months of the termination of the proceedings or, as the case may be, the declaration of the result of the election, as aforesaid.</p> <p>(2) A deposit which is not required to be returned under sub-section (1) shall be forfeited to the Federal Government.</p>	<p>43. Return or forfeiture of deposit.—(1) After the termination of the proceedings relating to an election under section 18 where the proceedings have been so terminated and the contesting candidate does not want to utilise his security deposit for a subsequent election, or after the declaration of the result of an election under section 20 or section 42 the deposit made under section 13, in respect of any candidate shall be returned to the person making it or to his legal representative, except the deposit in respect of a candidate who has received less than one-eighth of the total number of votes cast at the election:</p> <p>Provided that a deposit shall not be required to be returned after six months of the termination of the proceedings or, as the case may be, the declaration of the result of the election, as aforesaid.</p> <p>(2) A deposit which is not required to be returned under sub-section (1) shall be forfeited to the Federal Government.</p>	<p>The Representation of the People Act, 1976</p>
<p>98. Documents to be sent to the Election Commission.—The Returning Officer shall forward to the Election Commission—</p> <p>(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;</p> <p>(b) the packets containing the counterfoils of issued ballot papers;</p> <p>(c) the packets containing the marked copies of the electoral rolls;</p> <p>(d) the packets containing the ballot paper account;</p> <p>(e) the packets containing the tendered ballot papers, the challenged ballot papers, the tendered votes list and the challenged votes list; and</p> <p>(f) such other papers as the Election Commission may direct.</p> <p>(2) The Returning Officer shall endorse in each packet forwarded under sub-section (1) 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.</p> <p>(3) The Election Commission shall retain the documents contained in the packets received under sub-section (1) for a period of one year from the date of their receipt and thereafter shall, unless otherwise directed by a Tribunal, cause them to be destroyed.</p> <p>99. Public inspection of documents.—The documents retained by the Election Commission under section 98, except the ballot papers, shall be open to public inspection at such time and subject to such conditions as may be prescribed, and the Election Commission shall,</p>	<p>44. Documents to be sent to, and retained by, the Commission.—The Returning Officer shall forward to the Commission—</p> <p>(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;</p> <p>(b) the packets containing the counterfoils of issued ballot papers;</p> <p>(c) the packets containing the marked copies of the electoral rolls;</p> <p>(d) the packets containing the ballot paper account;</p> <p>(e) the packets containing the tendered ballot papers, the challenged ballot papers, the tendered votes list and the challenged votes list; and</p> <p>(f) such other papers as the Commission may direct.</p> <p>(2) The Returning Officer shall endorse in each packet forwarded under sub-section (1) 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.</p> <p>(3) The Commission shall retain the documents contained in the packets received under sub-section (1) for a period of one year from the date of their receipt and thereafter shall, unless otherwise directed by a Tribunal, cause them to be destroyed.</p> <p>45. Public inspection of documents.—The documents retained by the Commission under section 44, 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</p>	<p>The Representation of the People Act, 1976</p> <p>The Representation of the People Act, 1976</p>

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.

100. Party lists for reserved seats.—(1) For the purpose of election to seats reserved for women and non-Muslims in the National Assembly and Provincial Assemblies, the political parties contesting election for such seats shall, within the period fixed by the Election 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 Commissioner or, as he may direct, with the Provincial Election Commissioner, who shall forthwith cause such lists to be published for information of the public at large.

(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 seat during the terms of National Assembly and Provincial Assemblies, as the case may be.

(3) Where a seat reserved for women or non-Muslims in the National Assembly or a Provincial Assembly falls vacant for death, resignation or disqualification of a member, it shall be filled in by the next person in order of precedent from the party's list of the candidates submitted to the Election Commission under sub-section (1).

(4) Every candidate contesting election on a seat reserved for women or non-Muslims shall, along with the nomination papers and other relevant documents, submit to the Returning Officer appointed by the Election Commission in this behalf—

- (a) a copy of the party list of the candidate's political party for such seats;
- (b) declarations and statements as required by law or rules in support of the nomination; and
- (c) the fee required under any law for the time being in force for filing nomination papers.

101. Bye-elections.— When the seat of a member of an Assembly becomes vacant, the Commissioner shall, by notification in the official Gazette, call upon the constituency concerned to elect a person to fill the seat for such constituency before such date as may be specified in the notification, and thereupon the provisions of this Act and the rules shall apply, as far as may be to the election to fill such seat:

Provided that, notwithstanding anything contained in this Act, the days for the several stages of an election shall be such as may be specified in the aforesaid notification.

102. Power of Election 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 summary inquiry as it may deem necessary, the Election Commission is satisfied that, by reason of grave illegalities or violation of the provisions of this Act or the rules, the poll in any constituency of an Assembly ought to be declared void, the Election Commission may make a declaration accordingly and, by notification in the official Gazette, call upon that constituency to elect a member of the Assembly in the manner provided for by-

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.

47A. Party lists for reserved seats, etc.— (1) For the purpose of election to seats reserved for women and non-Muslims in the National Assembly and Provincial Assemblies, the political parties contesting election for such seats shall, within the period fixed by the Election 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 Chief Election Commissioner or, as he may direct, with the Provincial Election Commissioner, who shall forthwith cause such lists to be published for information of the public at large.

(2) The parties' lists referred to in clause (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 seat during the terms of National Assembly and Provincial Assemblies, as the case may be.

(3) Where a seat reserved for women or non-Muslims in the National Assembly or a Provincial Assembly falls vacant for death, resignation or disqualification of a member, it shall be filled in by the next person in order of precedent from the party's list of the candidates submitted to the Election Commission under clause (1).

(4) Every candidate contesting election on a seat reserved for women or non-Muslims shall, along with the nomination papers and other relevant documents, submit to the Returning Officer appointed by the Election Commission in this behalf—

- (a) a copy of the party list of the candidate's political party for such seats;
- (b) declarations and statements as required by law or rules in support of the nomination; and
- (c) the fee required under any law for the time being in force for filing nomination papers.

108. Bye-elections, etc.—(1) When the seat of a member becomes vacant, the Commissioner shall, by notification in the official Gazette, call upon the constituency concerned to elect a person to fill the seat for such constituency before such date as may be specified in the notification, and thereupon the provisions of this Act and the rules shall apply, as far as may be to the election to fill such seat:

Provided that, notwithstanding anything contained in sub-section (2) of section 11, the days for the several stages of an election shall be such as may be specified in the aforesaid notification.

103AA. Power of 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 summary inquiry as it may deem necessary, the Commission is satisfied that, by reason of grave illegalities or violation of the provisions of this Act or the rules, the poll in any constituency ought to be declared void, the Commission may make a declaration accordingly and, by notification in the official Gazette, call upon that constituency to elect a member in the manner provided for in section 108.

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The Representation of the People Act, 1976

<p>elections.</p> <p>(2) Notwithstanding the publication of the name of a returned candidate under this Act, the Election Commission may exercise the powers conferred on it by sub-section (1) before the expiration of sixty days after such publication; and, where the Election 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 a decision of an Election Tribunal.</p> <p>(3) While exercising the powers conferred on it by sub-section (1), the Election Commission shall be deemed to be an Election Tribunal to which an election petition has been presented and shall, notwithstanding anything contained in this Act, regulate its own procedure.</p>	<p>(2) Notwithstanding the publication of the name of a returned candidate under sub-section (4) of section 42, 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 a decision of a Tribunal.</p> <p>(3) While exercising the powers conferred on it by sub-section (1), the Commission shall be deemed to be a Tribunal to which an election petition has been presented and shall, notwithstanding anything contained in Chapter VII, regulate its own procedure.</p>																																																																	
<p>103. Number of seats in the National Assembly.—(1) There shall be three hundred and forty-two seats of the members in the National Assembly, including seats reserved for women and non-Muslims.</p> <p>(2) The seats in the National Assembly referred to in sub-section (1), except as provided in sub-section (3), are allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital as under:—</p> <table border="1" data-bbox="151 958 646 1310"> <thead> <tr> <th></th> <th>General Seats</th> <th>Women</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Baluchistan</td> <td>14</td> <td>3</td> <td>17</td> </tr> <tr> <td>Federally Administered Tribal Areas</td> <td>12</td> <td>-</td> <td>12</td> </tr> <tr> <td>Federal Capital</td> <td>2</td> <td>-</td> <td>2</td> </tr> <tr> <td>The North-West Frontier Province</td> <td>35</td> <td>8</td> <td>43</td> </tr> <tr> <td> Punjab</td> <td>148</td> <td>35</td> <td>183</td> </tr> <tr> <td> Sind</td> <td>61</td> <td>14</td> <td>75</td> </tr> <tr> <td>Total</td> <td>272</td> <td>60</td> <td>332</td> </tr> </tbody> </table> <p>(3) In addition to the number of seats referred to in sub-section (2), there shall be in the National Assembly ten seats reserved for non-Muslims as defined in Article 260.</p> <p>(4) For the purpose of election to the National Assembly,—</p> <p>(a) the constituencies for the election on general seats shall be single member territorial constituencies;</p> <p>(b) the members to fill the general seats in the National Assembly shall be elected by direct and free vote;</p> <p>(c) each Province shall be a single constituency for all seats reserved for women which are allocated to the respective Provinces under sub-section (2);</p> <p>(d) the constituency for all seats reserved for non-Muslims shall be the whole country;</p> <p>(e) the members to fill seats reserved for women which are allocated to a Province under sub-section (2) shall be elected through proportional representation system of political parties' lists of candidates specified in this Act on the basis of total</p>		General Seats	Women	Total	Baluchistan	14	3	17	Federally Administered Tribal Areas	12	-	12	Federal Capital	2	-	2	The North-West Frontier Province	35	8	43	Punjab	148	35	183	Sind	61	14	75	Total	272	60	332	<p>5. Number of seats in the National Assembly.— (1) There shall be three hundred and forty-two seats of the members in the National Assembly, including seats reserved for women and non-Muslims.</p> <p>(2) The seats in the National Assembly referred to in clause (1), except as provided in clause (3), are allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital as under:—</p> <table border="1" data-bbox="678 958 1173 1310"> <thead> <tr> <th></th> <th>General Seats</th> <th>Women</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Baluchistan</td> <td>14</td> <td>3</td> <td>17</td> </tr> <tr> <td>Federally Administered Tribal Areas</td> <td>12</td> <td>-</td> <td>12</td> </tr> <tr> <td>Federal Capital</td> <td>2</td> <td>-</td> <td>2</td> </tr> <tr> <td>The North-West Frontier Province</td> <td>35</td> <td>8</td> <td>43</td> </tr> <tr> <td> Punjab</td> <td>148</td> <td>35</td> <td>183</td> </tr> <tr> <td> Sind</td> <td>61</td> <td>14</td> <td>75</td> </tr> <tr> <td>Total</td> <td>272</td> <td>60</td> <td>332</td> </tr> </tbody> </table> <p>(3) In addition to the number of seats referred to in clause (2), there shall be in the National Assembly ten seats reserved for non-Muslims as defined in Article 260 of the Constitution.</p> <p>4) For the purpose of election to the National Assembly,—</p> <p>(a) the constituencies for the election on general seats shall be single member territorial constituencies;</p> <p>(b) the members to fill the general seats in the National Assembly shall be elected by direct and free vote;</p> <p>(c) each Province shall be a single constituency for all seats reserved for women which are allocated to the respective Provinces under clause (2);</p> <p>(d) the constituency for all seats reserved for non-Muslims shall be the whole country;</p> <p>(e) the members to fill seats reserved for women which are allocated to a Province under clause (2) shall be elected through proportional representation system of political parties' lists of candidates specified in Article 8F</p>		General Seats	Women	Total	Baluchistan	14	3	17	Federally Administered Tribal Areas	12	-	12	Federal Capital	2	-	2	The North-West Frontier Province	35	8	43	Punjab	148	35	183	Sind	61	14	75	Total	272	60	332	<p>The Conduct of General Elections Order, 2002</p>
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number of general seats won by each political party from the Province concerned in the National Assembly:

Provided that for the purpose of this sub-clause, the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates; and

(f) the members to fill seats reserved for non-Muslims under sub-section (3) shall be elected through proportional representation system of political parties' lists of candidates on the basis of total number of general seats won by each political party in the National Assembly:

Provided that for the purpose of this sub-section the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates.

on the basis of total number of general seats won by each political party from the Province concerned in the National Assembly:

Provided that for the purpose of this sub-clause, the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates;

(f) the members to fill seats reserved for non-Muslims under clause (3) shall be elected through proportional representation system of political parties' lists of candidates specified in Article 8F on the basis of total number of general seats won by each political party in the National Assembly:

Provided that for the purpose of this sub-clause the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates;

104. Number of seats in the Provincial Assemblies.—
 (1) Each Provincial Assembly shall consist of general seats and seats reserved for women and non-Muslims as herein below specified:—

	<u>General Seats</u>	<u>Women</u>	<u>Non-Muslims</u>	<u>Total</u>
Baluchistan	51	11	3	65
North-West Frontier Province	99	22	3	124
The Punjab	297	66	8	371
Sind	130	29	9	168
	577	128	23	728

6. Number of seats in the Provincial Assemblies.—
 (1) Each Provincial Assembly shall consist of general seats and seats reserved for women and non-Muslims as herein below specified:—

	<u>General Seats</u>	<u>Women</u>	<u>Non-Muslims</u>	<u>Total</u>
Baluchistan	51	11	3	65
North-West Frontier Province	99	22	3	124
The Punjab	297	66	8	371
Sind	130	29	9	168
	577	128	23	728

(2) For the purpose of election to a Provincial Assembly,—

(a) the constituencies for the general seats shall be single member territorial constituencies;

(b) members to fill the general seats shall be elected by direct and free vote;

(c) each Province shall be a single constituency for all seats reserved for women and non-Muslims which are allocated to the respective Provinces under sub-section (1);

(d) the members to fill seats reserved for women and non-Muslims allocated to a Province under sub-section (1) shall be elected through proportional representation system of political parties' lists of candidates on the basis of total number of general seats won by each political party in the Provincial Assembly:

Provided that for the purpose of this sub-section the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication

(2) For the purpose of election to a Provincial Assembly,—

(a) the constituencies for the general seats shall be single member territorial constituencies;

(b) members to fill the general seats shall be elected by direct and free vote;

(c) each Province shall be a single constituency for all seats reserved for women and non-Muslims which are allocated to the respective Provinces under clause (1);

(d) the members to fill seats reserved for women and non-Muslims allocated to a Province under clause (1) shall be elected through proportional representation system of political parties' lists of candidates specified in Article 8F on the basis of total number of general seats won by each political party in the Provincial Assembly:

Provided that for the purpose of this sub-clause the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication

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CHAPTER VII: CONDUCT OF SENATE ELECTION

<p>105. Notification for election.—(1) For the purpose of a Senate election, the Commissioner shall, by notification in the official Gazette, call upon the members of an Assembly to elect such number of members to the Senate, as is specified in such notification.</p> <p>(2) The Commissioner shall in the same notification fix—</p> <ul style="list-style-type: none">(a) a day for the nomination of candidates;(b) a day for the scrutiny of nomination papers;(c) a day on or before which candidature may be withdrawn; and(d) a day for the taking of the poll and the place at which the poll shall be taken.	<p>10. Notification for election.—(1) For the purpose of an election, the Commissioner shall, by notification in the official Gazette, call upon the members of the Provincial Assembly of a Province to elect such number of members to the Senate from that Province as is specified in such notification</p> <p>(2) The Commissioner shall in the same notification fix—</p> <ul style="list-style-type: none">(a) a day for the nomination of candidates;(b) a day for the scrutiny of nomination papers;(c) a day on or before which candidature may be withdrawn; and(d) a day for the taking of the poll and the place at which the poll shall be taken.	<p>The Senate (Election) Act, 1975</p>
<p>106. Supply of list of voters.—The Commissioner shall provide the Returning Officer with a list of voters for the Senate election.</p>	<p>9. Supply of list of voters.—The Commissioner shall provide the Returning Officer with a list of voters of the Province.</p>	<p>The Senate (Election) Act, 1975</p>
<p>107. Polling Stations.—The Commissioner shall provide a polling station for the purpose of election of members by the members of a Provincial Assembly.</p>	<p>6. Polling Stations.—The Commissioner shall provide a polling station for the purpose of election of members by the members of a Provincial Assembly.</p>	<p>The Senate (Election) Act, 1975</p>
<p>108. Nomination for election.—(1) A voter for the Senate election may propose or second the name of any person qualified for election to the Senate.</p> <p>(2) Every nomination shall be made by a separate nomination paper in the prescribed form signed both by the proposer and the seconder and shall, on solemn affirmation made and signed by the candidate, accompany—</p> <ul style="list-style-type: none">(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 or any other law for the time being in force for being elected as a member;(b) a declaration about his party affiliation, if any;(c) a declaration that no loan for an amount of two million rupees or more, obtained from any bank, financial institution, cooperative society or corporate body in his own name or in the name of his spouse or any of his dependents, or any business concern mainly owned by him or the aforesaid; stands unpaid for more than one year from the due date, or has got such loan written off;(d) a declaration that he, his spouse or any of his dependents or a business concern mainly owned by him or the aforesaid, is not in default in payment of government dues or utility charges, including telephone, electricity, gas and water charges of an amount in excess of ten thousand rupees, for over six months, at the time of filing of nomination papers;(e) a statement specifying his educational qualifications, occupation, National Identity Card number and National Tax Number, if any, along	<p>11. Nomination for election.—(1) A voter from a Province may propose or second the name of any person qualified for election to the Senate from that Province.</p> <p>(2) Every nomination shall be made by a separate nomination paper in the prescribed form signed both by the proposer and the seconder and shall, on solemn affirmation made and signed by the candidate, accompany—</p> <ul style="list-style-type: none">(a) a declaration that he has consented to the nomination and that he fulfils the qualifications specified in Article 62 of the Constitution and is not subject to any of the disqualifications specified in Article 63 thereof or any other law for the time being in force for being elected as a member;(b) a declaration about his party affiliation, if any;(c) a declaration that no loan for an amount of two million rupees or more, obtained from any bank, financial institution, cooperative society or corporate body in his own name or in the name of his spouse or any of his dependents, or any business concern mainly owned by him or the aforesaid; stands unpaid for more than one year from the due date, or has got such loan written off;(d) a declaration that he, his spouse or any of his dependents or a business concern mainly owned by him or the aforesaid, is not in default in payment of government dues or utility charges, including telephone, electricity, gas and water charges of an amount in excess of ten thousand rupees, for over six months, at the time of filing of nomination papers;(e) a statement specifying his educational qualifications, occupation, National Identity Card number and National Tax Number, if any,	<p>The Senate (Election) Act, 1975</p>

<p>with attested copies thereof; and</p> <p>(f) a statement of his assets and liabilities and those of his spouse and dependents on the prescribed form as on the preceding thirtieth day of June.</p> <p><i>Explanation.</i>—For the purpose of this section, the expression—</p> <p>(i) "loan" shall mean any loan, advance, credit or finance obtained or written off on or after the 31st day of December, 1985, but shall not include the loan the recovery of which has been stayed or suspended by any order of a court or tribunal, including the High Court and the Supreme Court.</p> <p>(ii) "mainly owned" shall mean holding or controlling a majority interest in a business concern;</p> <p>(iii) "taxes" include all taxes levied by Federal Government, Provincial Government or a local government, but shall not include taxes that recovery of which has been stayed or suspended by any order of a court or tribunal;</p> <p>(iv) "government dues and utility charges" shall include rent, charges of rest houses or lodges owned by the Federal Government, Provincial Governments, local governments or corporations established or controlled by such governments, but shall not include the government dues and utilities charges the recovery of which has been stayed or suspended by any order of a court or tribunal.</p> <p>(3) Every nomination paper shall be delivered by the candidate in person to the Returning Officer who shall acknowledge receipt of the nomination paper specifying the date and time of receipt.</p> <p>(4) A person may be nominated by more than one nomination papers.</p> <p>(5) Every proposal shall be accompanied by a certified copy of the relevant extract from the electoral roll in which the name of the person nominated is enrolled.</p> <p>(6) The nomination form and accompanying declarations and statements shall be open to inspection by the public, and copies thereof may be made available by the Commissioner in such manner and on payment of such fee as may be prescribed.</p>	<p>alongwith attested copies thereof; and</p> <p>(f) a statement of his assets and liabilities and those of his spouse and dependents on the prescribed form as on the preceding thirtieth day of June;</p> <p><i>Explanation.</i>—For the purpose of this section, the expression—</p> <p>(i) "loan" shall mean any loan, advance, credit or finance obtained or written off on or after the 31st day of December, 1985, but shall not include the loan the recovery of which has been stayed or suspended by any order of a court or tribunal, including the High Court and the Supreme Court.</p> <p>(ii) "mainly owned" shall mean holding or controlling a majority interest in a business concern;</p> <p>(iii) "taxes" include all taxes levied by Federal Government, Provincial Government or a local government, but shall not include taxes that recovery of which has been stayed of suspended by any order of a court or tribunal;</p> <p>(iv) "government dues and utility charges" shall, <i>inter alia</i>, include rent, charges of rest houses or lodges owned by the Federal Government, Provincial Governments, local governments or corporations established or controlled by such governments, but shall not include the government dues and utilities charges the recovery of which has been stayed or suspended by any order of a court or tribunal.</p> <p>(3) Every nomination paper shall be delivered by the candidate in person to the Returning Officer who shall acknowledge receipt of the nomination paper specifying the date and time of receipt.</p> <p>(4) A person may be nominated by more than one nomination papers.</p> <p>(5) Every proposal shall be accompanied by a certified copy of the relevant extract from the electoral roll in which the name of the person nominated is enrolled.</p> <p>(6) The nomination form and accompanying declarations and statements shall be open to inspection by the public, and copies thereof may be made available by the Commission in such manner and on payment of such fee as may be prescribed.</p>	
<p>109. Deposit.—(1) Subject to the provisions of sub-section (2), no nomination paper delivered under section 108 shall be accepted unless—</p> <p>(a) a sum of two thousand rupees is deposited in cash by the candidate or by any person on his behalf at the time of its delivery; or</p> <p>(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.</p> <p>(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 papers.</p>	<p>12. Deposit.—(1) Subject to the provisions of sub-section (2), no nomination paper delivered under section 11 shall be accepted unless—</p> <p>(a) a sum of two thousand rupees is deposited in cash by the candidate or by any person on his behalf at the time of its delivery; or</p> <p>(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.</p> <p>(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 papers.</p>	<p>The Senate (Election) Act, 1975</p>

<p>110. 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 nomination papers delivered to him under section 108.</p> <p>(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.</p> <p>(3) The Returning Officer may, either of his own motion or upon any objection, conduct such summary inquiry as he may think fit and reject any nomination paper if he is satisfied that—</p> <p>(a) the candidate is not qualified to be elected as a member;</p> <p>(b) the proposer or the seconder is not qualified to subscribe to the nomination paper;</p> <p>(c) any provision of section 108 or section 109 has not been complied with or submits any false or incorrect declaration or statement in any material particular; or</p> <p>(d) the signature of the proposer or seconder is not genuine:</p> <p>Provided that—</p> <p>(i) the rejection of a nomination paper shall not invalidate the nomination of a candidate by any other valid nomination paper;</p> <p>(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</p> <p>(iii) the Returning Officer shall not inquire into the correctness or validity of any entry in the electoral roll.</p> <p>(4) The Returning Officer may, for the purpose of scrutiny, require any agency or authority to produce any document or record.</p> <p>(5) Notwithstanding anything contained in sub-section (3), where a candidate deposits any amount of loan, tax or utility charges payable by him before rejection of his nomination paper on the ground of default in payment of such loan, taxes or utility charges, such nomination paper shall not be rejected for default thereof.</p> <p>(6) 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 the rejection.</p> <p>(7) Where the nomination of a candidate has been rejected under this section by a Returning Officer, an appeal shall lie, within two days of the scrutiny day, to the Commissioner; or a member of the Election Commission authorized by the Commissioner; and any order passed by the Commissioner or such member, as the case may be, on such appeal shall be final:</p> <p>Provided that where a nomination paper is rejected by the Returning Officer on the ground that the candidate is a defaulter of loan or taxes or government dues or utility charges or has had the loan written off and the candidate pays such loan or, as the case may be, taxes, government dues or utility charges or the written off loan on or before</p>	<p>13. Scrutiny.—(1) The candidates, their proposers and seconders, and an agent authorised 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 nomination papers delivered to him under section 11.</p> <p>(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.</p> <p>(3) The Returning Officer may, either of his own motion or upon any objection, conduct such summary inquiry as he may think fit and reject any nomination paper if he is satisfied that—</p> <p>(a) the candidate is not qualified to be elected as a member;</p> <p>(b) the proposer or the seconder is not qualified to subscribe to the nomination paper;</p> <p>(c) any provision of section, 11 or section 12 has not been complied with or submits any false or incorrect declaration or statement in any material particular; or</p> <p>(d) the signature of the proposer or seconder is not genuine:</p> <p>Provided that—</p> <p>(i) the rejection of a nomination paper shall not invalidate the nomination of a candidate by any other valid nomination paper;</p> <p>(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</p> <p>(iii) the Returning Officer shall not inquire into the correctness or validity of any entry in the electoral roll.</p> <p>(3A) The Returning Officer may, for the purpose of scrutiny, require any agency or authority to produce any document or record.</p> <p>(3B) Notwithstanding anything contained in sub-section (3), where a candidate deposits any amount of loan, tax or utility charges payable by him before rejection of his nomination paper on the ground of default in payment of such loan, taxes or utility charges, such nomination paper shall not be rejected for default thereof.</p> <p>(4) 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 therefor.</p> <p>(5) Where the nomination of a candidate has been rejected under this section by a Returning Officer, an appeal shall lie, within two days of the scrutiny day, to the Commissioner; or a member of the Commission authorised by the Commissioner; and any order passed by the Commissioner or such member, as the case may be, on such appeal shall be final.</p> <p>Provided that where a nomination paper is rejected by the Returning Officer on the ground that the candidate is a defaulter of loan or taxes or government dues or utility charges or has had the loan written off and the candidate pays such loan or, as the case may be, taxes, government dues or utility charges or the written off loan on or before</p>	<p>The Senate (Election) Act, 1975</p>
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<p>the last date fixed for disposal of appeals and satisfies the member of the Election Commission that such payment has been made, his nomination shall be treated as having been accepted on that ground.</p> <p>(8) If the member of the Commissioner referred to in sub-section (7), is, on the basis of information or material coming to his knowledge from any source, satisfied that a candidate whose nomination paper has been accepted is a defaulter of loans, taxes, government dues or utility charges or has had any loan written off or is subject to any other disqualification from being elected as a member of Senate, he may, on his own motion, call upon such candidate to show cause why his nomination should not be rejected, and if he is satisfied that the candidate is defaulter as aforesaid or has had a loan written off or is subject to any disqualification, he may reject his nomination paper.</p>	<p>the last date fixed for disposal of appeals and satisfies the Member of the Election Commission that such payment has been made, his nomination shall be treated as having been accepted on that ground.</p> <p>(6) If the member of the Commission referred to in sub-section (5), is, on the basis of information or material coming to his knowledge from any source, satisfied that a candidate whose nomination paper has been accepted is—</p> <p>(a) a defaulter of loans, taxes, government dues or utility charges or has had any loan written off or is subject to any other disqualification from being elected as a member of Senate, he may, on his own motion, call upon such candidate to show cause why his nomination should not be rejected, and if he is satisfied that the candidate is defaulter as aforesaid or has had a loan written off or is subject to any disqualification, he may reject his nomination paper.</p>	
<p>111. Publication of the list of candidates.—(1) The Returning Officer shall, after the scrutiny of nomination papers, prepare and publish in the prescribed manner a list of candidates who have been validly nominated.</p> <p>(2) In case an appeal against rejection of a nomination paper is accepted by the Commissioner, the list of validly nominated candidates shall be revised accordingly.</p>	<p>14. Publication of the list of candidates.—(1) The Returning Officer shall, after the scrutiny of nomination papers, prepare and publish in the prescribed manner a list of candidates who have been validly nominated.</p> <p>(2) In case an appeal against rejection of a nomination paper is accepted by the Commissioner, the list of validly nominated candidates shall be revised accordingly.</p>	The Senate (Election) Act, 1975
<p>112. Withdrawals.—(1) Any validly nominated candidate may, by notice in writing signed by him and delivered on or before the withdrawal day to the Returning Officer either by such candidate in person or by an agent authorized by him in writing in this behalf, withdraw his candidature.</p> <p>(2) A notice of withdrawal under sub-section (1) shall, in no circumstances, be open to recall or cancellation.</p> <p>(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 some conspicuous place in his office.</p> <p>(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 thereof to each such candidate, giving public notice of the date, hour and place of the poll.</p>	<p>15. Withdrawals.—(1) Any validly nominated candidate may, by notice in writing signed by him and delivered on or before the withdrawal day to the Returning Officer either by such candidate in person or by an agent authorised by him in writing in this behalf, withdraw his candidature.</p> <p>(2) A notice of withdrawal under sub-section (1) shall, in no circumstances, be open to recall or cancellation.</p> <p>(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 some conspicuous place in his office.</p> <p>(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 thereof to each such candidate, giving public notice of the date, hour and place of the poll.</p>	The Senate (Election) Act, 1975
<p>113. Death of a candidate after nomination.—(1) If a validly nominated candidate who has not withdrawn his candidature dies before the completion of the proceedings relating to the election, the Returning Officer shall, by public notice, terminate such proceedings and make a report to the Commissioner.</p> <p>(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.</p>	<p>16. Death of a candidate after nomination.—(1) If a validly nominated candidate who has not withdrawn his candidature dies before the completion of the proceedings relating to the election, the Returning Officer shall, by public notice, terminate such proceedings and make a report to the Commissioner.</p> <p>(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.</p>	The Senate (Election) Act, 1975
<p>114. Postponement under certain circumstances.—Where the proceedings relating to nomination, scrutiny or withdrawal cannot, for reasons beyond the control of the Returning Officer, take place on the day appointed for such proceedings, he may postpone or adjourn such proceedings and shall, with the approval of the Commissioner, 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.</p>	<p>17. Postponement, etc., under certain circumstances.—Where the proceedings relating to nomination, scrutiny or withdrawal cannot, for reasons beyond the control of the Returning Officer, take place on the day appointed therefor, he may postpone or adjourn such proceedings and shall, with the approval of the Commissioner, 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.</p>	The Senate (Election) Act, 1975

<p>115. Uncontested election.—(1) Where after scrutiny under section 110 or withdrawal under section 112, the number of validly nominated candidates or, as the case may be, the contesting candidates is less than or equal to the number of seats to be filled from the votes of the Assembly, the Returning Officer shall, by public notice declare such candidates to be elected to the seats and send a return of election to the Commissioner:</p> <p>Provided that, if after scrutiny any candidate indicates that he intends to file an appeal under sub-section (5) of section 110 against the rejection of his nomination paper, no person shall be declared elected uncontested until the period for filing such appeal has expired and no such appeal has been filed, or where an appeal is filed, until the disposal of such appeal.</p> <p>(2) The Commissioner shall publish in the official Gazette the names of the returned candidates.</p> <p>(3) 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 seat or, as the case may be, seats remaining vacant.</p>	<p>18. Uncontested election.—(1) Where after scrutiny under section 13 or withdrawal under section 15, the number of validly nominated candidates or, as the case may be, the contesting candidates from a Province is less than or equal to the number of seats to be filled for that Province, the Returning Officer shall, by public notice declare such candidates to be elected to the seats and send a return of election to the Commissioner:</p> <p>Provided that, if after scrutiny any candidate indicates that he intends to file an appeal under sub-section (5) of section 13 against the rejection of his nomination paper, no person shall be declared elected uncontested until the period for filing such appeal has expired and no such appeal has been filed, or where an appeal is filed, until the disposal of such appeal.</p> <p>(2) The Commissioner shall publish in the official Gazette the names of the returned candidates.</p> <p>(3) 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 seat or, as the case may be, seats remaining vacant.</p>	<p>The Senate (Election) Act, 1975</p>
<p>116. 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 thereof to the contesting candidates.</p>	<p>19. 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 thereof to the contesting candidates.</p>	<p>The Senate (Election) Act, 1975</p>
<p>117. Hours of poll.—The Returning Officer shall, subject to any direction of the Commissioner, fix the hours during which the poll shall be taken and give public notice of the hours so fixed.</p>	<p>20. Hours of poll.—The Returning Officer shall, subject to any direction of the Commissioner, fix the hours during which the poll shall be taken and give public notice of the hours so fixed.</p>	<p>The Senate (Election) Act, 1975</p>
<p>118. 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 a candidate or an agent authorized by him in writing in this behalf, the failure of such person to attend at the time and place appointed for the purpose shall not invalidate any act or thing otherwise validly done.</p>	<p>21. Absence of candidates, etc., not to invalidate acts, etc.—Where any act or thing is required or authorised by this Act to be done in the presence of a candidate or an agent authorised by him in writing in this behalf, the failure of such person to attend at the time and place appointed for the purpose shall not invalidate any act or thing otherwise validly done.</p>	<p>The Senate (Election) Act, 1975</p>
<p>119. 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, when he so stops the poll, shall inform the Commissioner of his having done so.</p> <p>(2) Where a poll is stopped under sub-section (1), the Returning Officer shall immediately report the circumstances to the Commissioner and as soon as may be appoint, with the approval of the Commissioner, a day for a fresh poll and fix the place at which, and the hours during which, such fresh poll shall be taken.</p> <p>(3) All voters shall be allowed to vote at the fresh poll taken under subsection (2) and no vote cast at the poll stopped under sub-section (1) shall be counted.</p>	<p>22. 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, when he so stops the poll, shall inform the Commissioner of his having done so.</p> <p>(2) Where a poll is stopped under sub-section (1), the Returning Officer shall immediately report the circumstances to the Commissioner and as soon as may be appoint, with the approval of the Commissioner, a day for a fresh poll and fix the place at which, and the hours during which, such fresh poll shall be taken.</p> <p>(3) All voters shall be allowed to vote at the fresh poll taken under subsection (2) and no vote cast at the poll stopped under sub-section (1) shall be counted.</p>	<p>The Senate (Election) Act, 1975</p>
<p>120. Voting procedure.—(1) All voters shall be entitled to vote at an election.</p> <p>(2) No vote shall be given by proxy.</p> <p>(3) Each voter shall have only one transferable vote irrespective of the number of seats to be filled.</p> <p>(4) A voter shall cast his vote in the prescribed manner.</p> <p>(5) The ballot papers shall be in such form as the Commissioner may specify.</p>	<p>23. Voting procedure.—(1) All voters shall be entitled to vote at an election.</p> <p>(2) No vote shall be given by proxy.</p> <p>(3) Each voter shall have only one transferable vote irrespective of the number of seats to be filled.</p> <p>(4) A voter shall cast his vote in the prescribed manner.</p> <p>(5) The ballot papers shall be in such form as the Commissioner may specify.</p>	<p>The Senate (Election) Act, 1975</p>

(6) the polls shall be by secret ballot.	(6) the polls shall be by secret ballot.	
<p>121. 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.</p> <p>(2) On the completion of counting, the Returning Officer shall prepare and certify a return of the election and submit the same to the Commissioner in the prescribed manner</p> <p>(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 132.</p>	<p>24. 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.</p> <p>(2) On the completion of counting, the Returning Officer shall prepare and certify a return of the election and submit the same to the Commissioner in the prescribed manner.</p> <p>(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 29.</p>	The Senate (Election) Act, 1975
<p>122. Declaration of result of election.—On receipt of the returns of the election under sub-section (3) of section 132, the Commissioner shall publish in the official Gazette the names of the returned candidates:</p> <p>Provided that the name of a candidate shall not be published who fails to submit the return of election expenses as required by sub-section (3) of section 132.</p>	<p>25. Declaration of result of election.—On receipt of the returns of the election under sub-section (3) of section 24, the Commission shall publish in the official Gazette the names of the returned candidates:</p> <p>Provided that the name of a candidate shall not be published who fails to submit the return of election expenses as required by sub-section (3) of section 24.</p>	The Senate (Election) Act, 1975
<p>123. Yearly submission of statements of assets and liabilities.—(1) Every member shall, in the prescribed form, submit a statement of assets and liabilities of his own, his spouse and dependents annually to the Commissioner by the thirtieth day of September each year.</p> <p>(2) The statements of assets and liabilities submitted under sub-section (1) shall be published in the Official Gazette and copies thereof can be obtained on payment of prescribed fee.</p> <p>(3) The Commissioner shall, by the fifteenth day of October each year, notify the names of the members who fail to file statements of assets and liabilities within the period specified in sub-section (1) and, by an order, direct that such member shall cease to function till such statement is submitted.</p> <p>(4) Where a member submits the statement of assets and liabilities under sub-section (1) which is found to be false in material particulars, he may be proceeded against under this Act for committing the offence of corrupt practice.</p>	<p>25A. Yearly submission of statements of assets and liabilities.—(1) Every member shall, in the prescribed form, submit a statement of assets and liabilities of his own, his spouse and dependents annually to the Commissioner by the thirtieth day of September each year.</p> <p>(2) The statements of assets and liabilities submitted under sub-section (1) shall be published in the Official Gazette and copies thereof can be obtained on payment of prescribed fee.</p> <p>(3) The Commission shall, by the fifteenth day of October each year, notify the names of the members who fail to file statements of assets and liabilities within the period specified in sub-section (1) and, by an order, direct that such member shall cease to function till such statement is submitted.</p> <p>(4) Where a member submits the statement of assets and liabilities under sub-section (1) which is found to be false in material particulars, he may be proceeded under section 62 for committing the offence of corrupt practice.</p>	The Senate (Election) Act, 1975
<p>124. Return or forfeiture of deposit.—(1) After the termination of the proceedings relating to an election under section 113 where the proceedings have been so terminated, or after the declaration of result of an election under section 115 or section 122, the deposit made under section 109 in respect of any candidate shall be returned to the person making it or to his legal representative, except the deposit in respect of a candidate for whom no voter has either voted or indicated any preference.</p> <p>(2) A deposit, which is not required to be returned under sub-section (1), shall be forfeited to the Federal Government.</p>	<p>26. Return or forfeiture of deposit.—(1) After the termination of the proceedings relating to an election under section 16 where the proceedings have been so terminated, or after the declaration of result of an election under section 18 or section 25, the deposit made under section 12 in respect of any candidate shall be returned to the person making it or to his legal representative, except the deposit in respect of a candidate for whom no voter has either voted or indicated any preference.</p> <p>(2) A deposit which is not required to be returned under sub-section (1), shall be forfeited to the Federal Government.</p>	The Senate (Election) Act, 1975
<p>125. Casual vacancies.—(1) When, before the expiration of the term of 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 Commissioner shall, by notification in the official Gazette, call upon the elected members of the Provincial Assembly by the members of which the member was elected to elect a person for the purpose of filling the vacancy so caused before such date as may be specified in the notification; and the provisions of this Act and of</p>	<p>77. Casual vacancies.—(1) When, before the expiration of the term of 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 Commissioner shall, by notification in the official Gazette, call upon the elected members of the Provincial Assembly by the members of which the member was elected to elect a person for the purpose of filling the vacancy so caused before such date as may be specified in the notification; and the provisions of this Act and of the rules shall apply,</p>	The Senate (Election) Act, 1975

<p>the rules shall apply, as far as may be, in relation to the election of a member to fill such vacancy.</p> <p>(2) When the seats of two or more members who were elected to the Senate by the same Provincial Assembly 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.</p>	<p>as far as may be, in relation to the election of a member to fill such vacancy.</p> <p>(2) When the seats of two or more members who were elected to the Senate by the same Provincial Assembly 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.</p>	
<p>126. Extension of time for completion of election.—It shall be competent for the Commissioner, for reasons which it considers sufficient, to extend the time for the completion of any election of Senate by making necessary, amendments in the notification issued under this Chapter.</p>	<p>81. Extension of time for completion of election.—It shall be competent for the Commissioner, for reasons which he considers sufficient, to extend the time for the completion of any election by making necessary, amendments in the notification issued under section 10.</p>	<p>The Senate (Election) Act, 1975</p>
<p>127. 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 Election Commission: Provided that the term of office of a member elected in the year 1973 and having a term of four years shall expire after completion of four years from the date of making the oath under Article 65.</p> <p>(2) If the election of a member of Senate is declared void and another candidate is declared to have been duly elected in his place, the term of such candidate shall be the unexpired term of such member.</p>	<p>82. 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 Election Commission: Provided that the term of office of a member elected in the year 1973 and having a term of four years shall expire after completion of four years from the date of making the oath under Article 65.</p> <p>(2) If the election of a member is declared void and another candidate is declared to have been duly elected in his place, the term of such candidate shall be the unexpired term of such member.</p>	<p>The Senate (Election) Act, 1975</p>
<p>128. Vacancy in membership of Assemblies not to invalidate election.—No election by the members of the National Assembly or a Provincial Assembly shall be called in question on the ground merely of the existence of any vacancy in the membership of the Assembly.</p>	<p>83. Vacancy in membership of Provincial Assemblies not to invalidate election.—No election by the members of a Provincial Assembly shall be called in question on the ground merely of the existence of any vacancy in the membership of that Provincial Assembly.</p>	<p>The Senate (Election) Act, 1975</p>
<p>129. Number of seats in the Senate.—(1) The Senate shall consist of one hundred members, of whom—</p> <p>(a) fourteen shall be elected by the members of each Provincial Assembly;</p> <p>(b) eight shall be elected from the Federally Administered Tribal Areas, in such manner as the President may, by Order, prescribe;</p> <p>(c) two on general seats, and one woman and one technocrat including <i>aalim</i> shall be elected from the Federal Capital in the manner specified in the Senate (Election of Members from the Federal Capital) Order, 1988 (P.O. No. 3 of 1988);</p> <p>(d) four women shall be elected by the members of each Provincial Assembly; and</p> <p>(e) four technocrats including <i>ulema</i> shall be elected by the members of each Provincial Assembly.</p> <p>(2) Election to fill seats in the Senate allocated to each Province shall be held in accordance with the system of proportional representation by means of the single transferable vote.</p> <p>(3) The Senate shall not be subject to dissolution but the term of its members, who shall retire as follows, shall be six years—</p> <p>(a) of the members referred to in clause (a) of sub-</p>	<p>8B. Number of seats in Senate.—(1) The Senate shall consist of one hundred members of whom—</p> <p>(a) fourteen shall be elected by the members of each Provincial Assembly;</p> <p>(b) eight shall be elected from the Federally Administered Tribal Areas, in such manner as the President may, by Order, prescribe;</p> <p>(c) two on general seats, one woman and one technocrat or <i>aalim</i> shall be elected from the Federal Capital in the manner specified in the Senate (Election of Members from the Federal Capital) Order, 1988 (P.O. No. 3 of 1988);</p> <p>(d) four women shall be elected by the members of each Provincial Assembly; and</p> <p>(e) four shall be elected by the members of each Provincial Assembly to represent technocrats and <i>ulema</i>.</p> <p><i>Explanation.</i>—For the purpose of this Article, the term “technocrats” defined in clause (d) of Article 2 shall include <i>ulema</i>.</p> <p>(2) Election to fill seats in the Senate allocated to each Province shall be held in accordance with the system of proportional representation by means of the single transferable vote.</p> <p>(3) The Senate shall not be subject to dissolution but the term of its members, who shall retire as follows, shall be six years—</p> <p>(a) of the members referred to in paragraph (a)</p>	<p>The Conduct of General Elections Order, 2002</p>

<p>section (1), seven shall retire after the expiration of the first three years and seven shall retire after the expiration of the next three years;</p> <p>(b) of the members referred to in clause (b) of the aforesaid sub-section, four shall retire after the expiration of the first three years and four shall retire after the expiration of the next three years;</p> <p>(c) of the members referred to in clause (c) of the aforesaid sub-section,—</p> <p>(i) one elected on general seat shall retire after the expiration of the first three years and the other one shall retire after the expiration of the next three years; and</p> <p>(ii) one elected on the seat reserved for technocrat or, as the case may be, <i>aalim</i> shall retire after first three years and the one elected on the seat reserved for woman shall retire after the expiration of next three years; and</p> <p>(d) of the members referred to in clause (d) of the aforesaid sub-section, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years; and</p> <p>(e) of the members referred to in clause (e) of the aforesaid sub-section, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years.</p> <p>(4) The term of office of a person elected to fill a casual vacancy shall be the unexpired term of the member whose vacancy he has filled.</p>	<p>of clause (1), seven shall retire after the expiration of the first three years and seven shall retire after the expiration of the next three years;</p> <p>(b) of the members referred to in paragraph (b) of the aforesaid clause, four shall retire after the expiration of the first three years and four shall retire after the expiration of the next three years;</p> <p>(c) of the members referred to in paragraph (c) of the aforesaid clause,—</p> <p>(i) one elected on general seat shall retire after the expiration of the first three years and the other one shall retire after the expiration of the next three years, and</p> <p>(ii) one elected on the seat reserved for technocrat or, as the case may be, <i>aalim</i> shall retire after first three years and the one elected on the seat reserved for woman shall retire after the expiration of next three years; and</p> <p>(d) of the members referred to in paragraph (d) of the aforesaid clause, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years; and</p> <p>(e) of the members referred to in paragraph (e) of the aforesaid clause, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years:</p> <p>Provided that the term of office of a person elected to fill a casual vacancy shall be the unexpired term of the member whose vacancy he has filled.</p>
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CHAPTER VIII: ELECTION EXPENSES, QUALIFICATIONS AND DISQUALIFICATIONS

<p>130. Election expenses.— For the purpose of this Act, “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 65 or section 109.</p>	<p>48. Definitions.— For the purpose of this Act, “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 13.</p> <p>27. Election expenses.—In this Chapter, "election expenses" means any expenditure incurred 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 expenditure on account of issuing circulars or publications or otherwise presenting to the voters the candidate or his views, aims or objects, but does not include the deposit made under section 12.</p>	<p>The Representation of the People Act, 1976</p> <p>The Senate (Election) Act, 1975</p>
<p>131. Restriction on election expenses.— (1) No person other than the candidate shall incur any election expenses of such candidate:</p> <p>Provided that where any person incurs any election expenses on behalf of such candidate, whether for stationery, postage, telegrams, advertisement, transport or for any other item whatsoever, such expenses shall be deemed to be the election expenses incurred by the candidate himself.</p>	<p>49. Restriction on election expenses.— (1) No person other than the candidate shall incur any election expenses of such candidate:</p> <p>Provided that where any person incurs any election expenses on behalf of such candidate, whether for stationery, postage, telegrams, advertisement, transport or for any other item whatsoever, such expenses shall be deemed to be the election expenses incurred by the candidate himself.</p>	<p>The Representation of the People Act, 1976</p>

<p>(2) The election expenses of a contesting candidate shall not exceed, in the case of an election to a seat in the Senate or National Assembly, one million and five hundred thousand rupees and, in the case of an election to a seat in a Provincial Assembly, one million rupees.</p> <p>(3) 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 five hundred rupees.</p>	<p>(2) The election expenses of a contesting candidate shall not exceed, in the case of an election to a seat in the National Assembly, one million and five hundred thousand rupees and, in the case of an election to a seat in a Provincial Assembly, one million rupees.</p> <p>(3) 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 five hundred rupees.</p> <p>28. Restriction on election expenses.—(1) No person shall, except to the extent provided in sub-section (2), make any payment whatsoever towards the election expenses of a candidate except to such candidate.</p> <p>(2) No person other than a candidate shall incur any election expenses of the candidate:</p> <p>Provided that any person may, if so authorised by a contesting candidate in writing specifying a maximum amount, to the extent of such amount, make payment for stationery, postage, telegram and other petty expenses.</p> <p>(3) The election expenses of a contesting candidate shall not exceed one million and five hundred thousand rupees.</p> <p>(4) A candidate shall, by a statement, explain the particulars of any election expense supported by receipts and voucher of payments made thereof, except where the amount is less than five hundred rupees.</p>	<p>The Senate (Election) Act, 1975</p>
<p>132. Return of election expenses.—(1) Every contesting candidate, other than the returned candidate, shall submit the return of his election expenses within thirty days of the publication of the name of the returned candidate.</p> <p>(2) The return of election expenses of the returned candidate referred to in Chapters VI and VII, and of every contesting candidate referred to in sub-section (1) shall be submitted to the Returning Officer in the prescribed form containing—</p> <p>(a) a statement of all payments made by him together with all bills and receipts;</p> <p>(b) a statement of all disputed claims;</p> <p>(c) a statement of all unpaid claims, if any; and</p> <p>(d) a statement of all moneys, securities or equivalent of money received from, or spent, by any person for the benefit of the candidate, specifying the name of every such person.</p> <p>(3) The returns submitted under sub-section (2) shall be accompanied by an affidavit of the candidate in the prescribed form.</p>	<p>50. Return of election expenses.— (1) Every contesting candidate, other than the returned candidate, shall submit the return of his election expenses within thirty days of the publication of the name of the returned candidate.</p> <p>(2) The return of election expenses of the returned candidate referred to in sub-section (3A) of section 42 and of every contesting candidate referred to in sub-section (1) shall be submitted to the Returning Officer in the prescribed form containing—</p> <p>(a) a statement of all payments made by him together with all bills and receipts;</p> <p>(b) a statement of all disputed claims;</p> <p>(c) a statement of all unpaid claims, if any; and</p> <p>(d) a statement of all moneys, securities or equivalent of money received from, or spent, by any person for the benefit of the candidate, specifying the name of every such person.</p> <p>(3) The returns submitted under sub-section (2) shall be accompanied by an affidavit of the candidate in the prescribed form.</p> <p>29. Return of election expenses.—(1) Every contesting candidate, other than a returned candidates, shall, within thirty days after the publication of the name of the returned candidates under section 18 or section 25, submit to the Returning Officer a return of election expenses in the prescribed form containing—</p> <p>(a) a statement of all payments made by the contesting candidate together with all the bills and receipts;</p> <p>(b) a statement of all disputed claims, if any, of which the contesting candidate is aware;</p> <p>(c) a statement of all unpaid claims, if any, of which the contesting candidate is aware ; and</p>	<p>The Representation of the People Act, 1976</p> <p>The Senate (Election) Act, 1975</p>

	<p>(d) a statement of all moneys, securities or equivalent of money received from any person for the purpose of election expenses specifying the name of every such person.</p> <p>(2) The return submitted under sub-section (1) shall be accompanied by an affidavit sworn by the contesting candidate.</p>	
<p>133. Inspection of returns.—(1) The returns and documents submitted under section 131 shall be kept by the Returning Officer in his office or at such other convenient place as he may think fit and shall, during one year from the date of their receipt by him, be open to inspection by any person on payment of the prescribed fee.</p> <p>(2) The Returning Officer shall, on an application made in this behalf and payment of the prescribed fee, give any person copies of any return or document kept under sub-section (1).</p>	<p>30. Inspection of returns, etc.—(1) The return and documents submitted under section 29 shall be kept by the Returning Officer in his office or at such other convenient place as he may think fit and shall, during one year from the date of their receipt by him, be open to inspection by any person on payment of the prescribed fee.</p> <p>(2) The Returning Officer shall, on an application made in this behalf and on payment of the prescribed fee, give any person copies of any return or document kept under sub-section (1) or of any part thereof.</p> <p>30. Inspection of returns, etc.—(1) The return and documents submitted under section 29 shall be kept by the Returning Officer in his office or at such other convenient place as he may think fit and shall, during one year from the date of their receipt by him, be open to inspection by any person on payment of the prescribed fee.</p> <p>(2) The Returning Officer shall, on an application made in this behalf and on payment of the prescribed fee, give any person copies of any return or document kept under sub-section (1) or of any part thereof.</p>	<p>The Representation of the People Act, 1976</p> <p>The Senate (Election) Act, 1975</p>
<p>134. Qualifications and disqualifications.— (1) A person shall not be qualified to be elected or chosen as a member of an Assembly or Senate unless—</p> <p>(a) he is a citizen of Pakistan;</p> <p>(b) he is, in the case of National Assembly, not less than twenty-five years of age and is enrolled as a voter in any electoral roll in:</p> <p>(i) any part of Pakistan, for election to a general seat or a seat reserved for a non-Muslims; and</p> <p>(ii) any area in a Province from which she seeks membership for election to a seat reserved for women;</p> <p>(c) he is, in the case of Senate, not less than thirty years of age and is enrolled as a voter in any area in a Province or the Federal Capital or the Federally Administered Tribal Areas, from where he seeks membership;</p> <p>(d) he is, in the case of Provincial Assembly, not less than twenty-five years of age and is enrolled as a voter in any electoral roll in any area in a Province from where he seeks membership for that Assembly;</p> <p>(e) he is of good character and is not commonly known as one who violates Islamic Injunctions;</p> <p>(f) he has adequate knowledge of Islamic teachings and practices obligatory duties prescribed by Islam</p>	<p>8D. Qualifications and disqualifications of members of Majlis-e-Shoora (Parliament) and Provincial Assemblies.—(1) In addition to the educational qualification specified in Article 8A, a person shall not be qualified to be elected or chosen as a member of a House of the Majlis-e-Shoora (Parliament) or Provincial Assembly unless—</p> <p>(a) he is a citizen of Pakistan;</p> <p>(b) he is, in the case of National Assembly, not less than twenty-five years and is enrolled as a voter in—</p> <p>(i) any electoral roll for election to a general seat; or a seat reserved for non-Muslims; and</p> <p>(ii) any area in a Province from where he seeks membership for election to a seat reserved for women;</p> <p>(c) he is, in the case of Senate, not less than thirty years of age and is enrolled as a voter in any area in a Province or, as the case may be, the Federal Capital or the Federally Administered Tribal Areas, from where he seeks membership;</p> <p>(d) he is, in the case of a Provincial Assembly, not less than twenty-five years of age and is enrolled as voter in any area in a Province from where he seeks membership for that Assembly;</p> <p>(e) he is of good character and is not commonly known as one who violates Islamic Injunctions;</p> <p>(f) he has adequate knowledge of Islamic teachings and practices obligatory duties prescribed by Islam</p>	<p>The Conduct of General Elections Order, 2002</p>

as well as abstains from major sins;
(g) he is sagacious, righteous and non-profligate and honest and ameen;

(h) he has not, after the establishment of Pakistan, worked against the integrity of the country or opposed the ideology of Pakistan.

(2) The qualifications specified in clauses (d) and (e) of sub-section (1) shall not apply to a person who is a non-Muslim, but such a person shall have good moral reputation.

(3) A person shall be disqualified from being elected or chosen as, and from being, a member of an Assembly or Senate, if—

(a) he is of unsound mind and has been so declared by a competent court; or

(b) he is an undischarged insolvent; or

(c) he ceases to be a citizen of Pakistan, or acquires the citizenship of a foreign State; or

(d) he holds an office of profit in the service of Pakistan other than an office declared by law not to disqualify its holder; or

(e) he is in the service of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest; or

(f) being a citizen of Pakistan by virtue of section 14B of the Pakistan Citizenship Act, 1951 (II of 1951), he is for the time being disqualified under any law in force in Azad Jammu and Kashmir from being elected as a member of the Legislative Assembly of Azad Jammu and Kashmir; or

(g) he has been convicted by a court for propagating any opinion, or acting in any manner, prejudicial to the Ideology of Pakistan, or the sovereignty, integrity or security of Pakistan, or the integrity or independence of the judiciary of Pakistan, or which defames or brings into ridicule the judiciary or the Armed Forces of Pakistan, unless a period of five years has elapsed since his release; or

(h) he has been convicted by a court of competent jurisdiction on a charge of corrupt practice, moral turpitude or misuse of power or authority under any law for the time being in force; or

(i) he has been dismissed from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a local government on the grounds of misconduct involving moral turpitude; or

(j) he has been removed or compulsorily retired from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a local government on the grounds of misconduct or moral turpitude; or

as well as abstains from major sins;
(g) he is sagacious, righteous and non-profligate and honest and ameen;

(h) he has not been convicted for a crime involving moral turpitude or for giving false evidence;

(i) he has not, after the establishment of Pakistan, worked against the integrity of the country or opposed the ideology of Pakistan:

Provided that the disqualifications specified in paragraphs (f) and (g) shall not apply to a person who is a non-Muslim, but such a person shall have good moral reputation; and

(j) he possesses such other qualifications as may be prescribed by an Act of Majlis-e-Shoora (Parliament).

(2) A person shall be disqualified from being elected or chosen as, and from being, a member of Majlis-e-Shoora (Parliament) or a Provincial Assembly, if—

(a) he is of unsound mind and has been so declared by a competent court; or

(b) he is an undischarged insolvent; or

(c) he ceases to be a citizen of Pakistan, or acquires the citizenship of a foreign State; or

(d) he holds an office of profit in the service of Pakistan other than an office declared by law not to disqualify its holder; or

(e) he is in the service of any statutory body or anybody which is owned or controlled by the Government or in which the Government has a controlling share or interests; or

(f) he being a citizen of Pakistan by virtue of section 14B of the Pakistan Citizenship Act, 1951 (II of 1951), he is for the time being disqualified under any law in force in Azad Jammu and Kashmir from being elected as a member of the Legislative Assembly of Azad Jammu and Kashmir; or

(g) he is propagating any opinion, or acting in any manner, prejudicial to the Ideology of Pakistan, or the sovereignty, integrity or security of Pakistan, or morality, or the maintenance of public order, or the integrity or independence of the Judiciary of Pakistan, or which defames or brings into ridicule the judiciary or the Armed Forces of Pakistan; or

(h) he has been convicted by a court of competent jurisdiction on a charge of corrupt practice, moral turpitude or misuse of power or authority under any law for the time being in force; or

(i) he has been dismissed from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a local government on the grounds of misconduct involving moral turpitude; or

(j) he has been removed or compulsorily retired from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a local government on the grounds of misconduct or moral turpitude; or

(k) he has been in the service of Pakistan or of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest, unless a period of two years has elapsed since he ceased to be in such service; or

(l) he is found guilty of a corrupt or illegal practice under any law for the time being in force, unless a period of five years has elapsed from the date on which that order takes effect; or

(m) he, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account or as a member of a Hindu undivided family, has any share or interest in a contract, not being a contract between a cooperative society and Government, for the supply of goods to, or for the execution of any contract or for the performance of any service undertaken by, Government:

Provided that the disqualification under this clause shall not apply to a person—

(i) where the share or interest in the contract devolves on him by inheritance or succession or as a legatee, executor or administrator, until the expiration of six months after it has so devolved on him;

(ii) where the contract has been entered into by or on behalf of a public company as defined in the Companies Ordinance, 1984 (XLVII of 1984), of which he is a shareholder but is not a director holding an office of profit under the company; or

(iii) where he is a member of a Hindu undivided family and the contract has been entered into by any other member of that family in the course of carrying on a separate business in which he has no share or interest; or

Explanation.—In this section “goods” does not include agricultural produce or commodity grown or produced by him or such goods as he is, under any directive of Government or any law for the time being in force, under a duty or obligation to supply;

(n) he holds any office of profit in the service of Pakistan other than the following offices, namely:—

(i) an office which is not whole time office remunerated either by salary or by fee;

(ii) the office of Lumbardar, whether called by this or any other title;

(iii) the Qaumi Razakars;

(iv) any office the holder whereof, by virtue of such office, is liable to be called up for military training or military service under any law providing for the constitution or raising of a Force; or

(o) having, whether by himself or by any person in trust for him or for his benefit or on his account, any share or interest in a contract for—

- (i) the supply of goods to, or
- (ii) the execution of any work, or the

(k) he has been in the service of Pakistan or of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest, unless a period of two years has elapsed since he ceased to be in such service; or

(1) he, whether by himself, or by any person or body of persons in trust for him or for his benefit or on his account or as a member of a Hindu undivided family, has any share or interest in a contract, not being a contract between a cooperative society and Government, for the supply of goods to, or for the execution of any contract or for the performance of any service undertaken by Government:

Provided that the disqualification under this paragraph shall not apply to a person—

(i) where the share or interest in the contract devolves on him by inheritance or succession or as a legatee, executor or administrator, until the expiration of six months after it has so devolved on him;

(ii) where the contract has been entered into by or on behalf of a public company as defined in the Companies Ordinance, 1984 (XLVII of 1984), of which he is a shareholder but is not a director holding an office of profit under the company; or

(iii) where he is a member of a Hindu undivided family and the contract has been entered into by any other member of that family in the course of carrying on a separate business in which he has no share or interests; or

Explanation.—In this Article, “goods” does not include agricultural produce or commodity grown or produced by him or such goods as he is, under any directive of Government or any law for the time being in force; under a duty or obligation to supply.

(m) he holds any office of profit in the service of Pakistan other than the following offices namely:—

(i) an office which is not whole time office remunerated either by salary or by fee;

(ii) the office of Lumbardar, whether called by this or any other title;

(iii) the Qaumi Razakars;

(iv) any office the holder whereof, by virtue of such office, is liable to be called up for military training or military service under any law providing for the constitution or raising of a Force; or

performance of any service, undertaken by, the Government, or a local authority or an autonomous body in which the Government has a controlling share or interest, he does not, after his election as a member but within thirty days of his making oath as such make a declaration in writing to the Commissioner that he has such share or interest, unless a period of five years has elapsed since his failure to do so; or

(p) being a managing agent, manager or secretary of, or holding any other office carrying the right to remuneration in, any company or corporation (other than a cooperative society) in the capital of which the Government has not less than twenty-five percent share or which is managed by the Government, he does not, after his election as a member but within thirty days of his making oath as such, make a declaration in writing to the Commissioner that he is such managing agent, manager or secretary, or holds such office, unless a period of five years has elapsed since his failure to do so; or

(q) he has been convicted and sentenced to imprisonment for having absconded by a competent court under any law for the time being in force, or

(r) he has obtained a loan for an amount of two million rupees or more, from any bank financial institution, cooperative society or cooperative body in his own name or in the name of his spouse or any of his dependents, which stands unpaid for more than one year from the due date, or has had such loan written off, or

(s) he or his spouse or any of his dependents has defaulted in payment of government dues and utility charges, including telephone electricity, gas and water charges of an amount in excess of ten thousand rupees, for over six months; or

(t) he is for the time being disqualified from being elected or chosen as a member of the Majlis-e-Shoora (Parliament) or of a Provincial Assembly under any law for the time being in force.

Explanation.—In this sub-section, service of Pakistan has the same meaning as in Article 260.

(n) he has been convicted and sentenced to imprisonment for having absconded by a competent court under any law for the time being in force, or

(o) he has obtained a loan for an amount of two million rupees or more, from any bank financial institution, cooperative society or cooperative body in his own name or in the name of his spouse or any of his dependents, which stands unpaid for more than one year from the due date, or has had such loan written off, or

(p) he or his spouse or any of his dependents has defaulted in payment of government dues and utility charges, including telephone electricity, gas and water charges of an amount in excess of ten thousand rupees, for over six months, or

(q) he is for the time being disqualified from being elected or chosen as a member of the Majlis-e-Shoora (Parliament) or of a Provincial Assembly under any law for the time being in force."

99. Qualifications and disqualifications.—(1) A person shall not be qualified to be elected or chosen as a member of an Assembly unless—

(a) he is a citizen of Pakistan;

(b) he is, in the case of National Assembly, not less than twenty-five years of age and is enrolled as a voter in any electoral roll:

(i) in any part of Pakistan, for election to a general seat and minority seat; and

(ii) in a Province, from where such person seeks membership for election to a seat reserved for women;

(c) he is, in the case of Provincial Assembly, not less than twenty-five years of age and is enrolled as a voter in any electoral roll as a voter in any area in a Province from where he seeks membership for that Assembly;

(d) he is of good character and is not commonly known as one who violates Islamic Injunctions;

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(e) he has adequate knowledge of Islamic teachings and practices obligatory duties prescribed by Islam as well as abstains from major sins;

(f) he is sagacious, righteous and non-profligate and honest and ameen;

(g) he has not been convicted for a crime involving moral turpitude or for giving false evidence; and

(h) he has not, after the establishment of Pakistan, worked against the integrity of the country or opposed the ideology of Pakistan:

Provided that the disqualifications specified in clauses (d) and (e) shall not apply to a person who is a non-Muslim, but such a person shall have good moral reputation.

(1A) A person shall be disqualified from being elected as, and from being, a member of an Assembly, if—

(a) he is of unsound mind and has been so declared by a competent court; or

(b) he is an undischarged insolvent; or

(c) he ceases to be a citizen of Pakistan, or acquires the citizenship of a foreign State; or

(d) he holds an office of profit in the service of Pakistan other than an office declared by law not to disqualify its holder; or

(e) he is in the service of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest; or

(f) being a citizen of Pakistan by virtue of section 14B of the Pakistan Citizenship Act, 1951 (II of 1951), he is for the time being disqualified under any law in force in Azad Jammu and Kashmir from being elected as a member of the Legislative Assembly of Azad Jammu and Kashmir; or

(g) he is propagating any opinion, or acting in any manner, prejudicial to the Ideology of Pakistan, or the sovereignty, integrity or security of Pakistan, or morality, or the maintenance of public order, or the integrity or independence of the judiciary of Pakistan, or which defames or brings into ridicule the judiciary or the Armed Forces of Pakistan; or

(h) has been convicted by a court of competent jurisdiction on a charge of corrupt practice, moral turpitude or misuse of power or authority under any law for the time being in force; or

(i) has been dismissed from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a local government on grounds of misconduct or moral turpitude; or

(j) has been removed or compulsorily retired from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a local government on grounds of misconduct or moral turpitude; or

(k) he has been in the service of Pakistan or of any statutory body or any body which is owned or controlled by the Government or in which the

Government has a controlling share or interest, unless a period of two years has elapsed since he ceased to be in such service; or

(l) he is found guilty of a corrupt or illegal practice under any law for the time being in force, unless a period of five years has elapsed from the date on which that order takes effect; or

(m)

(n) he, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account or as a member of a Hindu undivided family has any share or interest in a contract, not being a contract between a cooperative society and Government, for the supply of goods to, or for the execution of any contract or for the performance of any service undertaken by, Government:

Provided that the disqualification under this clause shall not apply to a person—

(i) where the share or interest in the contract devolves on him by inheritance or succession or as a legatee, executor or administrator, until the expiration of six months after it has so devolved on him;

(ii) where the contract has been entered into by or on behalf of a public company as defined in the Companies Ordinance, 1984 (XLVII of 1984), of which he is a shareholder but is not a director holding an office of profit under the company; or

(iii) where he is a member of a Hindu undivided family and the contract has been entered into by any other member of that family in the course of carrying on a separate business in which he has no share or interest; or

Explanation.—In this section “goods” does not include agricultural produce or commodity grown or produced by him or such goods as he is, under any directive of Government or any law for the time being in force, under a duty or obligation to supply;

(o) he holds any office of profit in the service of Pakistan other than the following offices, namely:—

(i) an office which is not whole time office remunerated either by salary or by fee;

(ii) the office of Lumbardar, whether called by this or any other title;

(iii) the Qaumi Razakars;

(iv) any office the holder whereof, by virtue of such office, is liable to be called up for military training or military service under any law providing for the constitution or raising of a Force; or

(p) having, whether by himself or by any person in trust for him or for his benefit or on his account, any share or interest in a contract for—

(i) the supply of goods to, or

(ii) the execution of any work, or the performance of any service, undertaken by,

the Government, or a local authority or an autonomous body in which the Government has a controlling share or interest, he does not, after his election as a member but within thirty days of his making oath as such make a declaration in writing to the Commissioner that he has such share or interest, unless a period of five years has elapsed since his failure to do so; or

(q) being a managing agent, manager or secretary of, or holding any other office carrying the right to remuneration in, any company or corporation (other than a cooperative society) in the capital of which the Government has not less than twenty-five percent share or which is managed by the Government, he does not, after his election as a member but within thirty days of his making oath as such, make a declaration in writing to the Commissioner that he is such managing agent, manager or secretary, or holds such office, unless a period of five years has elapsed since his failure to do so; or

(r) has been convicted and sentenced to imprisonment for having absconded by a competent court under any law for the time being in force; or

(s) has obtained a loan for an amount of two million rupees or more, from any bank, financial institution, cooperative society or cooperative body in his own name or in the name of his spouse or any of his dependents, which remains unpaid for more than one year from the due date, or has had such loan written off; or

(t) he or his spouse or any of his dependents is in default in payment of government dues or utility expenses, including telephone, electricity, gas and water charges of an amount in excess of ten thousand rupees, for over six months, at the time of filing of nomination papers of such person.

Explanation 1.—In this sub-section, service of Pakistan has the same meaning as in Article 260.

78. Disqualification.—A person shall be disqualified from being elected as, and from being, a member of the Senate, if—

(a) he is of unsound mind and has been so declared by a competent court; or

(b) he is an undischarged insolvent; or

(c) he ceases to be a citizen of Pakistan, or acquires the citizenship of a foreign State; or

(d) he holds an office of profit in the service of Pakistan other than an office declared by law not to disqualify its holder; or

(e) he is in the service of any statutory body or anybody which is owned or controlled by the Government or in which the Government has a controlling share or interests; or

(f) he being a citizen of Pakistan by virtue of section 14B of the Pakistan Citizenship Act, 1951(II of 1951), he is for the time being disqualified under any law in force in Azad Jammu and Kashmir from being elected as a member of the Legislative Assembly of Azad Jammu and Kashmir;

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(g) he is propagating any opinion, or acting in any manner, prejudicial to the Ideology of Pakistan; or the sovereignty, integrity or security of Pakistan, or morality, or the maintenance of public order, or the integrity or independence of the Judiciary of Pakistan, or which defames or brings into ridicule the Judiciary or the Armed Forces of Pakistan; or

(h) he has been convicted by a court of competent jurisdiction on a charge of corrupt practice, moral turpitude or misuse of power or authority under any law for the time being in force; or

(i) he has been dismissed from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a local government on the grounds of misconduct involving moral turpitude; or

(j) he has been removed or compulsorily retired from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a local government on the grounds of misconduct involving moral turpitude; or

(k) he has been in the service of Pakistan or of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share of interest, unless a period of two years has elapsed since he ceased to be in such service; or

(l) he, whether by himself, or by any person or body of persons in trust for him or for his benefit or on his account or as a member of a Hindu undivided family, has any share or interest in a contract, not being a contract between a cooperative society and Government, for the supply of goods to, or for the execution of any contract or for the performance of any service undertaken by Government:

Provided that the disqualification under this paragraph shall not apply to a person:

(i) where the share or interest in the contract devolves on him by inheritance or succession or as a legatee, executor or administrator, until the expiration of six months after it has so devolved on him;

(ii) where the contract has been entered into by or on behalf of a public company as defined in the Companies Ordinance, 1984 (XLV II of 1984), of which he is a shareholder but is not a Director holding an office of profit under the company; or

(iii) where he is a member of a Hindu undivided family and the contract has been entered into by any other member of that family in the course of carrying on a separate business in which he has no share or interest; or

Explanation.—In this Article, "goods" does not include agricultural produce or commodity grown or produced by him or such goods as he is, under any directive of Government or any law for the time being in force, under a duty or obligation to supply.

(m) he holds any office of profit in the service of Pakistan other than the following offices

	<p>namely:—</p> <p>(i) an office which is not whole time office remunerated either by salary or by fee;</p> <p>(ii) the office of Lumbardar, whether called by this or any other title;</p> <p>(iii) the Qaumi Razakars;</p> <p>(iv) any office the holder whereof, by virtue of such office, is liable to be called up for military training or military service under any law, providing for the constitution or raising of a Force; or</p> <p>(n) he has been convicted and sentenced to imprisonment for having absconded by a competent court under any law for the time being in force; or</p> <p>(o) he has obtained a loan for an amount of two million rupees or more, from any bank, financial institution, cooperative society or cooperative body in his own name or in the name of his spouse or any of his dependents, which stands unpaid for more than one year from the due date, or has had such loan written off; or</p> <p>(p) he or his spouse or any of his dependents has defaulted in payment of government dues and utility charges, including telephone electricity, gas and water charges of an amount in excess of ten thousand rupees, for over six months; or</p> <p>(q) he is for the time being disqualified from being elected or chosen as a member of the Majlis-e-Shoora (Parliament) or of a Provincial Assembly under the Constitution or any law for the time being in force.</p>	
<p>135. Qualification to hold certain public offices.— Notwithstanding anything contained in the Constitution or any other law for the time being in force, a person who has, at anytime, held the office of the Prime Minister, or that of a Chief Minister of a Province or a combination of such offices for two terms, irrespective of whether anyone of the two or both the terms of office were completed or not, shall not be qualified to hold the office of the Prime Minister or that of a Chief Minister.</p> <p><i>Explanation.</i>—For the purpose of this section the expression “held the office of the Prime Minister, or that of a Chief Minister of a Province” shall not include the office held as a Caretaker Prime Minister or a Caretaker Chief Minister.</p>	<p>2. Qualification to hold certain public offices.— Notwithstanding anything contained in the Constitution or any other law for the time being in force, a person who has, at anytime, held the office of the Prime Minister, or that of a Chief Minister of a Province or a combination of such offices for two terms, irrespective of whether anyone of the two or both the terms of office were completed or not, shall not be qualified to hold the office of the Prime Minister or that of a Chief Minister.</p> <p><i>Explanation.</i>—For the purpose of this Article the expression “held the office of the Prime Minister, or that of a Chief Minister of a Province” shall not include the office held as a Caretaker Prime Minister or a Caretaker Chief Minister.</p>	<p>The Qualification to Hold Public Offices Order, 2002</p>
<p>136. Disqualification from being member of the Senate.— Notwithstanding anything contained in the Constitution or any other law, a person shall not be qualified to be elected or chosen as, and from being a member of the Senate if, having been a candidate for election to the National Assembly or a Provincial Assembly at the elections held under this Act he has not been elected to such Assembly.</p>	<p>8AA. Disqualification from being member of the Senate.— Notwithstanding anything contained in the Constitution of the Islamic Republic of Pakistan, 1973, the Senate (Election) Act, 1975 (LI of 1975), the Representation of the People Act, 1976 (LXXXV of 1976), or any other law for the time being in force, a person shall not be qualified to be elected or chosen as, and from being a member of the Senate if, having been a candidate for election to the National Assembly or a Provincial Assembly at the elections held under this Order he has not been elected to such Assembly.</p>	<p>The Conduct of General Elections Order, 2002</p>
<p>137. Disqualification on account of certain offences.— (1) where a person has been convicted for having exceeded the limit of election expenses mentioned in this Chapter or having failed to file the return of election expenses in accordance with this Act or for any other</p>	<p>100. Disqualification on account of certain offences.—(1) where a person has been convicted for having exceeded the limit of election expenses in section 49 or having failed to file the return of election expenses in accordance with section 50 or for any other</p>	<p>The Representation of the People Act, 1976</p>

<p>offence under this Act, or has been found guilty of any corrupt or illegal practice by a Tribunal, he shall, if the Commissioner 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 or Senate.</p> <p>(2) Where a person has been convicted for an offence punishable under section 171 J of the Pakistan Penal Code (Act XLV of 1860), he shall be disqualified for a period of seven years from being or being elected as a member of an Assembly or Senate.</p>	<p>offence under this Act, or has been found guilty of any corrupt or illegal practice by a Tribunal, he shall, if the Commissioner 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.</p> <p>(2) Where a person has been convicted for an offence punishable under section 171 J of the Pakistan Penal Code (Act XLV of 1860), he shall be disqualified for a period of seven years from being or being elected as a member of an Assembly.</p> <p>79. Disqualification on account of certain offences.— (1) Where a person has been convicted for having exceeded the limit of election expenses laid down by section 28 or having failed to file the return of election expenses in accordance with section 29 or for any other offence under this Act, not being an offence for which he has been sentenced to imprisonment for a term of not less than two years, or has been found guilty of any corrupt or illegal practice by a Tribunal, he shall, if the Commissioner 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 the Senate.</p> <p>(2) Where a person has been convicted for an offence punishable under section 171J of the Pakistan Penal Code (Act XLV of 1860), he shall be disqualified for a period of seven years from being, or being elected as a member of Senate.</p>	<p>The Senate (Election) Act, 1975</p> <p>The Representation of the People Act, 1976</p>
<p>138. Disqualifications for being election agent.—Any person who is for any period disqualified under section 134 for being, or being elected as, a member of an Assembly or Senate shall also stand disqualified for that period for being appointed as an election agent.</p>	<p>101. Disqualifications for being election agent.—Any person who is for any period disqualified under section 100 for being, or being elected as, a member of an Assembly shall also stand disqualified for that period for being appointed as an election agent.</p>	
<p>139. Removal and remission of disqualification.—The Commissioner may, on an application made in this behalf, remit any disqualification for failure to submit the return of election expenses or for any error or incorrect statement in such return, if he is satisfied that such failure or error occurred or incorrect statement was made due to circumstances beyond the control of the applicant.</p>	<p>80. Removal and remission of disqualification.—The Commissioner may, on an application made in this behalf, remit any disqualification for failure to submit the return of election expenses or for any error or incorrect statement in such return, if he is satisfied that such failure or error occurred or incorrect statement was made due to circumstances beyond the control of the applicant.</p>	<p>The Senate (Election) Act, 1975</p>
CHAPTER IX: ELECTION DISPUTES		

<p>140. Election petition and appeal.—(1) Save as provided in section 141, no election of Senate shall be called in question except by an election petition under section 143.</p> <p>(2) No question that can be settled in an appeal under section 141 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 an Election Tribunal.</p>	<p>31. Election not to be questioned except by election petition or appeal.—(1) Save as provided in section 32, no election shall be called in question except by an election petition under section 34.</p> <p>(2) No question that can be settled in an appeal under section 32 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 an Election Tribunal.</p>	<p>The Senate (Election) Act, 1975</p>
<p>141. Appeal against count.—(1) A contesting candidate who is aggrieved by any proceedings under section 121 relating to the count in an election to the Senate may prefer an appeal challenging the count to the Commissioner.</p> <p>(2) An appeal under sub-section (1) may be made 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</p>	<p>32. Appeal against count.—(1) A contesting candidate who is aggrieved by any proceedings under section 24 relating to the count may prefer an appeal challenging the count to the Commissioner.</p> <p>(2) An appeal under sub-section (1) may be made by the candidate in person, or through a person authorised in writing by the candidate in this behalf, within three days next following the date of the completion of the count</p>	<p>The Senate (Election) Act, 1975</p>

<p>under section 121.</p> <p>(3) The appeal shall be addressed to the Commissioner and shall be filed with the Commissioner or with the Secretary, Election Commission.</p> <p>(4) The appeal shall be in the form of a memorandum which shall state the grounds for such appeal and shall be accompanied by as many copies thereof as the number of contesting candidates at an election.</p> <p>(5) The Commissioner may, after giving the parties concerned an opportunity of being heard,—</p> <p>(a) dismiss the appeal; or</p> <p>(b) if he does not dismiss the appeal, 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.</p> <p>(6) The decision of the Commissioner on appeal under sub-section (5) shall be final.</p>	<p>under section 24.</p> <p>(3) The appeal shall be addressed to the Commissioner and shall be filed with the Commissioner or with the Secretary, Election Commission.</p> <p>(4) The appeal shall be in the form of a memorandum which shall state the grounds for such appeal and shall be accompanied by as many copies thereof as the number of contesting candidates at an election.</p> <p>(5) The Commissioner may, after giving the parties concerned an opportunity of being heard,—</p> <p>(a) dismiss the appeal; or</p> <p>(b) if he does not dismiss the appeal, 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.</p> <p>(6) The decision of the Commissioner on appeal under sub-section (5) shall be final.</p>	
<p>142. Commissioner to have certain powers of a court.—For the purpose of the disposal of an appeal under section 141, the Commissioner 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, that is to say,—</p> <p>(a) enforcing the attendance of any person and examining him on oath;</p> <p>(b) compelling the discovery and production of documents, articles or things;</p> <p>(c) issuing commissions for the examination of witnesses;</p> <p>(d) requiring the deposit of diet and travelling expenses of witnesses;</p> <p>(e) receiving evidence on affidavits;</p> <p>(f) granting adjournments; and</p> <p>(g) summoning and examining <i>suo moto</i> any person whose evidence appears to be material.</p>	<p>33. Commissioner to have certain powers of a court.—For the purpose of the disposal of an appeal under section 32, the Commissioner 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, that is to say,—</p> <p>(a) enforcing the attendance of any person and examining him on oath;</p> <p>(b) compelling the discovery and production of documents, articles or things;</p> <p>(c) issuing commissions for the examination of witnesses;</p> <p>(d) requiring the deposit of diet and travelling expenses of witnesses;</p> <p>(e) receiving evidence on affidavits;</p> <p>(f) granting adjournments; and</p> <p>(g) summoning and examining <i>suo moto</i> any person whose evidence appears to be material.</p>	<p>The Senate (Election) Act, 1975</p>
<p>143. Election petition.—(1) No election of an Assembly shall be called in question except by an election petition made by a candidate for that election (hereafter in this Chapter referred to as the petitioner).</p> <p>(2) An election petition shall be presented to the Commissioner 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 Commissioner, under the prescribed head of account, as security for the costs of the petition, a sum of one thousand rupees.</p>	<p>52. Election petition.—(1) No election shall be called in question except by an election petition made by a candidate for that election (hereafter in this Chapter referred to as the petitioner).</p> <p>(2) An election petition shall be presented to the Commissioner 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 Commissioner, under the prescribed head of account, as security for the costs of the petition, a sum of one thousand rupees.</p>	<p>The Representation of the People Act, 1976</p>
<p>144. Presentation of petition.—(1) An election petition shall be presented by a petitioner and shall be deemed to have been presented—</p> <p>(a) when it is delivered in person to the Secretary to the Election Commission or to such other officer as may be appointed by the Election Commission in that behalf,—</p>	<p>53. Presentation of petition.—(1) An election petition shall be presented by a petitioner and shall be deemed to have been presented—</p> <p>(a) when it is delivered in person to the Secretary to the Commission or to such other officer as may be appointed by the Commission in that behalf,—</p>	<p>The Representation of the People Act, 1976</p>

<p>(i) by the petitioner; or</p> <p>(ii) by a person authorized in writing in this behalf by the petitioner; or</p> <p>(b) when delivered by registered post to the Secretary to the Election Commission or to such other officer as aforesaid.</p> <p>(2) An election petition, if sent by registered post, shall be deemed to have been presented in time if it is posted within the period specified in sub-section (2) of section 143.</p>	<p>(i) by the petitioner; or</p> <p>(ii) by a person authorised in writing in this behalf by the petitioner; or</p> <p>(b) when delivered by registered post to the Secretary to the Commission or to such other officer as aforesaid.</p> <p>(2) An election petition, if sent by registered post, shall be deemed to have been presented in time if it is posted within the period specified in sub-section (2) of section 52.</p>	
<p>145. Parties to the petition.—The petitioner shall join as respondents to his election petition—</p> <p>(a) all contesting candidates; and</p> <p>(b) any other candidate against whom any allegation of any corrupt or illegal practice is made, and shall serve personally or by registered post on each such respondent a copy of the petition.</p> <p><i>Explanation.</i>—In this section and in the following provisions of this Chapter, “corrupt or illegal practice” means a “corrupt practice” or an “illegal practice” within the meaning of Chapter X.</p>	<p>54. Parties to the petition.—The petitioner shall join as respondents to his election petition—</p> <p>(a) all contesting candidates; and</p> <p>(b) any other candidate against whom any allegation of any corrupt or illegal practice is made, and shall serve personally or by registered post on each such respondent a copy of the petition.</p> <p><i>Explanation.</i>—In this section and in the following provisions of this Chapter, “corrupt or illegal practice” means a “corrupt practice” or an “illegal practice” within the meaning of Chapter VIII.</p>	<p>The Representation of the People Act, 1976</p>
<p>146. Contents of petition.—(1) Every election petition shall contain—</p> <p>(a) a precise statement of the material facts on which the petitioner relies;</p> <p>(b) full particulars of any corrupt or illegal practice or other illegal act alleged to have been committed, including as full a statement as possible of the names of the parties 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; and</p> <p>(c) the relief claimed by the petitioner.</p> <p>(2) A petitioner may claim as relief any of the following declarations, namely—</p> <p>(a) that the election of the returned candidate is void;</p> <p>(b) that the election of the returned candidate is void and that the petitioner or some other person has been duly elected; or</p> <p>(c) that the election as a whole is void.</p> <p>(3) Every election petition and every schedule or annex to that petition shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Act V of 1908), for the verification of pleadings.</p>	<p>55. Contents of petition.—(1) Every election petition shall contain—</p> <p>(a) a precise statement of the material facts on which the petitioner relies;</p> <p>(b) full particulars of any corrupt or illegal practice or other illegal act alleged to have been committed, including as full a statement as possible of the names of the parties 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; and</p> <p>(c) the relief claimed by the petitioner.</p> <p>(2) A petitioner may claim as relief any of the following declarations, namely:—</p> <p>(a) that the election of the returned candidate is void;</p> <p>(b) that the election of the returned candidate is void and that the petitioner or some other person has been duly elected; or</p> <p>(c) that the election as a whole is void.</p> <p>(3) Every election petition and every schedule or annex to that petition shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Act V of 1908), for the verification of pleadings.</p>	<p>The Representation of the People Act, 1976</p>
<p>147. Procedure on receipt of petition.—(1) If the Commissioner finds that any provision of section 143, section 144 or section 145 has not been complied with, the petition shall be dismissed forthwith.</p> <p>(2) If an election petition is not dismissed under sub-section (1), the Commissioner shall refer it for trial to an Election Tribunal.</p>	<p>56. Procedure on receipt of petition by the Commissioner.—(1) If the Commissioner finds that any provision of section 52, section 53 or section 54 has not been complied with, the petition shall be dismissed forthwith.</p> <p>(2) If an election petition is not dismissed under sub-section (1), the Commissioner shall refer it for trial to a Tribunal.</p>	<p>The Representation of the People Act, 1976</p>
<p>148. Appointment of Election Tribunal.—(1) For the trial of election petitions under this Act, the</p>	<p>57. Appointment of Tribunal.—(1) For the trial of election petitions under this Act, the Commissioner shall</p>	<p>The Representation of the People Act, 1976</p>

<p>Commissioner shall appoint as many Election Tribunals as may be necessary.</p> <p>(2) An Election Tribunal shall consist of a person who has been, or is, or, at the time of his retirement as a District and Sessions Judge, was qualified to be, a Judge of a High Court.</p>	<p>appoint as many Election Tribunals as may be necessary.</p> <p>(2) An Election Tribunal shall consist of a person who has been, or is, or, at the time of his retirement as a District and Sessions Judge, was qualified to be, a Judge of a High Court.</p>	
<p>149. Power to transfer petition.—The Commissioner, either of his own motion or on an application made in this behalf by any of the parties, may, at any stage, transfer an election petition from one Election Tribunal to another Election Tribunal and the Election Tribunal to which the election petition is so transferred—</p> <p>(a) shall proceed with the trial of the petition from the stage from which it is transferred; and</p> <p>(b) may recall and examine any of the witnesses already examined.</p>	<p>58. Power to transfer petition.—The Commissioner, either of his own motion or on an application made in this behalf by any of the parties, may, at any stage, transfer an election petition from one Tribunal to another Tribunal and the Tribunal to which the election petition is so transferred—</p> <p>(a) shall proceed with the trial of the petition from the stage from which it is transferred; and</p> <p>(b) may, if it thinks fit, recall and examine any of the witnesses already examined.</p>	<p>The Representation of the People Act, 1976</p>
<p>150. Place of trial.—The trial of an election petition shall be held at such place or places as the Election Tribunal may think fit.</p>	<p>59. Place of trial.—The trial of an election petition shall be held at such place or places as the Tribunal may think fit.</p>	<p>The Representation of the People Act, 1976</p>
<p>151. Advocate-General to assist the Election Tribunal.—The Advocate-General for a Province shall, if an Election Tribunal so requires, assist the Election Tribunal at the hearing of an election petition in such manner as it may require.</p>	<p>60. Advocate-General to assist the Tribunal.—The Advocate-General for a Province shall, if a Tribunal so requires, assist the Tribunal at the hearing of an election petition in such manner as it may require.</p>	<p>The Representation of the People Act, 1976</p>
<p>152. Appearance before Election Tribunal.—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 any civil court and duly appointed to act on his behalf:</p> <p>Provided that the Election Tribunal may, where it considers it necessary, direct any party to appear in person.</p>	<p>61. Appearance before Tribunal.—Any appearance, application or act before a 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 any civil court and duly appointed to act on his behalf:</p> <p>Provided that the Tribunal may, where it considers it necessary, direct any party to appear in person.</p>	<p>The Representation of the People Act, 1976</p>
<p>153. Procedure before Election Tribunal.—(1) Subject to the provisions of this Act and the rules, every election petition shall be tried in accordance with the procedure laid down by the Election Commission.</p> <p>(2) Subject to the provisions of this Act, the Qanun-e-Shahadat Order, 1984 (P.O. No. X of 1984), shall apply for the trial of an election petition.</p> <p>(3) The Election Tribunal may, at any time, upon such terms and on payment of such fee as it may direct, allow a petition to be amended 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, so however that no new ground of challenge to the election is permitted to be raised.</p> <p>(4) 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 143, as it may think fit.</p>	<p>62. Procedure before Tribunal.—(1) Subject to the provisions of this Act and the rules, every election petition shall be tried in accordance with the procedure laid down by the Election Commission.</p> <p>(2) Subject to the provisions of this Act, the Evidence Act, 1872 (I of 1872), shall apply for the trial of an election petition.</p> <p>(3) The Tribunal may, at any time, upon such terms and on payment of such fee as it may direct, allow a petition to be amended 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, so however that no new ground of challenge to the election is permitted to be raised.</p> <p>(4) At any time during the trial of an election petition, the Tribunal may call upon the petitioner to deposit such further sum by way of security, in addition to the sum deposited under section 52, as it may think fit.</p>	<p>The Representation of the People Act, 1976</p>
<p>154. Dismissal of petition during trial.—The Election Tribunal shall dismiss an election petition, if—</p> <p>(a) the provisions of section 145 or section 146 have not been complied with; or</p> <p>(b) if the petitioner fails to make the further deposit required under sub-section (4) of section 153.</p>	<p>63. Dismissal of petition during trial.—The Tribunal shall dismiss an election petition, if—</p> <p>(a) the provisions of section 54 or section 55 have not been complied with; or</p> <p>(b) if the petitioner fails to make the further deposit required under sub-section (4) of section 62.</p>	<p>The Representation of the People Act, 1976</p>

<p>155. Power of the Election Tribunal.—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 of Criminal Procedure, 1898 (Act V of 1898).</p>	<p>64. Power of the Tribunal.—The 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 of Criminal Procedure, 1898 (Act V of 1898).</p>	<p>The Representation of the People Act, 1976</p>
<p>156. 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.</p> <p>(2) 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 Election Tribunal making the order may think expedient:</p> <p>Provided that, in making and carrying into effect an order for the inspection of counted ballot papers, care shall be taken that no vote shall be disclosed until it has been held by the Election Tribunal to be invalid.</p> <p>(3) Where an order is made under sub-section (1), the production by the Election 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.</p> <p>(4) The production from proper custody of a ballot paper purporting to have been used at an election and of a numbered counterfoil bearing the signature or thumb impression of the voter shall be prima facie evidence that the voter whose vote was given by that ballot paper was the voter who had on the electoral rolls the same number as was written on the counterfoil.</p> <p>(5) 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 Election Commission.</p>	<p>46. Order for production of documents.—(1) A Tribunal may order the opening of packets of counterfoils and certificates or the inspection of any counted ballot papers.</p> <p>(2) 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:</p> <p>Provided that, in making and carrying into effect an order for the inspection of counted ballot papers, care shall be taken that no vote shall be disclosed until it has been held by the Tribunal to be invalid</p> <p>(3) 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.</p> <p>(4) The production from proper custody of a ballot paper purporting to have been used at an election and of a numbered counterfoil bearing the signature or thumb impression of the voter shall be prima facie evidence that the elector whose vote was given by that ballot paper was the elector who had on the electoral rolls the same number as was written on the counterfoil.</p> <p>(5) 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.</p>	<p>The Representation of the People Act, 1976</p>
<p>157. Further provision relating to evidence.—(1) Notwithstanding anything to the contrary contained in any other law for the time being in force, no document shall be inadmissible in evidence at the trial of an election petition only on the ground that it is not duly stamped or registered.</p> <p>(2) No witness shall 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 no witness shall be required or permitted to state for whom he has voted at an election.</p> <p>(3) A witness who answers truly all questions which he is required to answer shall be entitled to receive a certificate of indemnity from the Election Tribunal and an answer given by him to a question put by or before the Election 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.</p> <p>(4) A certificate of indemnity granted to any witness under sub-section (3) 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 (Act LXV of 1860), or under this Act, arising out of the</p>	<p>46. Further provision relating to evidence and witnesses.—(1) Notwithstanding anything to the contrary contained in any other law for the time being in force, no document shall be inadmissible in evidence at the trial of an election petition only on the ground that it is not duly stamped or registered.</p> <p>(2) No witness shall 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 no witness shall be required or permitted to state for whom he has voted at an election.</p> <p>(3) A witness who answers truly all questions which he is required to answer shall be entitled to receive a certificate of indemnity from the 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.</p> <p>(4) A certificate of indemnity granted to any witness under sub-section (3) may be pleaded by him in any court and shall be a full and complete defence to or upon any charge under Chapter IX A of the Pakistan Penal Code (Act XLV of 1860) or under this Act arising out of</p>	<p>The Senate (Election) Act, 1975</p>

<p>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 for the time being in force.</p> <p>(5) The reasonable expenses incurred by any person in attending to give evidence may be allowed to him by the Election Tribunal and shall, unless the Election Tribunal otherwise directs, be deemed to be part of the costs.</p>	<p>the matter 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 for the time being in force.</p> <p>(5) The reasonable expenses incurred by any person in attending to give evidence may be allowed to him by the Tribunal and shall, unless the Tribunal otherwise directs, be deemed to be part of the costs.</p>	
<p>158. 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 duly elected, the returned candidate or any other party 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:</p> <p>Provided that the returned candidate or such other party as aforesaid shall not be entitled to give such evidence unless he or it has, within the fourteen days next following the commencement of the trial, given notice to the Election Tribunal of his intention so to do and has also deposited the security referred to in section 143.</p> <p>(2) Every notice referred to in sub-section (1) 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.</p>	<p>47. 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 duly elected, the returned candidate or any other party 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:</p> <p>Provided that the returned candidate or such other party as aforesaid shall not be entitled to give such evidence unless he or it has, within the fourteen days next following the commencement of the trial, given notice to the Tribunal of his or its intention so to do and has also deposited the security referred to in section 34.</p> <p>(2) Every notice referred to in sub-section (1) 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.</p>	<p>The Senate (Election) Act, 1975</p>
<p>159. Decision of the Election Tribunal.—(1) The Election Tribunal may, upon the conclusion of the trial of an election petition, make an order—</p> <p>(a) dismissing the petition;</p> <p>(b) declaring the election of the returned candidate to be void;</p> <p>(c) declaring the election of the returned candidate to be void and the petitioner or any other contesting candidate to have been duly elected; or</p> <p>(d) declaring the election as a whole to be void.</p> <p>(2) The Election Tribunal shall proceed with the trial of the election petition on day to day basis and the decision thereof shall be taken within four months from its receipt:</p> <p>Provided that 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 shall refer to the Commissioner that such candidate may be declared by the Election Commission to have ceased to perform the functions of his office either till the conclusion of the proceedings or for such period as the Election Commission may direct.</p> <p>(3) Save as provided in sub-section (4), the decision of an Election Tribunal on an election petition shall be final.</p> <p>(4) Any person aggrieved by a decision of the Election Tribunal may, within thirty days of the announcement of the decision, appeal to the Supreme Court and the decision of the Supreme Court on such appeal shall be final.</p> <p><i>Explanation.</i>—In this sub-section, “decision of the Election Tribunal” shall not be deemed to include an order made by the Election Commission in the exercise of its</p>	<p>67. Decision of the Tribunal.—(1) The Tribunal may, upon the conclusion of the trial of an election petition, make an order—</p> <p>(a) dismissing the petition;</p> <p>(b) declaring the election of the returned candidate to be void;</p> <p>(c) declaring the election of the returned candidate to be void and the petitioner or any other contesting candidate to have been duly elected; or</p> <p>(d) declaring the election as a whole to be void.</p> <p>(1A) The Election Tribunal shall proceed with the trial of the election petition on day to day basis and the decision thereof shall be taken within four months from its receipt:</p> <p>Provided that 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 Tribunal may refer to the Commission that such candidate may be declared to have ceased to perform the functions of his office either till the conclusion of the proceedings or for such period as the Commission may direct.</p> <p>(2) Save as provided in sub-section (3), the decision of an Election Tribunal on an election petition shall be final.</p> <p>(3) Any person aggrieved by a decision of the Election Tribunal may, within thirty days of the announcement of the decision, appeal to the Supreme Court and the decision of the Supreme Court on such appeal shall be final.</p> <p><i>Explanation.</i>—In this sub-section, “decision of the Election Tribunal” shall not be deemed to include an order made by the Commission in the exercise of its powers</p>	<p>The Representation of the People Act, 1976</p>

<p>powers under section 102.</p>	<p>under section 103AA.</p> <p>48. Decision of the Tribunal.—(1) The Tribunal may, upon the conclusion of the trial of an election petition, make an order—</p> <ul style="list-style-type: none"> (a) dismissing the petition; (b) declaring the election of the returned candidate to be void; (c) declaring the election of the returned candidate to be void and the petitioner or any other contesting candidate to have been duly elected; or (d) declaring the election as a whole to be void. <p>(IA) The trial of the election petition shall proceed day to day and the decision thereof shall be taken by the Tribunal within four months from the date of its receipt from the Commissioner:</p> <p>Provided that 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 Tribunal may refer to the Commission that such candidate may be declared to have ceased to perform the functions of his office either till the conclusion of the proceedings or for such period as the Commission may direct.</p> <p>(2) Save as provided in sub-section (4), the decision of an Election Tribunal on an election petition shall be final.</p> <p>(3) Any person aggrieved by a decision of the Election Tribunal may, within thirty days of the announcement of the decision, appeal to the Supreme Court and the decision of the Supreme Court on such appeal shall be final.</p>	<p>The Senate (Election) Act, 1975</p>
<p>160. Ground for declaring election of returned candidate void.—(1) The Election Tribunal shall declare the election of the returned candidate to be void if it is satisfied that—</p> <ul style="list-style-type: none"> (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 by any other person with the connivance of the candidate or his election agent. <p>(2) The election of a returned candidate shall not be declared void on the ground—</p> <ul style="list-style-type: none"> (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. 	<p>49. Ground for declaring election of returned candidate void.—(1) The Tribunal shall declare the election of the returned candidate to be void if it is satisfied that—</p> <ul style="list-style-type: none"> (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 by any other person with the consent or connivance of the candidate. <p>(2) The election of a returned candidate shall not be declared void on the ground—</p> <ul style="list-style-type: none"> (a) that any corrupt or illegal practice has been committed if the Tribunal is satisfied that it was not committed by, or with the consent or connivance of, that candidate and that the candidate took all reasonable precaution to prevent its commission; or (b) that any of the other contesting candidate was, on the nomination day, not qualified for, or was disqualified from, being elected as a member. 	<p>The Senate (Election) Act, 1975</p>

<p>161. 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 duly elected, if it is so claimed by the petitioner or any of the respondents and the Election Tribunal is satisfied that the petitioner or such other contesting candidate was entitled to be declared elected.</p>	<p>50. Ground for declaring a person other than a returned candidate elected.—The Tribunal shall declare the election of the returned candidate to be void and the petitioner or any other contesting candidate to have been duly elected, if it is so claimed by the petitioner or any of the respondents and the Tribunal is satisfied that the petitioner or such other contesting candidate was entitled to be declared elected.</p>	<p>The Senate (Election) Act, 1975</p>
<p>162. 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—</p> <p>(a) the failure of any person to comply with the provisions of this Act or the rules; or</p> <p>(b) the prevalence of extensive corrupt or illegal practice at the election.</p>	<p>51. Ground for declaring election as a whole void.—The 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 —</p> <p>(a) the failure of any person to comply with the provisions of this Act or the rules; or</p> <p>(b) the prevalence of extensive corrupt or illegal practice at the election.</p>	<p>The Senate (Election) Act, 1975</p>
<p>163. Decision in case of equality of votes.—(1) Where, after the conclusion of the trial, it appears that there is an equality of votes between two or more contesting candidates and the addition of one vote for one such candidate would entitle him to be declared elected, the Election Tribunal shall draw a lot in respect of such candidates and the candidate on whom the lot falls shall be deemed to have received the highest number of votes entitling him to be declared elected.</p> <p>(2) Before proceeding to draw a lot under sub-section (1), the Election Tribunal shall give notice to the contesting candidates between whom there is an equality of votes and shall proceed to draw a lot on the day and at the time and place stated in the notice:</p> <p>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 as aforesaid.</p>	<p>71. Decision in case of equality of votes.—(1) Where, after the conclusion of the trial, it appears that there is an equality of votes between two or more contesting candidates and the addition of one vote for one such candidate would entitle him to be declared elected, the Tribunal shall draw a lot in respect of such candidates and the candidate on whom the lot falls shall be deemed to have received the highest number of votes entitling him to be declared elected.</p> <p>(2) Before proceeding to draw a lot under sub-section (1), the Tribunal shall give notice to the contesting candidates between whom there is an equality of votes and shall proceed to draw a lot on the day and at the time and place stated in the notice:</p> <p>Provided that, if the contesting candidates are present when it appears that there is an equality of votes between them, the Tribunal may proceed forthwith to draw a lot without giving notice as aforesaid.</p>	<p>The Representation of the People Act, 1976</p>
<p>164. Other provisions relating to Election Tribunal.—(1) An order of the Election Tribunal under section 159 shall take effect on the date on which it is made and shall be communicated to the Commissioner who shall publish it in the official Gazette.</p> <p>(2) The Election Tribunal shall after an election petition has been disposed of, forward the record thereof to the Commissioner who shall retain it for a period of five years from the date of its receipt and shall thereafter cause it to be destroyed.</p>	<p>72. Other provisions relating to Tribunal.—(1) An order of the Tribunal under section 67 shall take effect on the date on which it is made and shall be communicated to the Commissioner who shall publish it in the official Gazette.</p> <p>(2) The Tribunal shall after an election petition has been disposed of, forward the record thereof to the Commissioner who shall retain it for a period of five years from the date of its receipt and shall thereafter cause it to be destroyed.</p>	<p>The Representation of the People Act, 1976</p>
<p>165. Withdrawal of petition.—(1) An election petition may be withdrawn—</p> <p>(a) before the Election Tribunal has been appointed, by leave of the Commissioner; and</p> <p>(b) after an Election Tribunal has been appointed, by leave of the Election Tribunal.</p> <p>(2) Where leave is granted by the Election Tribunal, the petitioner shall be ordered to pay the costs incurred by the respondents to the election petition or such portion thereof as the Election Tribunal may direct.</p>	<p>73. Withdrawal of petition.—(1) An election petition may be withdrawn—</p> <p>(a) before the Tribunal has been appointed, by leave of the Commissioner; and</p> <p>(b) after a Tribunal has been appointed, by leave by the Tribunal.</p> <p>(2) Where leave is granted by the Tribunal, the petitioner shall be ordered to pay the costs incurred by the respondents to the election petition or such portion thereof as the Tribunal may direct.</p>	<p>The Representation of the People Act, 1976</p>
<p>166. 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.</p> <p>(2) Where a petition abates under sub-section (1) after an Election Tribunal has been appointed, notice of the abatement shall be given by the Election Tribunal to the Commissioner.</p>	<p>74. 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.</p> <p>(2) Where a petition abates under sub-section (1) after a Tribunal has been appointed, notice of the abatement shall be given by the Tribunal to the Commissioner.</p>	<p>The Representation of the People Act, 1976</p>

<p>167. 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.</p>	<p>75. 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 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.</p>	<p>The Representation of the People Act, 1976</p>
<p>168. Failure of petitioner to appear.—Where, at any stage of the trial of an election petition, no petitioner makes an appearance the Election Tribunal may dismiss the petition for default, and make such order as to costs as it may think fit.</p>	<p>76. Failure of petitioner to appear.—Where, at any stage of the trial of an election petition, no petitioner makes an appearance the Tribunal may dismiss the petition for default, and make such order as to costs as it may think fit.</p>	<p>The Representation of the People Act, 1976</p>
<p>169. 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 or utility charges, or has submitted a false or incorrect declaration regarding payment of loans, taxes, government dues or utility charges or has submitted a false or incorrect statement of assets and liabilities of his own, his spouse or his dependents under section 64, 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—</p> <p>(a) declaring the election of the returned candidate to be void; and</p> <p>(b) declaring any other contesting candidate to have been duly elected.</p> <p>(2) If on examining the material or information referred to in sub-section (1), an Election Tribunal finds that there appear reasonable grounds for believing that a returned candidate is a defaulter or has submitted a false or incorrect declaration referred to in sub-section (1) it may, pending decision of the motion under sub-section (1), direct that the result of the returned candidate shall not be published in the official Gazette.</p> <p>(3) No order under sub-section (1) or sub-section (2) shall be made unless the returned candidate is provided an opportunity of being heard.</p>	<p>76A. 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 or utility charges, or has submitted a false or incorrect declaration regarding payment of loans, taxes, government dues or utility charges or has submitted a false or incorrect statement of assets and liabilities of his own, his spouse or his dependents under section 12, 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—</p> <p>(a) declaring the election of the returned candidate to be void; and</p> <p>(b) declaring any other contesting candidate to have been duly elected.</p> <p>(2) If on examining the material or information referred to in sub-section (1), an Election Tribunal finds that there appear reasonable grounds for believing that a returned candidate is a defaulter or has submitted a false or incorrect declaration referred to in sub-section (1) it may, pending decision of the motion under sub-section (1), direct that the result of the returned candidate shall not be published in the official Gazette.</p> <p>(3) No order under sub-section (1) or sub-section (2) shall be made unless the returned candidate is provided an opportunity of being heard.</p>	<p>The Representation of the People Act, 1976</p>
<p>170. Order as to costs.—(1) The Election Tribunal shall when making an order under section 159, also make an order determining in its discretion the costs and specifying the persons by and to whom such costs are to be paid.</p> <p>(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 six months 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.</p> <p>(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 the aforesaid six months, or where a residue remains after costs have been paid out of the security, such security or</p>	<p>77. Order as to costs.—(1) The Tribunal shall when making an order under section 67, also make an order determining in its discretion the costs and specifying the persons by and to whom such costs are to be paid.</p> <p>(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 Tribunal within six months 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.</p> <p>(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 the aforesaid six months, or where a residue remains after costs have been paid out of the security, such</p>	<p>The Representation of the People Act, 1976</p>

	<p>(a) contravenes the provisions of section 28;</p> <p>(aa) files a false or incorrect declaration or statement under sub-section (2) of section 11;</p> <p>(b) is guilty of bribery, personation or undue influence;</p> <p>(c) makes or publishes a false statement—</p> <p style="padding-left: 40px;">(i) 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;</p> <p style="padding-left: 40px;">(ii) regarding the withdrawal of candidate;</p> <p>(d) 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, community, race; caste, sect or tribe;</p> <p>(e) knowingly, in order to support or oppose a candidate, lets, lends, employs, hires, borrows or uses any vehicle or vessel for the purpose of conveying to or from the polling station any voter except himself and members of his immediate family; or</p> <p>(f) causes or attempts to, cause any person present and waiting to vote at the polling station to depart without voting.</p>	
<p>172. Bribery.—A person is guilty of bribery, if he, directly or indirectly, by himself or by any other person on his behalf—</p> <p>(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 from, an election;</p> <p>(2) gives, offers or promises any gratification to any person—</p> <p style="padding-left: 40px;">(a) for the purpose of inducing—</p> <p style="padding-left: 80px;">(i) a person to be, or to refrain from being, a candidate at an election;</p> <p style="padding-left: 80px;">(ii) a voter to vote, or refrain from voting, at an election; or</p> <p style="padding-left: 80px;">(iii) a candidate to withdraw from an election; or</p> <p style="padding-left: 40px;">(b) for the purpose of rewarding—</p> <p style="padding-left: 80px;">(i) a person for having been, or for having refrained from being, a candidate at an election;</p> <p style="padding-left: 80px;">(ii) a voter for having voted or refrained from voting at an election; or</p> <p style="padding-left: 80px;">(iii) a candidate for having withdrawn from an election.</p> <p><i>Explanation.</i>—In this section, “gratification” includes a gratification in money or estimable</p>	<p>79. Bribery.—A person is guilty of bribery, if he, directly or indirectly, by himself or by any other person on his behalf—</p> <p>(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 from, an election;</p> <p>(2) gives, offers or promises any gratification to any person—</p> <p style="padding-left: 40px;">(a) for the purpose of inducing—</p> <p style="padding-left: 80px;">(i) a person to be, or to refrain from being, a candidate at an election;</p> <p style="padding-left: 80px;">(ii) an elector to vote, or refrain from voting, at an election; or</p> <p style="padding-left: 80px;">(iii) a candidate to withdraw from an election; or</p> <p style="padding-left: 40px;">(b) for the purpose of rewarding—</p> <p style="padding-left: 80px;">(i) a person for having been, or for having refrained from being, a candidate at an election;</p> <p style="padding-left: 80px;">(ii) an elector for having voted or refrained from voting at an election; or</p> <p style="padding-left: 80px;">(iii) a candidate for having withdrawn from an election.</p> <p><i>Explanation.</i>—In this section, “gratification” includes a gratification in money or estimable in</p>	<p>The Representation of the People Act, 1976</p>

<p>in money and all forms of entertainment or employment.</p>	<p>money and all forms of entertainment or employment.</p>	
	<p>59. Bribery.—A person is guilty of bribery if he, directly or indirectly by himself or by any other person on his behalf—</p> <p>(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 from, an election;</p> <p>(2) gives, offers or promises any gratification to any person—</p> <p>(a) for the purpose of inducing—</p> <p>(i) a person to be, or to refrain from being, a candidate at an election;</p> <p>(ii) a voter to vote, or refrain from voting, at an election; or</p> <p>(iii) a candidate to withdraw from an election; or</p> <p>(b) for the purpose of rewarding</p> <p>(i) a person for having been, or for having refrained from being, a candidate at an election;</p> <p>(ii) a voter for having voted or refrained from voting at an election; or</p> <p>(iii) a candidate for having withdrawn from an election.</p> <p><i>Explanation.</i>—In this section "gratification" includes a gratification in money or estimate in money and all forms of entertainment or employment.</p>	<p>The Senate (Election) Act, 1975</p>
<p>173. 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.</p>	<p>80. 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.</p> <p>60. 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.</p>	<p>The Representation of the People Act, 1976</p> <p>The Senate (Election) Act, 1975</p>
<p>174. Penalty for adversely affecting the interests of candidate.—Whoever, as a proposer, or in a fictitious name as a proposer, willfully 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 nomination form which is not correct, or subscribes to a nomination form a signature which is not genuine, and thereby adversely affects the interests of any person as a candidate, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.</p>	<p>80A. Penalty for adversely affecting the interests of candidate.—Whoever, as a proposer, or in a fictitious name as a proposer, 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 nomination form which is not correct, or subscribes to a nomination form a signature which is not genuine, and thereby adversely affects the interests of any person as a candidate, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.</p>	<p>The Representation of the People Act, 1976</p>
<p>175. Undue influence.—A person is guilty of undue influence, if he—</p> <p>(1) 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, at an election, directly or indirectly, by himself or by any other person on his behalf—</p>	<p>81. Undue influence.—A person is guilty of undue influence, if he—</p> <p>(1) 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, at an election, directly or indirectly, by himself or by any other person on his behalf—</p>	<p>The Representation of the People Act, 1976</p>

(a) makes or threatens to make use of any force, violence or restraint;

(b) inflicts or threatens to inflict any injury, damage, harm or loss;

(c) calls down or threatens to call down divine displeasure or the displeasure or disapprobation of any saint or pir;

(d) gives or threatens to give any religious sentence;

(e) uses any official influence or governmental patronage; or

(f) maligns the Armed Forces of Pakistan; or

(2) on account of any person having voted or refrained from voting, or having offered himself as candidate or having withdrawn his candidature, does any of the acts specified in clause (1); or

(3) directly or indirectly, by himself or by any other person on his behalf,—

(a) uses any place of religious worship, or any place reserved for the performance of religious rites, for the purpose of canvassing for votes or for persuading voters to vote, or not to vote, at an election or for a particular candidate; or

(b) for any of the purposes specified in sub-clause (a), 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 thereof; or

(4) by abduction, duress or any fraudulent device or contrivance,—

(a) impedes or prevents the free exercise of the franchise by a voter; or

(b) compels, induces or prevails upon any voter to vote or refrain from voting.

Explanation.—In this section, “harm” includes social ostracism or ex-communication or expulsion from any caste or community.

(a) makes or threatens to make use of any force, violence or restraint;

(b) inflicts or threatens to inflict any injury, damage, harm or loss;

(c) calls down or threatens to call down divine displeasure or the displeasure or disapprobation of any saint or pir;

(d) gives or threatens to give any religious sentence;

(e) uses any official influence or governmental patronage; or

(f) maligns the Armed Forces of Pakistan.

(2) on account of any person having voted or refrained from voting, or having offered himself as candidate or having withdrawn his candidature, does any of the acts specified in clause (1); or

(3) directly or indirectly, by himself or by any other person on his behalf,—

(a) uses any place of religious worship, or any place reserved for the performance of religious rites, for the purpose of canvassing for votes or for persuading electors to vote, or not to vote, at an election or for a particular candidate; or

(b) for any of the purposes specified in sub-clause (a), 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 thereof; or

(4) by abduction, duress or any fraudulent device or contrivance,—

(a) impedes or prevents the free exercise of the franchise by an elector; or

(b) compels, induces or prevails upon any elector to vote or refrain from voting.

Explanation.—In this section, “harm” includes social ostracism or ex-communication or expulsion from any caste or community.

61. Undue influence.—A person is guilty of undue influence if he,—

(1) 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, at an election, directly or indirectly, by himself or by another person on his behalf,—

(a) makes or threatens to make use of any force, violence or restraint;

(b) inflicts or threatens to inflict any injury, damage, harm or loss;

(c) calls down or threatens to call down divine displeasure or the displeasure of any saint or pir;

(d) gives or threatens to give any religious sentence; or

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	<p>(e) uses or threatens to use any official influence or governmental patronage; or</p> <p>(2) on account of any person having voted or refrained from voting, or having offered himself as a candidate, or having withdrawn his candidature, does any of the acts specified in clause (1); or</p> <p>(3) by abduction, duress or any fraudulent device or contrivance,—</p> <p>(a) impedes or prevents the free exercise of the franchise by a voter; or</p> <p>(b) compels, induces or prevails upon any voter to vote or refrain from voting.</p> <p><i>Explanation.</i>—In this section, "harm" includes social ostracism or excommunication or expulsion from any caste or community.</p>	
<p>176. Penalty for corrupt practice.—Any person guilty of corrupt practice shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both.</p>	<p>82. Penalty for corrupt practice.—Any person guilty of corrupt practice shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both.</p> <p>62. Penalty for corrupt practice.—Any person guilty of corrupt practice shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to one hundred thousand rupees or with both.</p>	<p>The Representation of the People Act, 1976</p> <p>The Senate (Election) Act, 1975</p>
<p>177. Capturing of polling station.—Whoever—</p> <p>(a) seizes a polling station or a place fixed for the poll or makes polling authorities surrender the ballot papers or ballot box or both and doing of any other act which affects the orderly conduct of elections;</p> <p>(b) takes possession of a polling station or a place fixed for the poll and allows his supporters to exercise their right to vote and prevent others from free exercise of their right to vote;</p> <p>(c) coerces, intimidates or threatens directly any voter and prevents him from going to the polling station or a place fixed for the poll to cast his vote; or</p> <p>(d) being in the service of Government or corporations or institutions controlled by the Government of all or any of the aforesaid activities or aids or connives at, any such activity in the furtherance of the prospects of the election of a candidate;</p> <p>shall be guilty of an offence punishable with imprisonment for a term which shall not be less than three years and may extend to five years and with fine which shall not be less than fifty thousand rupees and may extend to one hundred thousand rupees or which both.</p>	<p>82A. Capturing of polling station and polling booth, etc.—Whoever—</p> <p>(a) seizes a polling station or a place fixed for the poll or makes polling authorities surrender the ballot papers or ballot box or both and doing of any other act which affects the orderly conduct of elections;</p> <p>(b) takes possession of a polling station or a place fixed for the poll and allows his supporters to exercise their right to vote and prevent others from free exercise of their right to vote;</p> <p>(c) coerces, intimidates or threatens directly any elector and prevents him from going to the polling station or a place fixed for the poll to cast his vote; or</p> <p>(d) being in the service of Government or corporations or institutions controlled by the Government of all or any of the aforesaid activities or aids or connives at, any such activity in the furtherance of the prospects of the election of a candidate,</p> <p>shall be guilty of an offence punishable with imprisonment for a term which shall not be less than three years and may extend to five years and with fine which shall not be less than fifty thousand rupees and may extend to one hundred thousand rupees or which both.</p>	<p>The Representation of the People Act, 1976</p>
<p>178. Illegal practice.—(1) A person is guilty of illegal practice if he—</p> <p>(a) fails to comply with the provisions of section 131;</p> <p>(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;</p>	<p>83. Illegal practice.—(1) A person is guilty of illegal practice if he—</p> <p>(a) fails to comply with the provisions of section 50;</p> <p>(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;</p>	<p>The Representation of the People Act, 1976</p>

<p>(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;</p> <p>(d) votes or applies for a ballot paper for voting more than once in the same polling station;</p> <p>(e) votes or applies for a ballot paper for voting in more than one polling station for the same election;</p> <p>(f) removes a ballot paper from a polling station during the poll; or</p> <p>(g) knowingly induces or procures any person to do any of the aforesaid acts.</p> <p>(2) Any person guilty of illegal practice shall be punishable with imprisonment for a term which may extend to six months and fine which may extend to five thousand rupees.</p>	<p>(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;</p> <p>(d) votes or applies for a ballot paper for voting more than once in the same polling station;</p> <p>(e) votes or applies for a ballot paper for voting in more than one polling station for the same election;</p> <p>(f) removes a ballot paper from a polling station during the poll; or</p> <p>(g) knowingly induces or procures any person to do any of the aforesaid acts.</p> <p>(2) Any person guilty of illegal practice shall be punishable with imprisonment for a term which may extend to six months and fine which may extend to five thousand rupees.</p> <p>63. Illegal practice.—(1) A person is guilty of illegal practice if he—</p> <p>(a) fails to comply with the provisions of section 29;</p> <p>(b) obtain 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;</p> <p>(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;</p> <p>(d) votes or applies for a ballot paper for voting more than once in the same polling station;</p> <p>(e) removes a ballot paper from a polling station during the poll; or</p> <p>(f) knowingly induces or procures any person to do any of the aforesaid acts.</p> <p>(2) A person guilty of illegal practice shall be punishable with imprisonment for a term which may extend to six months and fine which may extend to five thousand rupees.</p>	<p>The Senate (Election) Act, 1975</p>
<p>179. Prohibition of affixing hoardings.—(1) No person or a political party shall affix posters, hoardings or banners larger than the sizes prescribed by the Election Commission:</p> <p>Provided that such posters, hoardings or banners shall not be affixed nor parties flags shall be hoisted on any public property or at any public place, except with the permission in writing from, and on payment of such fee or charges as may be chargeable by, the concerned local government or authorities.</p> <p>(2) Wall-chalking as part of an election campaign is prohibited in all forms.</p> <p>(3) Loudspeakers shall not be used for election campaign except at the election meetings.</p> <p>(4) The Zila Nazim and the Returning Officer shall be responsible for the effective implementation of the provisions of this section.</p> <p>(5) The contravention of the provisions of sub-sections (1), (2) and (3) shall be punishable with imprisonment of</p>	<p>83A. Prohibition of affixing hoardings, etc.—(1) No person or a political party shall affix posters, hoardings or banners larger than the sizes prescribed by the Election Commission:</p> <p>Provided that such posters, hoardings or banners shall not be affixed nor parties flags shall be hoisted on any public property or at any public place, except with the permission in writing from, and on payment of such fee or charges as may be chargeable by, the concerned local government or authorities.</p> <p>(2) Wall-chalking as part of an election campaign is prohibited in all forms.</p> <p>(3) Loudspeakers shall not be used for election campaign except at the election meetings.</p> <p>(4) The Zila Nazim and the Returning Officer shall be responsible for the effective implementation of the provisions of this section.</p> <p>(5) The contravention of the provisions of sub-sections (1), (2) and (3) shall be punishable with imprisonment of</p>	<p>The Representation of the People Act, 1976</p>

<p>a term not exceeding one year, or with fine, or with both.</p>	<p>a term not exceeding one year, or with fine, or with both.</p>	
<p>180. Prohibition of public meetings.— (1) No person shall convene, hold or attend any public meeting, and no person shall promote or join in any procession, within the area of any constituency during a period of forty-eight hours ending at midnight following the conclusion of the poll for any election in that constituency.</p> <p>(2) Any person who contravenes the provisions of subsection (1) shall be punishable with rigorous imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.</p>	<p>84. Prohibition of public meetings, etc., during certain period.— (1) No person shall convene, hold or attend any public meeting, and no person shall promote or join in any procession, within the area of any constituency during a period of forty-eight hours ending at midnight following the conclusion of the poll for any election in that constituency.</p> <p>(2) Any person who contravenes the provisions of subsection (1) shall be punishable with rigorous imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.</p> <p>64. Prohibition of public meetings, etc., during certain period.—(1) No person shall convene, hold or attend any public meeting, and no person shall promote or join in any procession within a Province, during a period of forty-eight hours ending at midnight following the conclusion of the poll for any election in that Province.</p> <p>(2) Any person who contravenes the provisions of subsection (1) shall be punishable with rigorous imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.</p>	<p>The Representation of the People Act, 1976</p> <p>The Senate (Election) Act, 1975</p>
<p>181. Prohibition of canvassing at polling station.—A person is guilty of an offence punishable with fine which may extend to one thousand rupees if he, within a radius of four hundred yards of the polling station, on the polling day—</p> <p>(a) canvasses for votes;</p> <p>(b) solicits the vote of any voter;</p> <p>(c) persuades any voter not to vote at the election or for a particular candidate; or</p> <p>(d) 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 yards of the polling station, any notice, sign, banner or flag designed to encourage the voters to vote or discourage the voters from voting, for any contesting candidate.</p> <p>182. Disorderly conduct near polling station.—A person is guilty of an offence punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both, if he, on the polling day—</p>	<p>85. Prohibition of canvassing in or near polling station.—A person is guilty of an offence punishable with fine which may extend to one thousand rupees if he, within a radius of four hundred yards of the polling station, on the polling day—</p> <p>(1) canvasses for votes;</p> <p>(2) solicits the vote of any elector;</p> <p>(3) persuades any elector not to vote at the election or for a particular candidate; or</p> <p>(4) 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 yards of the polling station, any notice, sign, banner or flag designed to encourage the electors to vote or discourage the electors from voting, for any contesting candidate.</p> <p>65. Prohibition of canvassing in or near polling station.—A person is guilty of an offence punishable with fine which may extend to one thousand rupees if he, within a radius of four hundred yards of the polling station, on the polling day, —</p> <p>(a) canvasses for votes;</p> <p>(b) solicits the vote of any voter;</p> <p>(c) persuades any voter not to vote at the election or for a particular candidate; or</p> <p>(d) exhibits, except with the permission of the Returning Officer and at a place reserved for the candidate beyond the radius of one hundred yards of the polling station, any notice, sign, banner or flag designed to encourage the voters to vote, or discourage the voters from voting, for any contesting candidate.</p> <p>86. Disorderly conduct near polling station.—A person is guilty of an offence punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both, if he, on the polling day—</p>	<p>The Representation of the People Act, 1976</p> <p>The Senate (Election) Act, 1975</p> <p>The Representation of the People Act, 1976</p>

<p>(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;</p> <p>(b) persistently shouts in such manner as to be audible within the polling station;</p> <p>(c) does any act which—</p> <p style="padding-left: 40px;">(i) disturbs or causes annoyance to any voter visiting a polling station for the purpose of voting; or</p> <p style="padding-left: 40px;">(ii) interferes with the performance of the duty of a Presiding Officer, Assistant Presiding Officer, polling officer or any person performing any duty at a polling station; or</p> <p>(d) abets the doing of any of the aforesaid acts.</p>	<p>(1) uses, in such manner as to be audible within the polling station, any gramophone, magaphone, loudspeaker or other apparatus for reproducing or amplifying sounds;</p> <p>(2) persistently shouts in such manner as to be audible within the polling station;</p> <p>(3) does any act which—</p> <p style="padding-left: 40px;">(a) disturbs or causes annoyance to any elector visiting a polling station for the purpose of voting; or</p> <p style="padding-left: 40px;">(b) interferes with the performance of the duty of a Presiding Officer, Assistant Presiding Officer, Polling Officer or any person performing any duty at a polling station; or</p> <p>(4) abets the doing of any of the aforesaid acts.</p> <p>66. Disorderly conduct near polling station.—A person is guilty of an offence punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both, if he, on the polling day,—</p> <p style="padding-left: 40px;">(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;</p> <p style="padding-left: 40px;">(b) persistently shouts in such manner as to be audible within the polling station;</p> <p style="padding-left: 40px;">(c) does any act which—</p> <p style="padding-left: 80px;">(i) disturbs or causes annoyance to any voter visiting a polling station for the purpose of voting, or</p> <p style="padding-left: 80px;">(ii) interferes with the performance of the duty of a Returning Officer or a Polling Officer or any other person performing any duty at a polling station: or</p> <p style="padding-left: 40px;">(d) abets the doing of any of the aforesaid acts.</p>	<p>The Senate (Election) Act, 1975</p>
<p>183. Tampering with papers.—(1) Except as provided in sub-section (2), a person 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—</p> <p style="padding-left: 40px;">(a) intentionally defaces or destroys any nomination paper, ballot paper or official mark on a ballot paper;</p> <p style="padding-left: 40px;">(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;</p> <p style="padding-left: 40px;">(c) without due authority,—</p> <p style="padding-left: 80px;">(i) supplies any ballot paper to any person;</p> <p style="padding-left: 80px;">(ii) destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers in use for the purpose of election; or</p> <p style="padding-left: 80px;">(iii) breaks any seal affixed in accordance with the provisions of this Act;</p>	<p>87. Tampering with papers.—(1) Except as provided in sub-section (2), a person 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—</p> <p style="padding-left: 40px;">(a) intentionally defaces or destroys any nomination paper, ballot paper or official mark on a ballot paper;</p> <p style="padding-left: 40px;">(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 authorised by law to put in;</p> <p style="padding-left: 40px;">(c) without due authority,—</p> <p style="padding-left: 80px;">(i) supplies any ballot paper to any person;</p> <p style="padding-left: 80px;">(ii) destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers in use for the purpose of election; or</p> <p style="padding-left: 80px;">(iii) breaks any seal affixed in accordance with the provisions of this Act;</p>	<p>The Representation of the People Act, 1976</p>

<p>(d) forges any ballot paper or official mark; or</p> <p>(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.</p> <p>(2) A Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer or any other officer or clerk on duty in connection with the election who is guilty of an offence under sub-section (1), shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.</p>	<p>(d) forges any ballot paper or official mark; or</p> <p>(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.</p> <p>(2) A Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer or any other officer or clerk on duty in connection with the election who is guilty of an offence under sub-section (1), shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.</p> <p>67. Tampering with papers.—(1) Except as provided in sub-section (2), a person 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—</p> <p>(a) intentionally defaces or destroys any nomination paper, ballot paper or official mark on a ballot paper;</p> <p>(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;</p> <p>(c) without due authority—</p> <p>(i) supplies any ballot paper to any person;</p> <p>(ii) destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers in use for the purpose of election ; or</p> <p>(iii) breaks any seal affixed in accordance with the provisions of this Act or the rules;</p> <p>(d) forges any ballot paper or official mark; or</p> <p>(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.</p> <p>(2) A Returning Officer, Polling Officer or any other Officer or clerk on duty in connection with the election who is guilty of an offence under sub-section (1) shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.</p>	<p>The Senate (Election) Act, 1975</p>
<p>184. Interference with the secrecy of voting.—A person is guilty of an offence punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both if he—</p> <p>(a) interferes or attempts to interfere with a voter when he records his vote;</p> <p>(b) in any manner obtains or attempts to obtain in a polling station information as to the candidate for whom a voter is about to vote or has voted; or</p> <p>(c) communicates at any time any information obtained in a polling station as to the candidate for whom a voter is about to vote or has voted.</p>	<p>88. Interference with the secrecy of voting.—A person is guilty of an offence punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both if he—</p> <p>(a) interferes or attempts to interfere with an elector when he records his vote;</p> <p>(b) in any manner obtains or attempts to obtain in a polling station information as to the candidate for whom an elector is about to vote or has voted; or</p> <p>(c) communicates at any time any information obtained in a polling station as to the candidate for whom an elector is about to vote or has voted.</p> <p>68. Interference with the secrecy of voting.—A person is guilty of an offence punishable with imprisonment for</p>	<p>The Representation of the People Act, 1976</p> <p>The Senate (Election) Act, 1975</p>

	<p>a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, if he—</p> <p>(a) interferes or attempts to interfere with a voter when he records his vote ;</p> <p>(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 or has voted and marked his preferences ; or</p> <p>(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 and marked his preferences.</p>	
<p>185. Failure to maintain secrecy.—A Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer, or polling officer, or any candidate, election agent or polling agent 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—</p> <p>(a) fails to maintain or aid in maintaining the secrecy of voting;</p> <p>(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</p> <p>(c) communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.</p>	<p>89. Failure to maintain secrecy.—A Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer, or polling officer, or any candidate, election agent or polling agent 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—</p> <p>(a) fails to maintain or aid in maintaining the secrecy of voting;</p> <p>(b) communicates, except for any purpose authorised by any law to any person before the poll is closed any information as to the official marks; or</p> <p>(c) communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.</p> <p>69. Failure to maintain secrecy.—A Returning Officer or Polling Officer, or any candidate or agent of a candidate 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—</p> <p>(a) fails to maintain or aid in maintaining the secrecy of voting;</p> <p>(b) communicates to any person before the poll is closed, except for any purpose authorised by any law, any information as to the official mark ; or</p> <p>(c) communicates any information obtained at the counting of votes as to the candidates for whom any vote is given or a preference is recorded on any particular ballot paper.</p>	<p>The Representation of the People Act, 1976</p> <p>The Senate (Election) Act, 1975</p>
<p>186. Officials not to influence voters.—A Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer, polling officer or any other officer or clerk performing a duty in connection with an election, or any member of a police force, 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, in the conduct or management of an election or maintenance or order at a polling station,—</p> <p>(a) persuades any person to give his vote;</p> <p>(b) dissuades any person from giving his vote;</p>	<p>90. Officials not to influence voters.—A Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer, polling officer or any other officer or clerk performing a duty in connection with an election, or any member of a police force, 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, in the conduct or management of an election or maintenance or order at a polling station,—</p> <p>(a) persuades any person to give his vote;</p> <p>(b) dissuades any person from giving his vote;</p>	<p>The Representation of the People Act, 1976</p>

<p>(c) influences in any manner the voting of any person; or</p> <p>(d) does any other act calculated to influence the result of the election.</p>	<p>(c) influences in any manner the voting of any person; or</p> <p>(d) does any other act calculated to influence the result of the election.</p> <p>70. Officials not to influence voters.—A Returning Officer, Polling Officer or any other officer or clerk on duty in connection with an election, or any member of a police force, 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, in the conductor management of an election or maintenance of order at a polling station,—</p> <p>(a) persuades any person to give his vote ;</p> <p>(b) dissuades any person from giving his vote;</p> <p>(c) influences in any manner the voting of any person; or</p> <p>(d) does any other act calculated to influence the result of the election.</p>	<p>The Senate (Election) Act, 1975</p>
<p>187. Breaches of official duty in election.—A Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer or any other person employed by any such officer in connection with his official duties imposed by or under this Act, is guilty of an offence punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees or with both, if he, willfully and without reasonable cause, commits breach of any such official duty, by act or omission.</p>	<p>91. Breaches of official duty in connection with election.—A Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer or any other person employed by any such officer in connection with his official duties imposed by or under this Act, is guilty of an offence punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees or with both, if he, wilfully and without reasonable cause, commits breach of any such official duty, by act or omission.</p> <p>71. Breaches of official duty in connection with election.—A Returning Officer, Polling Officer or any other person employed by any such officer in connection with his official duties imposed by or under this Act or the rules is guilty of an offence punishable with fine which may extend to one thousand rupees if he, willfully and without reasonable cause, commits breach of any such official duty by act or omission.</p>	<p>The Representation of the People Act, 1976</p> <p>The Senate (Election) Act, 1975</p>
<p>188. Assistance by Government servant.—A person in the service of Pakistan is guilty of an offence punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both, if he misuses his official position in a manner calculated to influence the results of the election.</p>	<p>92. Assistance by Government servant.—A person in the service of Pakistan is guilty of an offence punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both, if he misuses his official position in a manner calculated to influence the results of the election.</p> <p>72. Assistance by Government servant.—A person in the service of Pakistan is guilty of an offence punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both, if he misuses his official position in a manner calculated to influence the result of the election.</p>	<p>The Representation of the People Act, 1976</p> <p>The Senate (Election) Act, 1975</p>
<p>189. Certain powers of a police officer.—A police officer may—</p> <p>(a) arrest without warrant, notwithstanding anything contained in the Code of Criminal Procedure 1898 (Act V of 1898), any person—</p> <p>(i) who commits personation or an offence under section 181 if the Returning Officer directs him to so arrest such person ;</p>	<p>93. Certain powers of a police officer.— A police officer may—</p> <p>(a) arrest without warrant, notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), any person—</p> <p>(i) who, commits personation or an offence under section 86 if the Presiding Officer direct him to so arrest such person;</p>	<p>The Representation of the People Act, 1976</p>

<p>(ii) who, being removed from the polling station by the Returning Officer, commits any offence at the polling station;</p> <p>(b) remove any notice, sign, banner or flag used in contravention of section 180; and</p> <p>(c) seize any instrument or apparatus used in contravention of section 181; and take such steps, including use of force, as may be reasonably necessary for preventing such contravention.</p>	<p>(ii) who, being removed from the polling station by the Presiding Officer under section 32 commits any offence at the polling station.</p> <p>(b) remove any notice, sign, banner or flag used in contravention of section 85; and</p> <p>(c) seize any instrument or apparatus used in contravention of section 86 and take such steps, including use of force, as may be reasonably necessary for preventing such contravention.</p> <p>73. Certain powers of a police officer.—A police officer may—</p> <p>(a) arrest without warrant, notwithstanding anything contained in the Code of Criminal Procedure 1898 (Act V of 1898), any person—</p> <p>(i) who commits personation or an offence under section 66 if the Returning Officer directs him to so arrest such person ;</p> <p>(ii) who, being removed from the polling station by the Returning Officer, commits any offence at the polling station;</p> <p>(b) remove any notice, sign, banner or flag used in contravention of section 65 ; and</p> <p>(c) seize any instrument or apparatus used in contravention of section 66;</p> <p>and take such steps, including use of force, as may be reasonably necessary for preventing such contravention.</p>	<p>The Senate (Election) Act, 1975</p>
<p>190. Certain offences cognizable.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), an offence under section 174 or section 176 or section 177 or section 181 or sub-section (1) of section 183 shall be a cognizable offence.</p> <p>(2) Notwithstanding anything contained in this Act or any other law for the time being in force, the offences of corrupt practice shall be tried by the Sessions Judge and an appeal against his order shall lie before a Division Bench of the High Court.</p> <p>(3) Where a proceeding against a person for being involved in corrupt practice is initiated on a complaint made by a private individual, and such person is convicted by the court and his conviction is maintained in final appeal, the complainant may be entitled to such reward payable out of the amount of fine as may be imposed by the court:</p> <p>Provided that where such complaint proves to be false, mala-fide, 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 three years, or with fine, or with both.</p>	<p>94. Certain offences cognizable.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under section 80A or section 82 or section 82A or section 85 or sub-section (1) of section 87 shall be a cognizable offence.</p> <p>(2) Notwithstanding anything contained in this Act or any other law for the time being in force, the offences of corrupt practice shall be tried by the Sessions Judge and an appeal against his order shall lie before a Division Bench of the High Court.</p> <p>(3) Where proceedings against a person for being involved in corrupt practice are initiated on a complaint made by a private individual, and such person is convicted by the court and his conviction is maintained in final appeal, the complainant may be entitled to such reward payable out of the amount of fine as may be imposed by the court:</p> <p>Provided that where such complaint proves to be false, malafide 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 three years, or with fine, or with both.</p> <p>74. Certain offences cognizable.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), an offence under section 58 or section 65 or sub-section (1) of section 67 shall be a cognizable offence.</p> <p>(2) Notwithstanding anything contained in this Act or any other law for the time being in force, the offences of corrupt practice shall be tried by the Sessions Judge and appeal against his order shall lie before a Division Bench of the High Court.</p>	<p>The Representation of the People Act, 1976</p> <p>The Senate (Election) Act, 1975</p>

	<p>(3) Where a proceeding against a person for being involved in corrupt practice is initiated on a complaint made by a private individual, and such person is convicted by the court and his conviction is maintained in final appeal, the complainant may be entitled to such reward payable out of the amount of fine as may be imposed by the court:</p> <p>Provided that where such complaint proves to be false, mala-fide, 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 three years, or with fine, or with both.</p>	
<p>191. Prosecution for offences by public officers.—(1) No court shall take cognizance of an offence under sub-section (2) of section 183, section 185, section 186, section 187 or section 188, except upon a complaint in writing made by order of, or under authority from, the Election Commission or the Commissioner.</p> <p>(2) The Commission or the Commissioner shall, if it or he has reason to believe that any offence specified in sub-section (1) has been committed, cause such enquiries to be made or prosecution to be instituted as it or he may think fit.</p> <p>(3) An offence specified in sub-section (1) shall be exclusively triable by the Court of Session within the jurisdiction of which the offence is committed.</p> <p>(4) In respect of an offence specified in sub-section (1), section 494 of the Code of Criminal Procedure, 1898 (Act V of 1898), shall have effect as if, after the word and comma “may,” therein, the words “if so directed by the Commissioner and” were inserted.</p>	<p>95. Prosecution of offences by public officers.—(1) No Court shall take cognizance of an offence punishable under sub-section (2) of section 87, section 89, section 90, section 91 or section 92 except upon a complaint in writing made by order of or under authority from, the Commission or the Commissioner.</p> <p>(2) The Commission or the Commissioner shall, if it or he has reason to believe that any offence specified in sub-section (1) has been committed, cause such enquiries to be made or prosecution to be instituted as it or he may think fit.</p> <p>(3) An offence specified in sub-section (1) shall be exclusively triable by the Court of Session within the jurisdiction of which the offence is committed.</p> <p>(4) In respect of an offence specified in sub-section (1), section 494 of the Code of Criminal Procedure, 1898 (Act V of 1898), shall have effect as if, after the word and comma “may,” therein, the words “if so directed by the Chief Election Commissioner and” were inserted.</p> <p>75. Prosecution for offences by public officers.—(1) No court shall take cognizance of an offence under sub-section (2) of section 67, section 69, section 70, section 71 or section 72, except upon a complaint in writing made by order of, or under authority from, the Commissioner.</p> <p>(2) The Commissioner shall, if he has reasons to believe that any offence specified in sub-section (1) has been committed, cause such inquiries to be made or prosecution to be instituted as he may think fit.</p>	<p>The Representation of the People Act, 1976</p> <p>The Senate (Election) Act, 1975</p>
<p>192. Court proceeding relating to election expenses.—The Election Commission shall direct the Returning Officer to initiate proceeding in the appropriate court against persons who contravene the provisions of section 131 or fails to comply with the provisions of section 132.</p>	<p>96. Court proceedings relating to election expenses.—The Commission shall direct the Returning Officer to launch proceedings in the appropriate court against persons who contravene the provisions of section 49 or fail to comply with the provisions of section 50.</p> <p>75A. Court proceeding relating to election expenses.—The Commissioner shall direct the Returning Officer to initiate proceeding in the appropriate court against the person who contravenes the provisions of section 28 or fails to comply with the provisions of section 29.</p>	<p>The Representation of the People Act, 1976</p> <p>The Senate (Election) Act, 1975</p>
<p>193. Prosecution for corrupt or illegal practices.—No prosecution for an offence under section 171 or section 183 shall be commenced except—</p> <p>(a) within six months of the commission of the offence; or</p> <p>(b) if the election at which the offence was committed is subject to an election petition and the Tribunal has made' an order in respect of such offence, within three months of the date of such order.</p>	<p>76. Limitation for prosecution for corrupt or illegal practices.—No prosecution for an offence under section 58 or section 65 shall be commenced except—</p> <p>(a) within six months of the commission of the offence; or</p> <p>(b) if the election at which the offence was committed is subject to an election petition and the Tribunal has made' an order in respect of such offence, within three months of the date of such order.</p>	<p>The Senate (Election) Act, 1975</p>

<p>194. Offences triable by officers.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), an officer for the time being 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 Election Commission or the Commissioner in this behalf may—</p> <p>(a) exercise the powers of a Magistrate of the first class under the said Code in respect of the offences punishable under section 172, section 176, section 177, section 179, section 180, section 181 and section 182; or 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 and 471 of the Pakistan Penal Code, 1860 (Act XLV of 1860); and</p> <p>(b) take cognizance of any such offence under any of the clauses of sub-section (1) of section 190 of the Code of Criminal Procedure, 1898 (Act V of 1898);</p> <p>and shall try any such offence in a summary way in accordance with the provisions of the said Code relating to summary trials.</p>	<p>86A. Certain offences triable by officers authorised by the Commission.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), an officer for the time being 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 authorised by the Commission in this behalf may—</p> <p>(a) exercise the powers of a Magistrate of the first class under the said Code in respect of the offences punishable under section 80, section 82A, section 83, section 84, section 85, section 86 and section 87; and</p> <p>(b) take cognizance of any such offence under any of the clauses of sub-section (1) of section 190 of the said Code;</p> <p>and shall try any such offence in a summary way in accordance with the provisions of the said Code relating to summary trials.</p> <p>31. Certain offences triable by Registration Officer.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), the Registration Officer, if so authorized by the Commissioner in this behalf, may—</p> <p>(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 and 471 of the Pakistan Penal Code, 1860 (Act XLV of 1860); and</p> <p>(b) take cognizance of any such offence and shall try it summarily in accordance with the provisions of Code of Criminal Procedure, 1898 (Act V of 1898), relating to summary trials.</p>	<p>The Representation of the People Act, 1976</p> <p>The Electoral Rolls Act, 1974</p>
<p>195. Report of conviction to Election Commission.—A Court convicting any person for an offence punishable under this Chapter, other than corrupt practice, shall send a report to the Election 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.</p>	<p>97. Court to report convictions to the Commission.—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.</p>	<p>The Representation of the People Act, 1976</p>
<p>196. Punishment in addition to 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.</p>	<p>98. Punishment under this Chapter 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.</p>	<p>The Representation of the People Act, 1976</p>

CHAPTER XI: MISCELLANEOUS

<p>197. Election Commission to ensure fair election.—Save as otherwise provided, the Election Commission may—</p>	<p>103. Commission to ensure fair election, etc.—Save as otherwise provided, the Commission may—</p>	<p>The Representation of the People Act, 1976</p>
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<p>(a) stop the polls 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 mal-practices, including coercion, intimidation and pressures, prevailing at the election;</p> <p>(b) review an order passed by an officer under this Act or the rules, including rejection of a ballot paper; and</p> <p>(c) issue such instructions and exercise such powers, and make such consequential orders, as may in its opinion, be necessary for ensuring that an election is conducted honestly, justly and fairly, and in accordance with the provisions of this Act and the rules.</p>	<p>(a) stop the polls 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 mal-practices, including coercion, intimidation and pressures, prevailing at the election;</p> <p>(b) review an order passed by an officer under this Act or the rules, including rejection of a ballot paper; and</p> <p>(c) issue such instructions and exercise such powers, and make such consequential orders, as may in its opinion, be necessary for ensuring that an election is conducted honestly, justly and fairly, and in accordance with the provisions of this Act and the rules.</p> <p>84. Commissioner to ensure fair election, etc.—Save as otherwise provided, the Commissioner may issue such instructions and exercise such powers including the power to review an order passed by any officer under this Act or the rules, and make such consequential orders, as may, in his opinion, be necessary for ensuring that an election is conducted honestly, justly and fairly and in accordance with the provisions of this Act and the rules.</p>	<p>The Senate (Election) Act, 1975</p>
<p>198. Executive authorities to assist Election Commission.—(1) All executive authorities in the Federation and in the Provinces shall render such assistance to the Commissioner and the Election Commission in the discharge of his or its functions as may be required of them by the Commissioner or the Election Commission.</p> <p>(2) The Commissioner or the Election Commission may require any person or authority to perform such functions or render such assistance for the purposes of this Act as it may direct.</p> <p>(3) The Federal Government and each Provincial Government shall make available to the Commissioner such staff as he may require for the performance of his functions under this Act.</p> <p>(4) Anything required to be done for carrying out the purpose of this Act, for which no provision or no sufficient provision exists shall be done by such authority and in such manner as the Election Commission may direct.</p>	<p>5. Assistance to the Commission.—(1) All executive authorities in the Federation and in the Provinces shall render such assistance to the Commissioner and the Commission in the discharge of his or their functions as may be required of them by the Commissioner or the Commission.</p> <p>(2) 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.</p> <p>(3) The Federal Government and each Provincial Government shall make available to the Commissioner such staff as he may require for the performance of his functions under this Act.</p> <p>104. Directions of commission in certain matters.—Anything required to be done for carrying out the purpose 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.</p> <p>9. Executive authorities to assist Commission etc.—It shall be the duty of all executive authorities in the Federation and in the Provinces to assist the Commissioner and the Election Commission in the discharge of his or their functions.</p> <p>9B. Directions of Commission in certain matters.—Anything required to be done for carrying out the purpose of this Order, for which no provision or no sufficient provision exists shall be done by such authority and in such manner as the Election Commission may direct.</p> <p>3. Assistance to Commissioner.—(1) The Commissioner may require any person or authority to perform such function or render such assistance for the purposes of this Act, as the Commissioner may direct.</p> <p>(2) All executive authorities of the Federal Government, each Provincial Government, the Federal Capital and the Federally Administered Tribal Areas shall assist the Commissioner in the performance of his functions under this Act and for this purpose the Commissioner may issue such directions as he may consider necessary.</p>	<p>The Representation of the People Act, 1976</p> <p>The Representation of the People Act, 1976</p> <p>The Election Commission Order, 2002</p> <p>The Election Commission Order, 2002</p> <p>The Electoral Rolls Act, 1974</p>

	<p>(3) The Federal Government and each Provincial Government shall make available to the Commissioner such staff as he may require for the performance of his functions under this Act.</p> <p>6. Assistance to the Commission.—(1) The Commission may require any person or authority to perform such functions or render such assistance for the purposes of this Act as it may direct.</p> <p>(2) All executive authorities of the Federal Government and each Provincial Government shall assist the Commission in the performance of its functions and for this purpose the Commission may issue such directions as it may consider necessary.</p> <p>85. Directions of Commissioner in certain matters.— Anything required to be done to carry 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 Commissioner may direct.</p>	<p>The Delimitation of Constituencies Act, 1974</p> <p>The Senate (Election) Act, 1975</p>
<p>199. Power to requisition property.—The Provincial Government or an officer authorized by it in this behalf may, upon a request made in this behalf by the Election Commission, by order in writing, requisition any such vehicle, vessel or animal 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 duties in connection with the election:</p> <p>Provided that no vehicle, vessel or animal which is being used by a candidate or his election agent for any purpose connected with the election of such candidate shall be so requisitioned.</p> <p>(2) Any person authorized in this behalf by the Provincial Government may take possession of any vehicle, vessel or animal requisitioned under sub-section (1) and may for that purpose use such force, including police force, as may be reasonably necessary.</p> <p>(3) Where any vehicle, vessel or animal 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 animal on the basis of the fares and rates prevailing in the locality for its hire: Provided that, where the owner of the vehicle, vessel or animal, 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, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Provincial Government may determine.</p>	<p>6. Power to requisition property.—The Provincial Government or an officer authorized by it in this behalf may, upon a request made in this behalf by the Commission, by order in writing, requisition any such vehicle, vessel or animal 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 duties in connection with the election:</p> <p>Provided that no vehicle, vessel or animal which is being used by a candidate or his election agent for any purpose connected with the election of such candidate shall be so requisitioned.</p> <p>(2) Any person authorized in this behalf by the Provincial Government may take possession of any vehicle, vessel or animal requisitioned under sub-section (1) and may for that purpose use such force, including police force, as may be reasonably necessary.</p> <p>(3) Where any vehicle, vessel or animal 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 animal on the basis of the fares and rates prevailing in the locality for its hire: Provided that, where the owner of the vehicle, vessel or animal, 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, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Provincial Government may determine.</p>	<p>The Representation of the People Act, 1976</p>
<p>200. Delegation of powers.—The Election Commission may authorize the Commissioner or any of its members or any of the officers of the Election Commission to exercise and perform all or any of its powers and functions under this Act.</p>	<p>5. Delegation of powers, etc.—The Commission may authorize any of its members to exercise and perform all or any of its powers and functions under this Act.</p> <p>9A. Delegation of powers and functions.—(1) The Commissioner may, subject to such conditions as he may deem fit, require any member of the Election Commission to exercise and perform all or any of the powers and functions of the Commissioner under this Order.</p> <p>(2) The Election Commission may require the Commissioner or any of its members to exercise and perform all or any of its powers and functions under this Order.</p>	<p>The Senate (Election) Act, 1975</p> <p>The Election Commission Order, 2002</p>

	<p>4. Delegation of powers, etc.—The Commission may authorize its Chairman or any of its members or any of the officers of the Commission to exercise and perform all or any of its powers and functions under this Act.</p> <p>5. Delegation of powers, etc.—The Commission may authorize any of its members to exercise and perform all or any of its powers and functions under this Act.</p> <p>4. Delegation of powers.—The Commissioner may authorise any of the officers subordinate to him to exercise and perform all or any of his powers and functions under this Act.</p>	<p>The Representation of the People Act, 1976</p> <p>The Delimitation of Constituencies Act, 1974</p> <p>The Senate (Election) Act, 1975</p>
<p>201. Code of conduct of political parties.— The Election Commission shall in consultation with the political parties, prepare and publish a code of conduct for the political parties.</p>	<p>18. Code of conduct of political parties.— The Election Commission shall in consultation with the political parties, prepare and publish a code of conduct for the political parties.</p>	<p>The Political Parties Order, 2002</p>
<p>202. Power of Election Commission to punish for contempt.—The Election Commission shall have the same power as the High Court has to punish any person for contempt of court and the Contempt of Court Act, 1976 (XLIV of 1976), shall have effect accordingly as if reference therein to a “court” and to a “judge” were a reference, respectively, to the “Election Commission” and the Commissioner or, as the case may be, a member of the Election Commission.</p>	<p>103A. Power of Commission to punish for contempt.—The Commission shall have the same power as the High Court has to punish any person for contempt of court and the Contempt of Court Act, 1976 (XLIV of 1976), 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.</p>	<p>The Representation of the People Act, 1976</p>
<p>203. Bar of jurisdiction.— Subject to the provisions of this Act, a court of general jurisdiction shall not entertain a suit, petition or an application against any proceedings taken, order or direction made under the Act.</p>	<p>7A. Application of certain laws etc.—(1) Subject to this Order and any Order, from time to time, made by the Chief Executive, the provisions of Part VIII of the Constitution of the Islamic Republic of Pakistan and all electoral laws, Orders, Acts, Ordinances and regulations, rules, notifications and instructions made or issued thereunder for the time being in force and amended from time to time shall form part of this Order.</p> <p>(2) All electoral laws Orders, Acts, Ordinances and regulations, rules, notifications and instructions made or issued thereunder for the time being in force and amended from time to time shall apply to the preparation and revision of electoral rolls and delimitation of constituencies and all other matters which may be necessary for the purpose of conducting elections to both Houses of Parliament and to the Provincial Assemblies.</p> <p>(3) The reference to the Commissioner or the Election Commission in Part VIII and other Articles of the Constitution of the Islamic Republic of Pakistan and all electoral laws, Orders, Acts, Ordinances and regulations, rules, notifications and instructions made or issued thereunder for the time being in force shall be construed as reference to the Commissioner or the Election Commission appointed or constituted under this Order, as the case may be.</p> <p>9C. Bar of Jurisdiction.—No Court shall question the legality of any action taken in good faith by or under the authority of the Commission, the Commissioner, a Returning Officer, Presiding Officer or an Assistant Presiding Officer or any decision given by any of them or any other officer or authority appointed under this Order or the rules.</p> <p>105. Jurisdiction of courts barred.—No court shall question the legality of any action taken in good faith by or under the authority of the Commission, the Commissioner, a Returning Officer, Presiding Officer or an Assistant Presiding Officer or any decision given by any of them or any other officer or authority appointed under this Act or the rules.</p> <p>29. Bar of jurisdiction.—No court shall question the validity of the electoral rolls prepared or revised under</p>	<p>The Election Commission Order, 2002</p> <p>The Election Commission Order, 2002</p> <p>The Representation of the People Act, 1976</p> <p>The Electoral Rolls Act, 1974</p>

	<p>this Act or the legality or propriety of any proceedings or action taken thereunder by or under the authority of the Commissioner or a Registration Officer.</p> <p>11. Bar of jurisdiction.—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.</p> <p>86. Jurisdiction of courts barred.—No court shall question the legality of any action taken in good faith by, or under the authority of, the Commissioner, a Returning Officer or a Polling Officer or any decision given by any of them or by any other officer or authority appointed under this Act or the rules.</p>	<p>The Delimitation of Constituencies Act, 1974</p> <p>The Senate (Election) Act, 1975</p>
<p>204. Protection of actions taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Election Commission, the Commissioner or any officer or other person in respect of anything which is in good faith done 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 Act or rules.</p>	<p>9D. Protection of actions taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Election Commission, the Commissioner or any officer or other person in respect of anything which is in good faith done or intended to be done under or in pursuance of this Order or of any rule or Order made or any direction given thereunder.</p> <p>106. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Commission, the Commissioner or any officer or other person in respect of anything which is in good faith done or intended to be done under or in pursuance of this Act or of any rule or order made or any direction given thereunder.</p> <p>87. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Commissioner or any officer or other person in respect of anything which is in good faith done or intended to be done under or in pursuance of this Act or any rule or order made, or direction given, thereunder.</p>	<p>The Election Commission Order, 2002</p> <p>The Representation of the People Act, 1976</p> <p>The Senate (Election) Act, 1975</p>
<p>205. Removal of difficulties.— If any difficulty arises in giving effect to any of the provisions of this Act, the President may make such provisions for the removal of the difficulty as he may deem fit.</p>	<p>9E. Removal of difficulties.—If any difficulty arises in giving effect to any of the provisions of this Order, the President may make such provision for the removal of the difficulty as he may deem fit.</p> <p>10. Removal of difficulties.— (1) If any difficulty arises in giving effect to any of the provisions of this Order, the President may make such provisions for the removal of the difficulty as he may deem fit.</p> <p>(2) For the purpose of bringing the provisions of the Constitution and of any of the laws relating to elections to the Senate, National Assembly and the Provincial Assemblies into accord with the provisions of this Order, the President may by Order make such adaptations, modifications, additions or omissions as he may deem necessary or expedient.</p> <p>(3) Any court, tribunal or authority empowered to enforce any of the laws referred to in clause (2) shall, notwithstanding that no adaptations have been made in such law by an Order made under that clause, construe the law with all such adaptations as are necessary to bring it into accord with the provisions of this Order.</p> <p>28A. Removal of difficulties.—If any difficulty arises in giving effect to any of the provisions of this Act, the President may make such provision for the removal of the difficulty as he may deem fit.</p> <p>10B. Removal of difficulties.—If any difficulty arises in giving effect to any of the provisions of this Act the President may make such provision for the removal of the difficulty as he may deem fit.</p>	<p>The Election Commission Order, 2002</p> <p>The Conduct of General Elections Order, 2002</p> <p>The Electoral Rolls Act, 1974</p> <p>The Delimitation of Constituencies Act, 1974</p>
<p>206. Rules.—(1) The Election Commission may, with</p>	<p>19. Rules.—The Election Commission may, with</p>	<p>The Political Parties Order, 2002</p>

<p>approval of the President, make rules for carrying out the purposes of this Act.</p> <p>(2) Where a form has been prescribed for any of the purposes of this Act or the rules made thereunder, the Commissioner may, by notification in the official Gazette, make such modifications or additions in the form as may in his opinion be necessary.</p>	<p>approval of the President, make rules for carrying out the purposes of this Order.</p> <p>9D. Power to make rules.—The Commissioner may, with the approval of th President, make rules for carrying out the purposes of this Order.</p> <p>9. Power to make rules.—(1) The President may make rules for carrying out the purposes of this Order. (2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for the procedure of election on the seats reserved for women and technocrats.</p> <p>107. Power to make rules.—The Commission may with the approval of the President, make rules for carrying out the purposes of this Act.</p> <p>28. Power to make rules.—(1) The Commissioner may, with the approval of the President and by notification in the official Gazette, make rules for carrying out the purposes of this Act.</p> <p>(2) Where a form has been prescribed for any of the purposes of this Act or the rules made thereunder, the Commissioner may, by notification in the official Gazette, make such modifications or additions in the form as may in his opinion be necessary:</p> <p>Provided that the validity of an electoral roll prepared in the prescribed form for the time being in force shall not be affected by any modification or addition made in the form subsequent to the preparation of the roll.</p>	<p>The Election Commission Order, 2002</p> <p>The Conduct of General Elections Order, 2002</p> <p>The Representation of the People Act, 1976</p> <p>The Electoral Rolls Act, 1974</p>
<p>207. Repeal and savings.—(1) The following laws are hereby repealed:</p> <p>(a) the Election Commission Order, 2002 (Chief Executive’s Order No.1 of 2002);</p> <p>(b) the Conduct of General Elections Order, 2002 (Chief Executive’s Order No.7 of 2002);</p> <p>(c) the Political Parties Order, 2002 (Chief Executive’s Order No.18 of 2002);</p> <p>(d) the Representation of the People Act, 1976 (Act No. LXXXV of 1976);</p> <p>(e) the Senate (Election) Act, 1975 (Act No. LI of 1975);</p> <p>(f) the Electoral Rolls Act, 1974 (Act No. XXI of 1974);</p> <p>(f) the Delimitation of Constituencies Act, 1974 (Act No. XXXIV of 1974); and</p> <p>(g) the Qualification to Hold Public Offices Order, 2002 (Chief Executive’s Order No.19 of 2002).</p> <p>(2) Notwithstanding the repeal of the laws mentioned in sub-section (1), anything done or action taken under a repealed law shall have the effect as if the thing is done or action is taken under this Act.</p>	<p>10. Repeal.—The Extension in the term of Chief Election Commission Order, 2000 (Chief Executive Order No. 9 of 2000), is hereby repealed.</p> <p>8G. Elections deemed to be held under the Constitution.—The election held under this Order shall be deemed to have been held under this Constitution and shall have effect accordingly.</p> <p>11. Repeal.—The Houses of Parliament and Provincial Assemblies (Elections) Order, 1977 (PPO No. 5 of 1977), is hereby repealed.</p> <p>17. Intra-party elections for general elections, 2002.—(1) Every political party desiring to take part in general elections, 2002, shall be required to complete its intra-party elections referred to in Article 11 in accordance with the party constitution and this Order by the fifth day of August, 2002, and submit the certificate referred to in Article 12 accordingly.</p> <p>(2) A political party which has already completed intra party elections, as far as possible, according to the requirements of Article 11, before the commencement of this Order shall submit a certificate to the Election Commission in accordance with Article 12.</p> <p>(3) A party not complying with the provisions of clause (1) and (2) shall not be allotted election symbol for the general elections, 2002.</p> <p>20. Repeal.—The Political Parties Act, 1962 (III of 1962), is hereby repealed.</p> <p>109. Repeal.—The National and Provincial Assemblies (Election) Ordinance, 1970 (XIII of 1970) and the National and Provincial Assemblies (Elections to Reserved Seats) Act, 1976 (XVIII of 1976), are hereby</p>	<p>The Election Commission Order, 2002</p> <p>The Conduct of General Elections Order, 2002</p> <p>The Conduct of General Elections Order, 2002</p> <p>The Political Parties Order, 2002</p> <p>The Political Parties Order, 2002</p> <p>The Representation of the People Act, 1976</p>

	repealed in their application to the elections to which this Act applies.	
SCHEDULES		

<p style="text-align: center;">SCHEDULE-I [See section 4]</p> <p style="text-align: center;">بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ (In the name of Allah, the most Beneficent, the most Merciful)</p> <p>I _____, do solemnly swear that as Chief Election Commissioner, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully, in accordance with the law, the Proclamation of Emergency of the Fourteenth day of October, 1999, the Provisional Constitution Order No. 1 of 1999, as amended, and without fear or favour, affection or ill-will, and that will not allow my personal interest to influence my official conduct or my official decisions.</p> <p>That I will abide by the provisions of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999, as amended.</p> <p style="text-align: center;">May Allah Almighty help and guide me (A'meen)</p>	<p style="text-align: center;">THE SCHEDULE [See Article 3]</p> <p style="text-align: center;">بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ (In the name of Allah, the most Beneficent, the most Merciful)</p> <p>I _____, do solemnly swear that as Chief Election Commissioner, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully, in accordance with the law, the Proclamation of Emergency of the Fourteenth day of October, 1999, the Provisional Constitution Order No. 1 of 1999, as amended, and without fear or favour, affection or ill-will, and that will not allow my personal interest to influence my official conduct or my official decisions.</p> <p>That I will abide by the provisions of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999, as amended.</p> <p style="text-align: center;">May Allah Almighty help and guide me (A'meen)</p>	<p>The Election Commission Order, 2002</p>
<p style="text-align: center;">SCHEDULE-II [See section 29(1)]</p> <p>Name of Constituency Extent of the Constituency</p> <p>-</p> <p>Tribal Area-I Mohmand Agency Tribal Area-II Kuram Agency Tribal Area-III Orakzai Agency Tribal Area-IV North Waziristan Agency Tribal Area-V South Waziristan Agency Tribal Area-VI Bajaur Agency Tribal Area-VII Khyber Agency Tribal Area-VIII (a) Tribal Area adjoining Peshawar District; (b) Tribal Area adjoining Kohat District; (c) Tribal Area adjoining D.I. Khan District; and (d) Tribal Area adjoining Bannu District.</p>	<p style="text-align: center;">THE SCHEDULE See section 8(1)</p> <p>Name of Constituency Extent of the Constituency</p> <p>-</p> <p>Tribal Area-I Mohmand Agency Tribal Area-II Kuram Agency Tribal Area-III Orakzai Agency Tribal Area-IV North Waziristan Agency Tribal Area-V South Waziristan Agency Tribal Area-VI Bajaur Agency Tribal Area-VII Khyber Agency Tribal Area-VIII (a) Tribal Area adjoining Peshawar District; (b) Tribal Area adjoining Kohat District; (c) Tribal Area adjoining D.I. Khan District; and (d) Tribal Area adjoining Bannu District.</p>	<p>The Delimitation of Constituencies Act, 1974, Schedule</p>

SECTION II – ELECTION LEGISLATION IN LIGHT OF 18TH AMENDMENT CHANGES

Changes to the Constitution due to the 18th Amendment

On March 31, 2010, the Parliamentary Committee on Constitutional Reforms issued its draft of the 18th Amendment to the Constitution, a document proposing changes to about 100 Articles of the Constitution. That draft was approved subsequently by the National Assembly and Senate and then signed into law on April 19.

In addressing important issues for Pakistan, the 18th Amendment²⁰ dictates a number of changes to the *electoral legal framework* and thus will influence the way by which elections must be implemented in the years ahead. A summary of these changes within the Constitution are found in the table below.²¹

Article 59	The Senate Four new seats will be reserved for non-Muslims in the Senate, one from each Province, increasing the total number of seats in the Senate to 104;
Article 62 (f)	Qualifications for membership of Majlis-e-Shoora (Parliament) A person is qualified to be a member of the Parliament unless he/she is deemed to be of bad moral character, and such a determination of bad moral character will now only be made by a court declaration;
Article 63 (1) (g) (1) (h) (1) (i) (1) (j) (1)(l),(m),& (p) (1)(s) (2) & (3)	Disqualifications for membership of Majlis-e-Shoora (Parliament) A person will now only be disqualified as a member of Parliament on the grounds of undermining the integrity of the State of Pakistan on the basis of a court conviction to that effect. After 5 years, such a conviction will no longer serve to disqualify a person from being a member of Parliament; A conviction for corrupt practices or misuse of power will no longer disqualify a person from being a member of Parliament. However, a conviction for moral turpitude will remain grounds for disqualification; Dismissal from the service of Pakistan on the basis of misconduct will only disqualify a person from being a member of the Parliament for a period of 5 years; Removal or compulsory retirement from the service of Pakistan will only disqualify a person from being a member of the Parliament for a period of 3 years; These clauses have been deleted. Disqualifications as a result of convictions under Section 7 of the Political Parties Act 1962 will no longer be grounds for disqualification from being a member of the Parliament. These clauses became redundant with the repeal of the 1962 Act and the passage of the Political Parties Order 2002; A person may no longer be disqualified as a member of the Parliament or Provincial Assembly on the basis of Ordinances passed by the President under Article 89 of the Constitution or by the Governor under Article 128 of the Constitution; If not addressed by the Speaker or Chairman within 30 days of receipt, challenges to members of Parliament's qualifications for membership are automatically referred to the ECP. The ECP will then address the challenge within 90 days of receipt. If the ECP determines that the member is disqualified from being a member of Parliament, the seat will become vacant;
Article 63A	Disqualification on grounds of defection, etc. Voting against the party line on a constitutional amendment bill is now added to the list of issues for which a member of Parliament can be declared to have defected from the party. This declaration is now to be made by the head of the political party, rather than the head of the parliamentary party;
Article 91(5)	The Cabinet No term limits are to be placed on those serving in the role of Prime Minister;
Article 130(5)	The Cabinet No term limits are to be placed on those serving in the role of Chief Minister;
Article 140A	Local Government Elections to Local Government institutions are to be conducted by the ECP;
Article 213	Chief Election Commission The Prime Minister, in consultation with the Leader of Opposition in the National Assembly, will recommend three names for the appointment of the CEC. A Parliamentary Committee consisting of a maximum of 12 members and representing both Houses will be nominated by the Speaker to select one of the three candidates put forth by the Prime Minister. The Parliamentary Committee will be equally divided between government and opposition members. In the case of disagreement, the Prime Minister and the Leader of Opposition each will send a separate list to the Committee;

²⁰ Constitution of Pakistan - 18th Amendment 2010.

²¹ In May 2010, a "non-paper" was produced based on research completed by the Election Law Reform Project. It framed the Articles that would be influenced by the 18th Amendment to the Constitution while describing its implications on elections in Pakistan, per "18th Amendment to the Constitution of Pakistan - Assessment of the Electoral Components: A 'Non-Paper' distributed to the members of the Election Support Group and others (May 5, 2010)". The Election Support Group is "a forum of international entities supporting the strengthening of all aspects of the electoral environment in Pakistan." The table presented here is drawn from that document.

<i>Article 215</i>	<i>Term of office of Commission</i> The term in office of the CEC will be extended from 3 years to 5 years, effective only after the expiry of the present incumbent's term;
<i>Article 216</i>	<i>Commissioner not to hold office of profit</i> The provision allowing a person who has held the position of CEC to be re-appointed as CEC before the expiry of two years if both Houses of Parliament agree will be removed;
<i>Article 218</i>	<i>Election Commission</i> Members of the Election Commission of Pakistan will be appointed according to the same procedure as for the CEC. Members will be former judges of High Courts from each Province rather than sitting High Court judges (as is currently the case);
<i>Article 219</i>	<i>Duties of Commissioner</i> The list of powers formerly provided to the CEC are to be exercised by the Election Commission. The conduct of local government elections will be included in this list of responsibilities;
<i>Article 221</i>	<i>Officers and servants</i> The power to create posts, recruit for positions and determine service terms for positions at the ECP will be exercised by the Election Commission rather than by the CEC (as is currently the case);
<i>Article 224</i>	<i>Time of Election and bye-election</i> Care-taker cabinets will be appointed by the President or Governor (as appropriate) in consultation with the outgoing Prime/Chief Minister and the Leader of Opposition in the respective assembly. Members of care-taker cabinets and their immediate families (wives and children) are not allowed to contest the immediate elections following their appointment;
<i>Article 226</i>	<i>Election by secret ballot</i> All elections are to be held by secret ballot, but this will now exclude the election of the Prime Minister and the Chief Minister.

Consolidating a Unified Election Bill and 18th Amendment Changes

While the changes described above have now become part of the Constitution, they have not yet been integrated into election legislation. Indeed, an inconsistency remains between Pakistan's election legislation and its Constitution. The table that follows begins to address this problem. Elsewhere, the Election Law Reform Project has offered input with respect to the 18th Amendment's impact on election legislation in its current form.²² The goal within this section, however, is to offer insight into the 18th Amendment's influence on the *Unified Bill* constructed in Section I of this paper so as to ensure that the Bill is consistent with the recent Constitutional changes.

The following table allows readers to carefully consider specific provisions within the proposed Unified Bill for how they would change due to the 18th Amendment to the Constitution.

²² Ibid.

TABLE II: UNIFIED ELECTION LAW INCLUDING CHANGES PRECIPITATED BY THE 18TH AMENDMENT TO THE CONSTITUTION

<u>Unified Election Law</u>	<u>Unified Election Law + changes due to the 18th Amendment to the Constitution²³</u>	<u>Explanation of revision</u>
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CHAPTER II: ELECTION COMMISSION

<p>3. Commissioner.—(1) There shall be a Chief Election Commissioner, who shall be appointed by the President, in his discretion, for a term of three years.</p> <p>(2) As provided in clause (2) of Article 213 of the Constitution of the Islamic Republic of Pakistan, no person shall be appointed to be Commissioner unless he is, or has been, a Judge of the Supreme Court or is, or has been, a Judge of High Court and is qualified under paragraph (a) of clause (2) of Article 177 of the Constitution to be appointed a Judge of the Supreme Court.</p> <p>(3) The Commissioner shall have such powers and functions as are conferred on him by this Act.</p> <p>(4) The Commissioner may, by writing under his hand addressed to the President, resign his office.</p>	<p>3. Commissioner.—(1) The President shall, in accordance with the Constitution and this Act, appoint the Commissioner for a term of five years.</p> <p>(2) As provided in clause (2) of Article 213 of the Constitution of the Islamic Republic of Pakistan, no person shall be appointed to be Commissioner unless he is, or has been, a Judge of the Supreme Court or is, or has been, a Judge of High Court and is qualified under paragraph (a) of clause (2) of Article 177 to be appointed a Judge of the Supreme Court.</p> <p>(3) The Commissioner shall have such powers and functions as are conferred on him by this Act.</p> <p>(4) The Commissioner may, by writing under his hand addressed to the President, resign his office.</p> <p>(5) The Prime Minister shall in consultation with the Leader of the Opposition in the National Assembly, forward three names for appointment of the Commissioner to a Parliamentary Committee for hearing and confirmation of any one person.</p> <p>(6) The Parliamentary Committee to be constituted by the Speaker shall comprise fifty percent members from the Treasury Benches and fifty percent from the Opposition Parties, based on their strength in Majlis-e-Shoora (Parliament), to be nominated by the respective Parliamentary Leaders:</p> <p>Provided that in case there is no consensus between the Prime Minister and the Leader of the Opposition, each shall forward separate lists to the Parliamentary Committee for consideration which may confirm any one name:</p> <p>Provided further that the total strength of the Parliamentary Committee shall not exceed twelve members out of which one-third shall be from the Senate:</p> <p>Provided also that when the National Assembly is dissolved and a vacancy occurs in the office of the Commissioner, the Parliamentary Committee shall comprise the members from the Senate only and the foregoing provisions of this sub-section shall, mutatis mutandis, apply.</p>	<p>The 18th Amendment has changed the procedure for appointment of Chief Election Commissioner; (Articles 213 and 215 of the Constitution)</p>
<p>4. Commissioner's oath of office.—Before entering upon office, the Commissioner shall make before the Chief Justice of Pakistan oath in the form set-out in the Schedule-I.</p>	<p>4. Commissioner's oath of office.—Before entering upon office, the Commissioner shall make before the Chief Justice of Pakistan oath in the form set-out in the Schedule.</p>	<p>Schedule-II was added from the Delimitation of Constituencies Act 1974 which has become redundant because of the 18th Amendment Act 2010. The same</p>

²³ Changes to the Unified Law in Sections 28, 30, 35(2)(b), 58, and 136 were not necessitated by the 18th Amendment but by other Constitutional provisions. Explanations for each change are provided vis-a-vis these sections in the third column of this table.

		has been deleted and 'Schedule-I' has become 'Schedule' (Articles 51 and 106 of the Constitution).
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<p>6. Election Commission.—(1) For the purpose of the general election to the National Assembly and to a Provincial Assembly, and for the purpose of election to the Senate, an Election Commission shall be constituted in accordance with this section.</p> <p>(2) The Election Commission shall consist of—</p> <p>(a) The Commissioner, who shall be Chairman of the Commission ; and</p> <p>(b) four members, each of whom shall be a Judge of the High Court of each Province, appointed by the President after consultation with the Chief Justice of the High Court concerned and with the Commissioner.</p> <p>(3) It shall be the duty of the Election Commission constituted in relation to an election to organize and conduct the election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against.</p>	<p>6. Election Commission.— (1) For the purpose of election to both Houses of Majlis-e-Shoora (Parliament), Provincial Assemblies and for election to such other public offices as may be specified by law, a permanent Election Commission shall be constituted in accordance with this section.</p> <p>(2) The Election Commission shall consist of,—</p> <p>(a) the Commissioner who shall be the Chairman of the Commission; and</p> <p>(b) four members, each of whom has been a Judge of a High Court from each Province, appointed by the President in the manner provided for appointment of the Commissioner in section 3 of this Act.</p> <p>(3) It shall be the duty of the Election Commission to organize and conduct the election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against.</p>	Changes have been made in accord with the 18 th Amendment Act 2010 (Article 218 of the Constitution).
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<p>8. Duties of Commissioner.—The Commissioner shall be charged with the duty of—</p> <p>(a) organizing and conducting election to fill casual vacancies in the National Assembly, the Senate or a Provincial Assembly ; and</p> <p>(b) appointing Election Tribunals.</p>	<p>8. Duties of Election Commission.—The Election Commission shall be charged with the duty of:</p> <p>(a) preparing electoral rolls for election to the National Assembly and the Provincial Assemblies, and revising such rolls annually;</p> <p>(b) organizing and conducting election to the Senate to fill casual vacancies in the National Assembly, the Senate or a Provincial Assembly;</p> <p>(c) appointing Election Tribunals; and</p> <p>(d) the holding of general elections to the National Assembly, Provincial Assemblies and the local governments.</p>	Changes have been made in accord with the 18 th Amendment Act 2010 (Articles 219 & 221 of the Constitution).
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CHAPTER IV: DELIMITATION OF CONSTITUENCIES FOR GENERAL SEATS OF ASSEMBLIES

<p>29. Allocation of seats in the National Assembly.—(1) On the basis of population, the seats in the National Assembly for each Province, the Federally Administered Tribal Areas and the Federal Capital are allocated as follows:—</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th>Muslim Seats</th> <th>Seats reserved for women</th> </tr> </thead> <tbody> <tr> <td>The North-West Frontier Province</td> <td>26</td> <td>2</td> </tr> <tr> <td>Federally Administered Tribal Areas</td> <td>8</td> <td>-</td> </tr> <tr> <td>Federal Capital</td> <td>1</td> <td>-</td> </tr> <tr> <td>The Punjab</td> <td>115</td> <td>12</td> </tr> </tbody> </table>		Muslim Seats	Seats reserved for women	The North-West Frontier Province	26	2	Federally Administered Tribal Areas	8	-	Federal Capital	1	-	The Punjab	115	12	<p>29. Allocation of seats in the National Assembly.—(1) On the basis of population, the Election Commission shall allocate seats in the National Assembly for a Province, a Federally Administered Tribal Area and the Federal Capital in accordance with Article 51.</p> <p>(2) The seats allocated under sub-section (1) shall be reallocated after each succeeding census.</p>	Allocation of seats for the National Assembly has been changed (Article 51 of the Constitution).
	Muslim Seats	Seats reserved for women															
The North-West Frontier Province	26	2															
Federally Administered Tribal Areas	8	-															
Federal Capital	1	-															
The Punjab	115	12															

Sind	46	4
Baluchistan	11	2
Total:	207	20

Provided that the allocation of seats reserved for women shall not be effective after the holding of the third general election to the National Assembly under the Constitution.

(2) The seats allocated under sub-section (1) shall be reallocated after each succeeding census.

<p>30. Delimitation of constituencies.—(1) For the purpose of election to the general seats of the National Assembly, the Election Commission shall divide—</p> <p>(a) each Province into as many separate territorial constituencies as the number of general seats allocated to that Province under section 29; and</p> <p>(b) the Federally Administered Tribal Areas and the Federal Capital into as many territorial constituencies as the number of Muslim seats respectively allocated to the said Areas and the Federal Capital under that section and the delimitation of the said Areas shall be as set out in the Schedule-II.</p> <p>(2) For the purpose of election to Provincial Assemblies, the Election Commission shall divide each Province into as many territorial constituencies as the number of general seats fixed under clause (1) of Article 106.</p>	<p>30. Delimitation of constituencies.—(1) For the purpose of election to the National Assembly, the Commission shall divide—</p> <p>(a) each Province into as many separate territorial constituencies as the number of general seats allocated to that Province under Article 51; and</p> <p>(b) the Federally Administered Tribal Areas and the Federal Capital into as many territorial constituencies as the number of general seats respectively allocated to the said Areas and the Federal Capital under Article 51.</p> <p>(2) For the purpose of election to Provincial Assemblies, the Commission shall divide each Province into as many territorial constituencies as the number of general seats fixed under clause (1) of Article 106.</p>	<p>Allocation of seats for the National and Provincial Assemblies have been changed and constituencies are divided for the general seats (Articles 51 & 106 of the Constitution).</p>
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CHAPTER V: ELECTORAL ROLLS

<p>34. Preparation of electoral rolls.— (1) The Commissioner shall cause to be prepared the electoral rolls for election to the National Assembly and Provincial Assemblies afresh or by revising the electoral rolls existing immediately before coming into force of this Act, and revised from time to time in the prescribed manner.</p> <p>(2) The Commissioner shall make arrangements for the computerization of the electoral rolls in the manner as it may determine and any printout of the computer maintained by, or with the authority of, the Commissioner, shall be deemed to be an electoral roll published under this Act.</p>	<p>34. Preparation of electoral rolls.— (1) The Election Commission shall cause to be prepared the electoral rolls for election to the National Assembly and Provincial Assemblies afresh or by revising the electoral rolls existing immediately before coming into force of this Act, and revised from time to time in the prescribed manner.</p> <p>(2) The Election Commission shall make arrangements for the computerization of the electoral rolls in the manner as it may determine and any printout of the computer maintained by, or with the authority of, the Election Commission, shall be deemed to be an electoral roll published under this Act.</p>	<p>The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).</p>
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<p>35. Preparation of preliminary electoral rolls.—(1) Subject to the superintendence, directions and control of the Commissioner, the Registration Officer shall prepare the electoral rolls by including therein the name of every person entitled to be enrolled as voter in the electoral area under this Act.</p> <p>(2) A person shall be entitled to be enrolled as a voter in an electoral area if he—</p> <p>(a) is a citizen of Pakistan;</p> <p>(b) is not less than twenty one years of age on the first day of January in the year in which the preparation or revision of the electoral rolls commences under this Act;</p>	<p>35. Preparation of preliminary electoral rolls.—(1) Subject to the superintendence, directions and control of the Election Commission, the Registration Officer shall prepare the electoral rolls by including therein the name of every person entitled to be enrolled as voter in the electoral area under this Act.</p> <p>(2) A person shall be entitled to be enrolled as a voter in an electoral area if he—</p> <p>(a) is a citizen of Pakistan;</p> <p>(b) is not less than eighteen years of age on the first day of January in the year in which the preparation or revision of the electoral rolls commences under this Act;</p>	<p>The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).</p> <p>Voters' age was reduced to eighteen years in a previous Constitutional amendment but had never been updated in the Electoral Rolls Act (Articles 51 & 106 of the Constitution).</p>
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(c) is not declared by a competent court to be of unsound mind; and	(c) is not declared by a competent court to be of unsound mind; and	
(d) is, or is deemed under this Act to be, resident in the electoral area.	(d) is, or is deemed under this Act to be, resident in the electoral area.	

38. Appointment of Revising Authorities. — The Commissioner 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 corrections of electoral rolls relating thereto.	38. Appointment of Revising Authorities. — The Election 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 corrections of electoral rolls relating thereto.	The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).
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47. Enrolment and correction other than the annual revision. —(1) Any person whose name is not included in an electoral roll for the time being in force and who claims that he was or is entitled to be enrolled on that roll may apply to the appropriate Registration Officer, along with a photo-stat copy of the identity card issued, or deemed to have been issued, to him under the National Database and Registration Authority Ordinance, 2000 (VIII of 2000) for the inclusion of his name therein, and if the Registration Officer is satisfied after giving such notice and making such inquiry as he may consider necessary that the applicant was or is entitled to have his name enrolled, he shall for the purpose of further correcting the roll insert the name of such person in that roll: Provided that if the name of applicant is already included in the electoral roll of any other electoral area of the same district or any other district, the Registration Officer shall strike off his name from the roll of that other electoral area of the same district and inform the Registration Officer of other district who shall, on receipt of the information, strike off the name of the applicant from that roll. (2) Any person may apply to the Registration Officer for the correction of any entry in an electoral roll for the time being in force; and— (a) if the entry relates to the applicant and the Registration Officer is satisfied after giving such notice and making such inquiry as he may consider necessary that the entry relates to the applicant and is erroneous or defective in any particular, he shall correct the roll accordingly; and (b) 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 inquiry as he may consider necessary that the entry is erroneous or defective or should be deleted, he shall correct the electoral roll accordingly. (3) Where the Registration Officer rejects application made under sub-section (1) or sub-section (2), he shall record in writing brief reasons of his decision. (4) A person aggrieved by the order of the Registration Officer made under sub-section (1) or sub-section (2) may, within thirty days of such order, appeal to the appellate authority to be appointed by the Commissioner and the decision of such authority given thereon shall be final.	47. Enrolment and correction other than the annual revision. —(1) Any person whose name is not included in an electoral roll for the time being in force and who claims that he was or is entitled to be enrolled on that roll may apply to the appropriate Registration Officer, along with a photo-stat copy of the identity card issued, or deemed to have been issued, to him under the National Database and Registration Authority Ordinance, 2000 (VIII of 2000) for the inclusion of his name therein, and if the Registration Officer is satisfied after giving such notice and making such inquiry as he may consider necessary that the applicant was or is entitled to have his name enrolled, he shall for the purpose of further correcting the roll insert the name of such person in that roll: Provided that if the name of applicant is already included in the electoral roll of any other electoral area of the same district or any other district, the Registration Officer shall strike off his name from the roll of that other electoral area of the same district and inform the Registration Officer of other district who shall, on receipt of the information, strike off the name of the applicant from that roll. (2) Any person may apply to the Registration Officer for the correction of any entry in an electoral roll for the time being in force; and— (a) if the entry relates to the applicant and the Registration Officer is satisfied after giving such notice and making such inquiry as he may consider necessary that the entry relates to the applicant and is erroneous or defective in any particular, he shall correct the roll accordingly; and (b) 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 inquiry as he may consider necessary that the entry is erroneous or defective or should be deleted, he shall correct the electoral roll accordingly. (3) Where the Registration Officer rejects application made under sub-section (1) or sub-section (2), he shall record in writing brief reasons of his decision. (4) A person aggrieved by the order of the Registration Officer made under sub-section (1) or sub-section (2) may, within thirty days of such order, appeal to the appellate authority to be appointed by the Election Commission and the decision of such authority given thereon shall be final.	The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).
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48. Preparation of rolls afresh. — If the Commissioner, on account of any gross error or irregularity in or in the preparation of an electoral roll for any electoral area or a part thereof, considers it necessary so to do, it may by order direct that the roll for such area or part shall stand cancelled and that a fresh electoral roll for that area or part be prepared in accordance with the provisions of this	48. Preparation of rolls afresh. — If the Election Commission , on account of any gross error or irregularity in or in the preparation of an electoral roll for any electoral area or a part thereof, considers it necessary so to do, it may by order direct that the roll for such area or part shall stand cancelled and that a fresh electoral roll for that area or part be prepared in accordance with the provisions	The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).
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Act.	of this Act.	Constitution).
51. Departure in exceptional circumstances. —Where the Commissioner is satisfied that it is not possible to follow the procedure laid down for the preparation of an electoral roll in respect of any electoral area, it may direct that an electoral roll for such electoral area shall be prepared in such manner as it deems fit.	51. Departure in exceptional circumstances. —Where the Election Commission is satisfied that it is not possible to follow the procedure laid down for the preparation of an electoral roll in respect of any electoral area, it may direct that an electoral roll for such electoral area shall be prepared in such manner as it deems fit.	The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).
56. Commissioner's power to include a name in an electoral roll. — Subject to section 49, the Commissioner 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.	56. Election Commission's power to include a name in an electoral roll. — Subject to section 49, the Election 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.	The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).
58. Status of Ahmadis to remain unchanged. — Notwithstanding anything contained in any other law for the time being in force, including the Forms prescribed for preparation of electoral rolls on joint electorate basis in pursuance of this Act, the status of Qadiani 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 a religious reformer shall remain the same as provided in the Constitution.	[Omitted]	This provision pre-supposes that the provisions of the Constitution are not enforced. After the revival of the Constitution, this provision has become redundant (Article 260(3) of the Constitution).

CHAPTER VI: CONDUCT OF ELECTION FOR NATIONAL AND PROVINCIAL ASSEMBLIES

101. Bye-elections. — When the seat of a member of an Assembly becomes vacant, the Commissioner shall, by notification in the official Gazette, call upon the constituency concerned to elect a person to fill the seat for such constituency before such date as may be specified in the notification, and thereupon the provisions of this Act and the rules shall apply, as far as may be to the election to fill such seat: Provided that, notwithstanding anything contained in this Act, the days for the several stages of an election shall be such as may be specified in the aforesaid notification.	101. Bye-elections. — When the seat of a member of an Assembly becomes vacant, the Election Commission shall, by notification in the official Gazette, call upon the constituency concerned to elect a person to fill the seat for such constituency before such date as may be specified in the notification, and thereupon the provisions of this Act and the rules shall apply, as far as may be to the election to fill such seat: Provided that, notwithstanding anything contained in this Act, the days for the several stages of an election shall be such as may be specified in the aforesaid notification.	The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).
103. Number of seats in the National Assembly. —(1) There shall be three hundred and forty-two seats of the members in the National Assembly, including seats reserved for women and non-Muslims. (2) The seats in the National Assembly referred to in sub-	103. Number of seats in the National Assembly. —(1) There shall be three hundred and forty-two seats of the members in the National Assembly, including seats reserved for women and non-Muslims. (2) The seats in the National Assembly referred to in sub-	The words "Baluchistan, North-West Frontier Province and Sind" have respectively been substituted with the words

section (1), except as provided in sub-section (3), are allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital as under:—

	General Seats	Women	Total
Baluchistan	14	3	17
Federally Administered Tribal Areas	12	-	12
Federal Capital	2	-	2
The North-West Frontier Province	35	8	43
Punjab	148	35	183
Sindh	61	14	75
Total	272	60	332

(3) In addition to the number of seats referred to in sub-section (2), there shall be in the National Assembly ten seats reserved for non-Muslims as defined in Article 260.

(4) For the purpose of election to the National Assembly,—

(a) the constituencies for the election on general seats shall be single member territorial constituencies;

(b) the members to fill the general seats in the National Assembly shall be elected by direct and free vote;

(c) each Province shall be a single constituency for all seats reserved for women which are allocated to the respective Provinces under sub-section (2);

(d) the constituency for all seats reserved for non-Muslims shall be the whole country;

(e) the members to fill seats reserved for women which are allocated to a Province under sub-section (2) shall be elected through proportional representation system of political parties' lists of candidates specified in this Act on the basis of total number of general seats won by each political party from the Province concerned in the National Assembly:

Provided that for the purpose of this sub-clause, the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates; and

(f) the members to fill seats reserved for non-Muslims under sub-section (3) shall be elected through proportional representation system of political parties' lists of candidates on the basis of total number of general seats won by each political party in the National Assembly:

Provided that for the purpose of this sub-section the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication

section (1), except as provided in sub-section (3), are allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital as under:—

	General Seats	Women	Total
Balochistan	14	3	17
Federally Administered Tribal Areas	12	-	12
Federal Capital	2	-	2
Khyber Pakhtunkhwa	35	8	43
Punjab	148	35	183
Sindh	61	14	75
Total	272	60	332

(3) In addition to the number of seats referred to in sub-section

(2), there shall be in the National Assembly ten seats reserved for non-Muslims as defined in Article 260 of the Constitution.

(4) For the purpose of election to the National Assembly,—

(a) the constituencies for the election on general seats shall be single member territorial constituencies;

(b) the members to fill the general seats in the National Assembly shall be elected by direct and free vote;

(c) each Province shall be a single constituency for all seats reserved for women which are allocated to the respective Provinces under sub-section (2);

(d) the constituency for all seats reserved for non-Muslims shall be the whole country;

(e) the members to fill seats reserved for women which are allocated to a Province under sub-section (2) shall be elected through proportional representation system of political parties' lists of candidates specified in this Act on the basis of total number of general seats won by each political party from the Province concerned in the National Assembly:

Provided that for the purpose of this sub-clause, the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates;

(f) the members to fill seats reserved for non-Muslims under sub-section (3) shall be elected through proportional representation system of political parties' lists of candidates on the basis of total number of general seats won by each political party in the National Assembly:

Provided that for the purpose of this sub-section the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in

"Balochistan, Khyber Pakhtunkhwa and Sindh" (Article 51 of the Constitution).

in the official Gazette of the names of the returned candidates.	the official Gazette of the names of the returned candidates.	The words "Baluchistan, North-West Frontier Province and Sind" have respectively been substituted with the words "Baluchistan, Khyber Pakhtunkhwa and Sindh" (Article 106 of the Constitution).																																																											
<p>104. Number of seats in the Provincial Assemblies.— (1) Each Provincial Assembly shall consist of general seats and seats reserved for women and non-Muslims as herein below specified:—</p> <table border="1" data-bbox="231 425 734 739"> <thead> <tr> <th></th> <th><u>General Seats</u></th> <th><u>Women</u></th> <th><u>Non-Muslims</u></th> <th><u>Total</u></th> </tr> </thead> <tbody> <tr> <td>Baluchistan</td> <td>51</td> <td>11</td> <td>3</td> <td>65</td> </tr> <tr> <td>North-West Frontier Province</td> <td>99</td> <td>22</td> <td>3</td> <td>124</td> </tr> <tr> <td>The Punjab</td> <td>297</td> <td>66</td> <td>8</td> <td>371</td> </tr> <tr> <td>Sind</td> <td>130</td> <td>29</td> <td>9</td> <td>168</td> </tr> <tr> <td></td> <td>577</td> <td>128</td> <td>23</td> <td>728</td> </tr> </tbody> </table> <p>(2) For the purpose of election to a Provincial Assembly,—</p> <p>(a) the constituencies for the general seats shall be single member territorial constituencies;</p> <p>(b) members to fill the general seats shall be elected by direct and free vote;</p> <p>(c) each Province shall be a single constituency for all seats reserved for women and non-Muslims which are allocated to the respective Provinces under sub-section (1);</p> <p>(d) the members to fill seats reserved for women and non-Muslims allocated to a Province under sub-section (1) shall be elected through proportional representation system of political parties' lists of candidates on the basis of total number of general seats won by each political party in the Provincial Assembly;</p> <p>Provided that for the purpose of this sub-section the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates.</p>			<u>General Seats</u>	<u>Women</u>	<u>Non-Muslims</u>	<u>Total</u>	Baluchistan	51	11	3	65	North-West Frontier Province	99	22	3	124	The Punjab	297	66	8	371	Sind	130	29	9	168		577	128	23	728	<p>104. Number of seats in the Provincial Assemblies.— (1) Each Provincial Assembly shall consist of general seats and seats reserved for women and non-Muslims as herein below specified:—</p> <table border="1" data-bbox="766 425 1268 716"> <thead> <tr> <th></th> <th><u>General Seats</u></th> <th><u>Women</u></th> <th><u>Non-Muslims</u></th> <th><u>Total</u></th> </tr> </thead> <tbody> <tr> <td>Balochistan</td> <td>51</td> <td>11</td> <td>3</td> <td>65</td> </tr> <tr> <td>Khyber Pakhtunkhwa</td> <td>99</td> <td>22</td> <td>3</td> <td>124</td> </tr> <tr> <td>The Punjab</td> <td>297</td> <td>66</td> <td>8</td> <td>371</td> </tr> <tr> <td>Sindh</td> <td>130</td> <td>29</td> <td>9</td> <td>168</td> </tr> <tr> <td></td> <td>577</td> <td>128</td> <td>23</td> <td>728</td> </tr> </tbody> </table> <p>(2) For the purpose of election to a Provincial Assembly,—</p> <p>(a) the constituencies for the general seats shall be single member territorial constituencies;</p> <p>(b) members to fill the general seats shall be elected by direct and free vote;</p> <p>(c) each Province shall be a single constituency for all seats reserved for women and non-Muslims which are allocated to the respective Provinces under sub-section (1);</p> <p>(d) the members to fill seats reserved for women and non-Muslims allocated to a Province under sub-section (1) shall be elected through proportional representation system of political parties' lists of candidates on the basis of total number of general seats won by each political party in the Provincial Assembly;</p> <p>Provided that for the purpose of this sub-section the total number of general seats won by a political party shall include the independent returned candidate or candidates who may duly join such political party within three days of the publication in the official Gazette of the names of the returned candidates.</p>		<u>General Seats</u>	<u>Women</u>	<u>Non-Muslims</u>	<u>Total</u>	Balochistan	51	11	3	65	Khyber Pakhtunkhwa	99	22	3	124	The Punjab	297	66	8	371	Sindh	130	29	9	168		577	128	23
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CHAPTER VII: CONDUCT OF SENATE ELECTION

<p>105. Notification for election.—(1) For the purpose of a Senate election, the Commissioner shall, by notification in the official Gazette, call upon the members of an Assembly to elect such number of members to the Senate, as is specified in such notification.</p> <p>(2) The Commissioner shall in the same notification fix—</p> <p>(a) a day for the nomination of candidates;</p> <p>(b) a day for the scrutiny of nomination papers;</p> <p>(c) a day on or before which candidature may be withdrawn; and</p>	<p>105. Notification for election.—(1) For the purpose of a Senate election, the Election Commission shall, by notification in the official Gazette, call upon the members of an Assembly to elect such number of members to the Senate, as is specified in such notification.</p> <p>(2) The Election Commission shall in the same notification fix—</p> <p>(a) a day for the nomination of candidates;</p> <p>(b) a day for the scrutiny of nomination papers;</p> <p>(c) a day on or before which candidature may be withdrawn; and</p>	The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).
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(d) a day for the taking of the poll and the place at which the poll shall be taken.	(d) a day for the taking of the poll and the place at which the poll shall be taken.	
106. Supply of list of voters. —The Commissioner shall provide the Returning Officer with a list of voters for the Senate election.	106. Supply of list of voters. —The Election Commission shall provide the Returning Officer with a list of voters for the Senate election.	The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).
107. Polling Stations. —The Commissioner shall provide a polling station for the purpose of election of members by the members of a Provincial Assembly.	107. Polling Stations. —The Election Commission shall provide a polling station for the purpose of election of members by the members of a Provincial Assembly or the National Assembly.	The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).
<p>108. Nomination for election.—(1) A voter for the Senate election may propose or second the name of any person qualified for election to the Senate.</p> <p>(2) Every nomination shall be made by a separate nomination paper in the prescribed form signed both by the proposer and the seconder and shall, on solemn affirmation made and signed by the candidate, accompany—</p> <p>(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 or any other law for the time being in force for being elected as a member;</p> <p>(b) a declaration about his party affiliation, if any;</p> <p>(c) a declaration that no loan for an amount of two million rupees or more, obtained from any bank, financial institution, cooperative society or corporate body in his own name or in the name of his spouse or any of his dependents, or any business concern mainly owned by him or the aforesaid; stands unpaid for more than one year from the due date, or has got such loan written off;</p> <p>(d) a declaration that he, his spouse or any of his dependents or a business concern mainly owned by him or the aforesaid, is not in default in payment of government dues or utility charges, including telephone, electricity, gas and water charges of an amount in excess of ten thousand rupees, for over six months, at the time of filing of nomination papers;</p> <p>(e) a statement specifying his educational qualifications, occupation, National Identity Card number and National Tax Number, if any, along with attested copies thereof; and</p> <p>(f) a statement of his assets and liabilities and those of his spouse and dependents on the prescribed form as on the preceding thirtieth day of June.</p> <p><i>Explanation.</i>—For the purpose of this section, the expression—</p> <p>(i) "loan" shall mean any loan, advance, credit or finance obtained or written off on or after the 31st day of December, 1985, but shall not include the loan the recovery of which has been stayed or suspended by any order of a court or tribunal, including the High Court and the Supreme Court.</p>	<p>108. Nomination for election.—(1) A voter for the Senate election may propose or second the name of any person qualified for election to the Senate.</p> <p>(2) Every nomination shall be made by a separate nomination paper in the prescribed form signed both by the proposer and the seconder and shall, on solemn affirmation made and signed by the candidate, accompany—</p> <p>(a) a declaration that he has consented to the nomination and that he fulfils the qualifications specified in Article 62 of the Constitution and is not subject to any of the disqualifications specified in Article 63 thereof or any other law for the time being in force for being elected as a member;</p> <p>(b) a declaration about his party affiliation, if any;</p> <p>(c) a declaration that no loan for an amount of two million rupees or more, obtained from any bank, financial institution, cooperative society or corporate body in his own name or in the name of his spouse or any of his dependents, or any business concern mainly owned by him or the aforesaid; stands unpaid for more than one year from the due date, or has got such loan written off;</p> <p>(d) a declaration that he, his spouse or any of his dependents or a business concern mainly owned by him or the aforesaid, is not in default in payment of government dues or utility charges, including telephone, electricity, gas and water charges of an amount in excess of ten thousand rupees, for over six months, at the time of filing of nomination papers;</p> <p>(e) a statement specifying his educational qualifications, occupation, National Identity Card number and National Tax Number, if any, along with attested copies thereof; and</p> <p>(f) a statement of his assets and liabilities and those of his spouse and dependents on the prescribed form as on the preceding thirtieth day of June.</p> <p><i>Explanation.</i>—For the purpose of this section, the expression—</p> <p>(i) "loan" shall mean any loan, advance, credit or finance obtained or written off on or after the 31st day of December, 1985, but shall not include the loan the recovery of which has been stayed or suspended by any order of a court or tribunal, including the High Court and the Supreme Court.</p>	The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).

<p>(ii) "mainly owned" shall mean holding or controlling a majority interest in a business concern;</p> <p>(iii) "taxes" include all taxes levied by Federal Government, Provincial Government or a local government, but shall not include taxes that recovery of which has been stayed or suspended by any order of a court or tribunal;</p> <p>(iv) "government dues and utility charges" shall include rent, charges of rest houses or lodges owned by the Federal Government, Provincial Governments, local governments or corporations established or controlled by such governments, but shall not include the government dues and utilities charges the recovery of which has been stayed or suspended by any order of a court or tribunal.</p> <p>(3) Every nomination paper shall be delivered by the candidate in person to the Returning Officer who shall acknowledge receipt of the nomination paper specifying the date and time of receipt.</p> <p>(4) A person may be nominated by more than one nomination papers.</p> <p>(5) Every proposal shall be accompanied by a certified copy of the relevant extract from the electoral roll in which the name of the person nominated is enrolled.</p> <p>(6) The nomination form and accompanying declarations and statements shall be open to inspection by the public, and copies thereof may be made available by the Commissioner in such manner and on payment of such fee as may be prescribed.</p>	<p>(ii) "mainly owned" shall mean holding or controlling a majority interest in a business concern;</p> <p>(iii) "taxes" include all taxes levied by Federal Government, Provincial Government or a local government, but shall not include taxes that recovery of which has been stayed or suspended by any order of a court or tribunal;</p> <p>(iv) "government dues and utility charges" shall include rent, charges of rest houses or lodges owned by the Federal Government, Provincial Governments, local governments or corporations established or controlled by such governments, but shall not include the government dues and utilities charges the recovery of which has been stayed or suspended by any order of a court or tribunal.</p> <p>(3) Every nomination paper shall be delivered by the candidate in person to the Returning Officer who shall acknowledge receipt of the nomination paper specifying the date and time of receipt.</p> <p>(4) A person may be nominated by more than one nomination papers.</p> <p>(5) Every proposal shall be accompanied by a certified copy of the relevant extract from the electoral roll in which the name of the person nominated is enrolled.</p> <p>(6) The nomination form and accompanying declarations and statements shall be open to inspection by the public, and copies thereof may be made available by the Election Commission in such manner and on payment of such fee as may be prescribed.</p>
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<p>110. 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 nomination papers delivered to him under section 108.</p> <p>(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.</p> <p>(3) The Returning Officer may, either of his own motion or upon any objection, conduct such summary inquiry as he may think fit and reject any nomination paper if he is satisfied that—</p> <p>(a) the candidate is not qualified to be elected as a member;</p> <p>(b) the proposer or the seconder is not qualified to subscribe to the nomination paper;</p> <p>(c) any provision of section 108 or section 109 has not been complied with or submits any false or incorrect declaration or statement in any material particular; or</p> <p>(d) the signature of the proposer or seconder is not genuine:</p> <p>Provided that—</p>	<p>110. 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 nomination papers delivered to him under section 108.</p> <p>(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.</p> <p>(3) The Returning Officer may, either of his own motion or upon any objection, conduct such summary inquiry as he may think fit and reject any nomination paper if he is satisfied that—</p> <p>(a) the candidate is not qualified to be elected as a member;</p> <p>(b) the proposer or the seconder is not qualified to subscribe to the nomination paper;</p> <p>(c) any provision of section 108 or section 109 has not been complied with or submits any false or incorrect declaration or statement in any material particular; or</p> <p>(d) the signature of the proposer or seconder is not genuine:</p> <p>Provided that—</p>	<p>The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).</p>
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<p>(i) the rejection of a nomination paper shall not invalidate the nomination of a candidate by any other valid nomination paper;</p> <p>(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</p> <p>(iii) the Returning Officer shall not inquire into the correctness or validity of any entry in the electoral roll.</p> <p>(4) The Returning Officer may, for the purpose of scrutiny, require any agency or authority to produce any document or record.</p> <p>(5) Notwithstanding anything contained in sub-section (3), where a candidate deposits any amount of loan, tax or utility charges payable by him before rejection of his nomination paper on the ground of default in payment of such loan, taxes or utility charges, such nomination paper shall not be rejected for default thereof.</p> <p>(6) 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 the rejection.</p> <p>(7) Where the nomination of a candidate has been rejected under this section by a Returning Officer, an appeal shall lie, within two days of the scrutiny day, to the Commissioner; or a member of the Election Commission authorized by the Commissioner; and any order passed by the Commissioner or such member, as the case may be, on such appeal shall be final:</p> <p>Provided that where a nomination paper is rejected by the Returning Officer on the ground that the candidate is a defaulter of loan or taxes or government dues or utility charges or has had the loan written off and the candidate pays such loan or, as the case may be, taxes, government dues or utility charges or the written off loan on or before the last date fixed for disposal of appeals and satisfies the member of the Election Commission that such payment has been made, his nomination shall be treated as having been accepted on that ground.</p> <p>(8) If the member of the Commissioner referred to in sub-section (7), is, on the basis of information or material coming to his knowledge from any source, satisfied that a candidate whose nomination paper has been accepted is a defaulter of loans, taxes, government dues or utility charges or has had any loan written off or is subject to any other disqualification from being elected as a member of Senate, he may, on his own motion, call upon such candidate to show cause why his nomination should not be rejected, and if he is satisfied that the candidate is defaulter as aforesaid or has had a loan written off or is subject to any disqualification, he may reject his nomination paper.</p>	<p>(i) the rejection of a nomination paper shall not invalidate the nomination of a candidate by any other valid nomination paper;</p> <p>(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 ; 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and any order passed by the Commissioner or such Member, as the case may be, on such appeal shall be final:</p> <p>Provided that where a nomination paper is rejected by the Returning Officer on the ground that the candidate is a defaulter of loan or taxes or government dues or utility charges or has had the loan written off and the candidate pays such loan or, as the case may be, taxes, government dues or utility charges or the written off loan on or before the last date fixed for disposal of appeals and satisfies the Member of the Election Commission that such payment has been made, his nomination shall be treated as having been accepted on that ground.</p> <p>(8) If the Member of the Election Commission referred to in sub-section (7), is, on the basis of information or material coming to his knowledge from any source, satisfied that a candidate whose nomination paper has been accepted is a defaulter of loans, taxes, government dues or utility charges or has had any loan written off or is subject to any other disqualification from being elected as a member of Senate, he may, on his own motion, call upon such candidate to show cause why his nomination should not be rejected, and if he is satisfied that the candidate is defaulter as aforesaid or has had a loan written off or is subject to any disqualification, he may reject his nomination paper.</p>	
<p>111. Publication of the list of candidates.—(1) The Returning Officer shall, after the scrutiny of nomination papers, prepare and publish in the prescribed manner a list of candidates who have been validly nominated.</p> <p>(2) In case an appeal against rejection of a nomination paper is accepted by the Commissioner, the list of validly nominated candidates shall be revised accordingly.</p>	<p>111. Publication of the list of candidates.—(1) The Returning Officer shall, after the scrutiny of nomination papers, prepare and publish in the prescribed manner a list of candidates who have been validly nominated.</p> <p>(2) In case an appeal against rejection of a nomination paper is accepted by the Election Commission, the list of validly nominated candidates shall be revised accordingly.</p>	<p>The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).</p>
<p>113. Death of a candidate after nomination.—(1) If a</p>	<p>113. Death of a candidate after nomination.—(1) If a</p>	<p>The functions of the Commissioner</p>

<p>validly nominated candidate who has not withdrawn his candidature dies before the completion of the proceedings relating to the election, the Returning Officer shall, by public notice, terminate such proceedings and make a report to the Commissioner.</p> <p>(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.</p>	<p>validly nominated candidate who has not withdrawn his candidature dies before the completion of the proceedings relating to the election, the Returning Officer shall, by public notice, terminate such proceedings and make a report to the Election Commission.</p> <p>(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.</p>	<p>have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).</p>
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<p>114. Postponement under certain circumstances.—Where the proceedings relating to nomination, scrutiny or withdrawal cannot, for reasons beyond the control of the Returning Officer, take place on the day appointed for such proceedings, he may postpone or adjourn such proceedings and shall, with the approval of the Commissioner, 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.</p>	<p>114. Postponement under certain circumstances.—Where the proceedings relating to nomination, scrutiny or withdrawal cannot, for reasons beyond the control of the Returning Officer, take place on the day appointed for such proceedings, he may postpone or adjourn such proceedings and shall, with the approval of the Election 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.</p>	<p>The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).</p>
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<p>115. Uncontested election.—(1) Where after scrutiny under section 110 or withdrawal under section 112, the number of validly nominated candidates or, as the case may be, the contesting candidates is less than or equal to the number of seats to be filled from the votes of the Assembly, the Returning Officer shall, by public notice declare such candidates to be elected to the seats and send a return of election to the Commissioner:</p> <p>Provided that, if after scrutiny any candidate indicates that he intends to file an appeal under sub-section (5) of section 110 against the rejection of his nomination paper, no person shall be declared elected uncontested until the period for filing such appeal has expired and no such appeal has been filed, or where an appeal is filed, until the disposal of such appeal.</p> <p>(2) The Commissioner shall publish in the official Gazette the names of the returned candidates.</p> <p>(3) 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 seat or, as the case may be, seats remaining vacant.</p>	<p>115. Uncontested election.—(1) Where after scrutiny under section 110 or withdrawal under section 112, the number of validly nominated candidates or, as the case may be, the contesting candidates is less than or equal to the number of seats to be filled from the votes of the Assembly, the Returning Officer shall, by public notice declare such candidates to be elected to the seats and send a return of election to the Election Commission:</p> <p>Provided that, if after scrutiny any candidate indicates that he intends to file an appeal under sub-section (5) of section 110 against the rejection of his nomination paper, no person shall be declared elected uncontested until the period for filing such appeal has expired and no such appeal has been filed, or where an appeal is filed, until the disposal of such appeal.</p> <p>(2) The Election Commission shall publish in the official Gazette the names of the returned candidates.</p> <p>(3) 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 seat or, as the case may be, seats remaining vacant.</p>	<p>The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).</p>
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<p>117. Hours of poll.—The Returning Officer shall, subject to any direction of the Commissioner, fix the hours during which the poll shall be taken and give public notice of the hours so fixed.</p>	<p>117. Hours of poll.—The Returning Officer shall, subject to any direction of the Election Commission, fix the hours during which the poll shall be taken and give public notice of the hours so fixed.</p>	<p>The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).</p>
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<p>119. 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, when he so stops the poll, shall inform the Commissioner of his having done so.</p> <p>(2) Where a poll is stopped under sub-section (1), the Returning Officer shall immediately report the circumstances to the Commissioner and as soon as may be appoint, with the approval of the Commissioner, a day for a fresh poll and fix the place at which, and the hours during which, such fresh poll shall be taken.</p> <p>(3) All voters shall be allowed to vote at the fresh poll</p>	<p>119. 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, when he so stops the poll, shall inform the Election Commission of his having done so.</p> <p>(2) Where a poll is stopped under sub-section (1), the Returning Officer shall immediately report the circumstances to the Election Commission and as soon as may be appoint, with the approval of the Election Commission, a day for a fresh poll and fix the place at which, and the hours during which, such fresh poll shall be taken.</p> <p>(3) All voters shall be allowed to vote at the fresh poll</p>	<p>The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).</p>
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taken under subsection (2) and no vote cast at the poll stopped under sub-section (1) shall be counted.	taken under subsection (2) and no vote cast at the poll stopped under sub-section (1) shall be counted.	
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<p>123. Yearly submission of statements of assets and liabilities.—(1) Every member shall, in the prescribed form, submit a statement of assets and liabilities of his own, his spouse and dependents annually to the Commissioner by the thirtieth day of September each year.</p> <p>(2) The statements of assets and liabilities submitted under sub-section (1) shall be published in the Official Gazette and copies thereof can be obtained on payment of prescribed fee.</p> <p>(3) The Commissioner shall, by the fifteenth day of October each year, notify the names of the members who fail to file statements of assets and liabilities within the period specified in sub-section (1) and, by an order, direct that such member shall cease to function till such statement is submitted.</p> <p>(4) Where a member submits the statement of assets and liabilities under sub-section (1) which is found to be false in material particulars, he may be proceeded against under this Act for committing the offence of corrupt practice.</p>	<p>123. Yearly submission of statements of assets and liabilities.—(1) Every member shall, in the prescribed form, submit a statement of assets and liabilities of his own, his spouse and dependents annually to the Election Commission by the thirtieth day of September each year.</p> <p>(2) The statements of assets and liabilities submitted under sub-section (1) shall be published in the Official Gazette and copies thereof can be obtained on payment of prescribed fee.</p> <p>(3) The Election Commission shall, by the fifteenth day of October each year, notify the names of the members who fail to file statements of assets and liabilities within the period specified in sub-section (1) and, by an order, direct that such member shall cease to function till such statement is submitted.</p> <p>(4) Where a member submits the statement of assets and liabilities under sub-section (1) which is found to be false in material particulars, he may be proceeded against under this Act for committing the offence of corrupt practice.</p>	<p>The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).</p>
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<p>129. Number of seats in the Senate.—(1) The Senate shall consist of one hundred members, of whom—</p> <p>(a) fourteen shall be elected by the members of each Provincial Assembly;</p> <p>(b) eight shall be elected from the Federally Administered Tribal Areas, in such manner as the President may, by Order, prescribe;</p> <p>(c) two on general seats, and one woman and one technocrat including <i>aalim</i> shall be elected from the Federal Capital in the manner specified in the Senate (Election of Members from the Federal Capital) Order, 1988 (P.O. No. 3 of 1988);</p> <p>(d) four women shall be elected by the members of each Provincial Assembly; and</p> <p>(e) four technocrats including <i>ulema</i> shall be elected by the members of each Provincial Assembly.</p> <p>(2) Election to fill seats in the Senate allocated to each Province shall be held in accordance with the system of proportional representation by means of the single transferable vote.</p> <p>(3) The Senate shall not be subject to dissolution but the term of its members, who shall retire as follows, shall be six years—</p> <p>(a) of the members referred to in clause (a) of sub-section (1), seven shall retire after the expiration of the first three years and seven shall retire after the expiration of the next three years;</p> <p>(b) of the members referred to in clause (b) of the aforesaid sub-section, four shall retire after the expiration of the first three years and four shall retire after the expiration of the next three years;</p> <p>(c) of the members referred to in clause (c) of the aforesaid sub-section,—</p>	<p>129. Number of seats in the Senate.—(1) The Senate shall consist of one hundred and four members, of whom—</p> <p>(a) fourteen shall be elected by the members of each Provincial Assembly;</p> <p>(b) eight shall be elected from the Federally Administered Tribal Areas, in such manner as the President may, by Order, prescribe;</p> <p>(c) two on general seats, and one woman and one technocrat including <i>aalim</i> shall be elected from the Federal Capital in such manner as the President may, by Order, prescribe;</p> <p>(d) four women shall be elected by the members of each Provincial Assembly;</p> <p>(e) four technocrats including <i>ulema</i> shall be elected by the members of each Provincial Assembly; and</p> <p>(f) four non-Muslims, one from each Province, shall be elected by the members of each Provincial Assembly.</p> <p>(2) Election to fill seats in the Senate allocated to each Province shall be held in accordance with the system of proportional representation by means of the single transferable vote.</p> <p>(3) The Senate shall not be subject to dissolution but the term of its members, who shall retire as follows, shall be six years—</p> <p>(a) of the members referred to in clause (a) of sub-section (1), seven shall retire after the expiration of the first three years and seven shall retire after the expiration of the next three years;</p> <p>(b) of the members referred to in clause (b) of the aforesaid sub-section, four shall retire after the expiration of the first three years and four shall retire after the expiration of the next three years;</p> <p>(c) of the members referred to in clause (c) of the aforesaid sub-section,—</p>	<p>Composition of the Senate has been changed (Article 59 of the Constitution).</p>
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<p>(i) one elected on general seat shall retire after the expiration of the first three years and the other one shall retire after the expiration of the next three years; and</p> <p>(ii) one elected on the seat reserved for technocrat or, as the case may be, <i>aalim</i> shall retire after first three years and the one elected on the seat reserved for woman shall retire after the expiration of next three years; and</p> <p>(d) of the members referred to in clause (d) of the aforesaid sub-section, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years; and</p> <p>(e) of the members referred to in clause (e) of the aforesaid sub-section, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years.</p> <p>(4) The term of office of a person elected to fill a casual vacancy shall be the unexpired term of the member whose vacancy he has filled.</p>	<p>(i) one elected on general seat shall retire after the expiration of the first three years and the other one shall retire after the expiration of the next three years; and</p> <p>(ii) one elected on the seat reserved for technocrat or, as the case may be, <i>aalim</i> shall retire after first three years and the one elected on the seat reserved for woman shall retire after the expiration of next three years; and</p> <p>(d) of the members referred to in clause (d) of the aforesaid sub-section, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years;</p> <p>(e) of the members referred to in clause (e) of the aforesaid sub-section, two shall retire after the expiration of the first three years and two shall retire after the expiration of the next three years; and</p> <p>(f) of the members referred to in clause (f) of the aforesaid sub-section, two shall retire after the expiration of first three years and two shall retire after the expiration of next three years;</p> <p>Provided that the Election Commission for the first term of seats for non-Muslims shall draw a lot as to which two members shall retire after the first three years.</p> <p>(4) The term of office of a person elected to fill a casual vacancy shall be the unexpired term of the member whose vacancy he has filled.</p>
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CHAPTER VIII: ELECTION EXPENSES, QUALIFICATIONS AND DISQUALIFICATIONS

<p>134. Qualifications and disqualifications.— (1) A person shall not be qualified to be elected or chosen as a member of an Assembly or Senate unless—</p> <p>(a) he is a citizen of Pakistan;</p> <p>(b) he is, in the case of National Assembly, not less than twenty-five years of age and is enrolled as a voter in any electoral roll in:</p> <p>(i) any part of Pakistan, for election to a general seat or a seat reserved for a non-Muslims; and</p> <p>(ii) any area in a Province from which she seeks membership for election to a seat reserved for women;</p> <p>(c) he is, in the case of Senate, not less than thirty years of age and is enrolled as a voter in any area in a Province or the Federal Capital or the Federally Administered Tribal Areas, from where he seeks membership;</p> <p>(d) he is, in the case of Provincial Assembly, not less than twenty-five years of age and is enrolled as a voter in any electoral roll in any area in a Province from where he seeks membership for that Assembly;</p> <p>(e) he is of good character and is not commonly known as one who violates Islamic Injunctions;</p>	<p>134. Qualifications and disqualifications.—(1) A person shall not be qualified to be elected or chosen as a member of an Assembly or Senate unless—</p> <p>(a) he is a citizen of Pakistan;</p> <p>(b) he is, in the case of National Assembly, not less than twenty-five years of age and is enrolled as a voter in any electoral roll in:</p> <p>(i) any part of Pakistan, for election to a general seat or a seat reserved for a non-Muslims; and</p> <p>(ii) any area in a Province from which she seeks membership for election to a seat reserved for women;</p> <p>(c) he is, in the case of Senate, not less than thirty years of age and is enrolled as a voter in any area in a Province or the Federal Capital or the Federally Administered Tribal Areas, from where he seeks membership;</p> <p>(d) he is, in the case of Provincial Assembly, not less than twenty-five years of age and is enrolled as a voter in any electoral roll in any area in a Province from where he seeks membership for that Assembly;</p> <p>(e) he is of good character and is not commonly known as one who violates Islamic Injunctions;</p>	<p>The qualifications and disqualifications of the members of the Parliament & Provincial Assemblies have been changed (Articles 62 & 63 of the Constitution).</p>
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(f) he has adequate knowledge of Islamic teachings and practices obligatory duties prescribed by Islam as well as abstains from major sins;

(g) he is sagacious, righteous and non-profligate and honest and ameen;

(h) he has not, after the establishment of Pakistan, worked against the integrity of the country or opposed the ideology of Pakistan.

(2) The qualifications specified in clauses (d) and (e) of sub-section (1) shall not apply to a person who is a non-Muslim, but such a person shall have good moral reputation.

(3) A person shall be disqualified from being elected or chosen as, and from being, a member of an Assembly or Senate, if—

(a) he is of unsound mind and has been so declared by a competent court; or

(b) he is an undischarged insolvent; or

(c) he ceases to be a citizen of Pakistan, or acquires the citizenship of a foreign State; or

(d) he holds an office of profit in the service of Pakistan other than an office declared by law not to disqualify its holder; or

(e) he is in the service of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest; or

(f) being a citizen of Pakistan by virtue of section 14B of the Pakistan Citizenship Act, 1951 (II of 1951), he is for the time being disqualified under any law in force in Azad Jammu and Kashmir from being elected as a member of the Legislative Assembly of Azad Jammu and Kashmir; or

(g) he has been convicted by a court for propagating any opinion, or acting in any manner, prejudicial to the Ideology of Pakistan, or the sovereignty, integrity or security of Pakistan, or the integrity or independence of the judiciary of Pakistan, or which defames or brings into ridicule the judiciary or the Armed Forces of Pakistan, unless a period of five years has elapsed since his release; or

(h) he has been convicted by a court of competent jurisdiction on a charge of corrupt practice, moral turpitude or misuse of power or authority under any law for the time being in force; or

(i) he has been dismissed from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a local government on the grounds of misconduct involving moral turpitude; or

(j) he has been removed or compulsorily retired from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a local government on the grounds of misconduct or moral turpitude; or

(k) he has been in the service of Pakistan or of any statutory body or any body which is owned or

(f) he has adequate knowledge of Islamic teachings and practices obligatory duties prescribed by Islam as well as abstains from major sins;

(g) he is sagacious, righteous and non-profligate, honest and ameen, there being no declaration to the contrary by a court;

(h) he has not, after the establishment of Pakistan, worked against the integrity of the country or opposed the ideology of Pakistan.

(2) The qualifications specified in clauses (d) and (e) of sub-section (1) shall not apply to a person who is a non-Muslim, but such a person shall have good moral reputation.

(3) A person shall be disqualified from being elected or chosen as, and from being, a member of an Assembly or Senate, if—

(a) he is of unsound mind and has been so declared by a competent court; or

(b) he is an undischarged insolvent; or

(c) he ceases to be a citizen of Pakistan, or acquires the citizenship of a foreign State; or

(d) he holds an office of profit in the service of Pakistan other than an office declared by law not to disqualify its holder; or

(e) he is in the service of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest; or

(f) being a citizen of Pakistan by virtue of section 14B of the Pakistan Citizenship Act, 1951 (II of 1951), he is for the time being disqualified under any law in force in Azad Jammu and Kashmir from being elected as a member of the Legislative Assembly of Azad Jammu and Kashmir; or

(g) he has been convicted by a court for propagating any opinion, or acting in any manner, prejudicial to the Ideology of Pakistan, or the sovereignty, integrity or security of Pakistan, or the integrity or independence of the judiciary of Pakistan, or which defames or brings into ridicule the judiciary or the Armed Forces of Pakistan, unless a period of five years has elapsed since his release; or

(h) he has been, on conviction for any offence involving moral turpitude, sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his release; or

(i) he has been dismissed from the service of Pakistan or service of a corporation or office set up or, controlled, by the Federal Government, Provincial Government or a local government on the ground of misconduct, unless a period of five years has elapsed since his dismissal; or

(j) he has been removed or compulsorily retired from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a local government on the ground of misconduct, unless a period of three years has elapsed since his removal or compulsory retirement; or

(k) he has been in the service of Pakistan or of any statutory body or any body which is owned or

controlled by the Government or in which the Government has a controlling share or interest, unless a period of two years has elapsed since he ceased to be in such service; or

(l) he is found guilty of a corrupt or illegal practice under any law for the time being in force, unless a period of five years has elapsed from the date on which that order takes effect; or

(m) he, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account or as a member of a Hindu undivided family, has any share or interest in a contract, not being a contract between a cooperative society and Government, for the supply of goods to, or for the execution of any contract or for the performance of any service undertaken by, Government:

Provided that the disqualification under this clause shall not apply to a person—

(i) where the share or interest in the contract devolves on him by inheritance or succession or as a legatee, executor or administrator, until the expiration of six months after it has so devolved on him;

(ii) where the contract has been entered into by or on behalf of a public company as defined in the Companies Ordinance, 1984 (XLVII of 1984), of which he is a shareholder but is not a director holding an office of profit under the company; or

(iii) where he is a member of a Hindu undivided family and the contract has been entered into by any other member of that family in the course of carrying on a separate business in which he has no share or interest; or

Explanation.—In this section “goods” does not include agricultural produce or commodity grown or produced by him or such goods as he is, under any directive of Government or any law for the time being in force, under a duty or obligation to supply;

(n) he holds any office of profit in the service of Pakistan other than the following offices, namely:—

(i) an office which is not whole time office remunerated either by salary or by fee;

(ii) the office of Lumbardar, whether called by this or any other title;

(iii) the Qaumi Razakars;

(iv) any office the holder whereof, by virtue of such office, is liable to be called up for military training or military service under any law providing for the constitution or raising of a Force; or

(o) having, whether by himself or by any person in trust for him or for his benefit or on his account, any share or interest in a contract for—

(i) the supply of goods to, or

(ii) the execution of any work, or the performance of any service, undertaken by, the Government, or a local authority or an autonomous body in which the Government has a controlling share or

controlled by the Government or in which the Government has a controlling share or interest, unless a period of two years has elapsed since he ceased to be in such service; or

(l) he, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account or as a member of a Hindu undivided family, has any share or interest in a contract, not being a contract between a cooperative society and Government, for the supply of goods to, or for the execution of any contract or for the performance of any service undertaken by, Government:

Provided that the disqualification under this clause shall not apply to a person—

(i) where the share or interest in the contract devolves on him by inheritance or succession or as a legatee, executor or administrator, until the expiration of six months after it has so devolved on him;

(ii) where the contract has been entered into by or on behalf of a public company as defined in the Companies Ordinance, 1984 (XLVII of 1984), of which he is a shareholder but is not a director holding an office of profit under the company; or

(iii) where he is a member of a Hindu undivided family and the contract has been entered into by any other member of that family in the course of carrying on a separate business in which he has no share or interest; or

Explanation.—In this section “goods ” does not include agricultural produce or commodity grown or produced by him or such goods as he is, under any directive of Government or any law for the time being in force, under a duty or obligation to supply;

(m) he holds any office of profit in the service of Pakistan other than the following offices, namely:—

(i) an office which is not whole time office remunerated either by salary or by fee;

(ii) the office of Lumbardar, whether called by this or any other title;

(iii) the Qaumi Razakars;

(iv) any office the holder whereof, by virtue of such office, is liable to be called up for military training or military service under any law providing for the constitution or raising of a Force; or

This clause has consciously been deleted by the Constitution (18th Amendment) Act 2010.

This clause has consciously been deleted by the Constitution (18th Amendment) Act 2010.

<p>interest, he does not, after his election as a member but within thirty days of his making oath as such make a declaration in writing to the Commissioner that he has such share or interest, unless a period of five years has elapsed since his failure to do so; or</p> <p>(p) being a managing agent, manager or secretary of, or holding any other office carrying the right to remuneration in, any company or corporation (other than a cooperative society) in the capital of which the Government has not less than twenty-five percent share or which is managed by the Government, he does not, after his election as a member but within thirty days of his making oath as such, make a declaration in writing to the Commissioner that he is such managing agent, manager or secretary, or holds such office, unless a period of five years has elapsed since his failure to do so; or</p> <p>(q) he has been convicted and sentenced to imprisonment for having absconded by a competent court under any law for the time being in force, or</p> <p>(r) he has obtained a loan for an amount of two million rupees or more, from any bank financial institution, cooperative society or cooperative body in his own name or in the name of his spouse or any of his dependents, which stands unpaid for more than one year from the due date, or has had such loan written off, or</p> <p>(s) he or his spouse or any of his dependents has defaulted in payment of government dues and utility charges, including telephone electricity, gas and water charges of an amount in excess of ten thousand rupees, for over six months; or</p> <p>(t) he is for the time being disqualified from being elected or chosen as a member of the Majlis-e-Shoora (Parliament) or of a Provincial Assembly under any law for the time being in force.</p>	<p>(n) being a managing agent, manager or secretary of, or holding any other office carrying the right to remuneration in, any company or corporation (other than a cooperative society) in the capital of which the Government has not less than twenty-five percent share or which is managed by the Government, he does not, after his election as a member but within thirty days of his making oath as such, make a declaration in writing to the Election Commission that he is such managing agent, manager or secretary, or holds such office, unless a period of five years has elapsed since his failure to do so; or</p> <p>(o) he has obtained a loan for an amount of two million rupees or more, from any bank, financial institution, cooperative society or cooperative body in his own name or in the name of his spouse or any of his dependents, which remains unpaid for more than one year from the due date, or has got such loan written off; or</p> <p>(p) he or his spouse or any of his dependents has defaulted in payment of government dues and utility expenses, including telephone, electricity, gas and water charges of an amount in excess of ten thousand rupees, for over six months, at the time of filing his nomination papers.</p>	<p>This clause has never been part of the Constitution but contained in the Representation of the People Act, 1976 and is in accord with the Constitution under Article 63(1)(p) which allows an additional disqualification under any law.</p> <p>This clause has consciously been deleted by the Constitution (18th Amendment) Act 2010.</p> <p>This clause is contained in the Constitution and the Conduct of General Election Order 2002 but it is not correct to incorporate it in a law other than the Constitution.</p>
<p><i>Explanation.</i>—In this sub-section, service of Pakistan has the same meaning as in Article 260.</p>	<p><i>Explanation.</i>—In this section, service of Pakistan has the same meaning as in Article 260.</p> <p>(4) If any question arises whether a member of an Assembly or Senate has become disqualified from being a member, the Speaker or, as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission.</p> <p>(5) The Election Commission shall decide the question within ninety days from its receipt or deemed to have been received and if it is of the opinion that the member has become disqualified, he shall cease to be a member and his seat shall become vacant.</p>	<p>Constitution contains these two provisions; these should be incorporated in the law also.</p>

<p>135. Qualification to hold certain public offices.— Notwithstanding anything contained in the Constitution or any other law for the time being in force, a person who has, at anytime, held the office of the Prime Minister, or that of a Chief Minister of a Province or a combination of such offices for two terms, irrespective of whether anyone of the two or both the terms of office were completed or not, shall not be qualified to hold the office of the Prime Minister or that of a Chief Minister.</p>	<p>[Omitted]</p>	<p>No restriction on number of terms for a Prime Minister or Chief Minister can be imposed (Articles 91(5) & 130(5) of the Constitution).</p>
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<p><i>Explanation.</i>—For the purpose of this section the expression “held the office of the Prime Minister, or that of a Chief Minister of a Province” shall not include the office held as a Caretaker Prime Minister or a Caretaker Chief Minister.</p>	
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<p>136. Disqualification from being member of the Senate.— Notwithstanding anything contained in the Constitution or any other law, a person shall not be qualified to be elected or chosen as, and from being a member of the Senate if, having been a candidate for election to the National Assembly or a Provincial Assembly at the elections held under this Act he has not been elected to such Assembly.</p>	<p>[Omitted]</p>	<p>Articles 8AA of the Conduct of General Election Order 2002 (on which this provision is based) was declared discriminatory and in violation of Article 25 of the Constitution by the Supreme Court vide Judgment, dated the 10th February, 2003 reported in PLD 2003 SC 955.</p>
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<p>137. Disqualification on account of certain offences.— (1) where a person has been convicted for having exceeded the limit of election expenses mentioned in this Chapter or having failed to file the return of election expenses in accordance with this Act or for any other offence under this Act, or has been found guilty of any corrupt or illegal practice by a Tribunal, he shall, if the Commissioner 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 or Senate.</p> <p>(2) Where a person has been convicted for an offence punishable under section 171 J of the Pakistan Penal Code (Act XLV of 1860), he shall be disqualified for a period of seven years from being or being elected as a member of an Assembly or Senate.</p>	<p>135. Disqualification on account of certain offences.— (1) where a person has been convicted for having exceeded the limit of election expenses mentioned in this Chapter or having failed to file the return of election expenses in accordance with this Act or for any other offence under this Act, or has been found guilty of any corrupt or illegal practice by a Tribunal, he shall, if the Election Commission 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 or Senate.</p> <p>(2) Where a person has been convicted for an offence punishable under section 171 J of the Pakistan Penal Code (Act XLV of 1860), he shall be disqualified for a period of seven years from being or being elected as a member of an Assembly or Senate.</p>	<p>The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).</p>
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<p>139. Removal and remission of disqualification.—The Commissioner may, on an application made in this behalf, remit any disqualification for failure to submit the return of election expenses or for any error or incorrect statement in such return, if he is satisfied that such failure or error occurred or incorrect statement was made due to circumstances beyond the control of the applicant.</p>	<p>139. Removal and remission of disqualification.—The Election Commission may, on an application made in this behalf, remit any disqualification for failure to submit the return of election expenses or for any error or incorrect statement in such return, if it is satisfied that such failure or error occurred or incorrect statement was made due to circumstances beyond the control of the applicant.</p>	<p>The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).</p>
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CHAPTER IX: ELECTION DISPUTES

<p>141. Appeal against count.—(1) A contesting candidate who is aggrieved by any proceedings under section 121 relating to the count in an election to the Senate may prefer an appeal challenging the count to the Commissioner.</p> <p>(2) An appeal under sub-section (1) may be made 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 under section 121.</p> <p>(3) The appeal shall be addressed to the Commissioner and shall be filed with the Commissioner or with the Secretary, Election Commission.</p> <p>(4) The appeal shall be in the form of a memorandum which shall state the grounds for such appeal and shall be accompanied by as many copies thereof as the number of contesting candidates at an election.</p> <p>(5) The Commissioner may, after giving the parties concerned an opportunity of being heard,—</p>	<p>Appeal against count.—(1) A contesting candidate who is aggrieved by any proceedings under section 121 relating to the count in an election to the Senate may prefer an appeal challenging the count to the Election Commission.</p> <p>(2) An appeal under sub-section (1) may be made 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 under section 121.</p> <p>(3) The appeal shall be addressed to the Election Commission and shall be filed with the Secretary, Election Commission.</p> <p>(4) The appeal shall be in the form of a memorandum which shall state the grounds for such appeal and shall be accompanied by as many copies thereof as the number of contesting candidates at an election.</p> <p>(5) The Election Commission may, after giving the parties concerned an opportunity of being heard,—</p>	<p>The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).</p>
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<p>(a) dismiss the appeal; or</p> <p>(b) if he does not dismiss the appeal, 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.</p> <p>(6) The decision of the Commissioner on appeal under sub-section (5) shall be final.</p>	<p>(a) dismiss the appeal; or</p> <p>(b) if it does not dismiss the appeal, 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.</p> <p>(6) The decision of the Election Commission on appeal under sub-section (5) shall be final.</p>	
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<p>142. Commissioner to have certain powers of a court.—For the purpose of the disposal of an appeal under section 141, the Commissioner 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, that is to say,—</p> <p>(a) enforcing the attendance of any person and examining him on oath;</p> <p>(b) compelling the discovery and production of documents, articles or things;</p> <p>(c) issuing commissions for the examination of witnesses;</p> <p>(d) requiring the deposit of diet and travelling expenses of witnesses;</p> <p>(e) receiving evidence on affidavits;</p> <p>(f) granting adjournments; and</p> <p>(g) summoning and examining <i>suo moto</i> any person whose evidence appears to be material.</p>	<p>142. Election Commission to have certain powers of a court.—For the purpose of the disposal of an appeal under section 141, the Election 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, that is to say,—</p> <p>(a) enforcing the attendance of any person and examining him on oath;</p> <p>(b) compelling the discovery and production of documents, articles or things;</p> <p>(c) issuing commissions for the examination of witnesses;</p> <p>(d) requiring the deposit of diet and travelling expenses of witnesses;</p> <p>(e) receiving evidence on affidavits;</p> <p>(f) granting adjournments; and</p> <p>(g) summoning and examining <i>suo moto</i> any person whose evidence appears to be material.</p>	<p>The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).</p>
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<p>143. Election petition.—(1) No election shall be called in question except by an election petition made by a candidate for that election (hereafter in this Chapter referred to as the petitioner).</p> <p>(2) An election petition shall be presented to the Commissioner 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 Commissioner, under the prescribed head of account, as security for the costs of the petition, a sum of one thousand rupees.</p>	<p>143. Election petition.—(1) No election shall be called in question except by an election petition made by a candidate for that election (hereafter in this Chapter referred to as the petitioner).</p> <p>(2) An election petition shall be presented to the Election Commission 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 Election Commission, under the prescribed head of account, as security for the costs of the petition, a sum of one thousand rupees.</p>	<p>The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).</p>
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<p>147. Procedure on receipt of petition.—(1) If the Commissioner finds that any provision of section 143, section 144 or section 145 has not been complied with, the petition shall be dismissed forthwith.</p> <p>(2) If an election petition is not dismissed under subsection (1), the Commissioner shall refer it for trial to an Election Tribunal.</p>	<p>147. Procedure on receipt of petition.—(1) If the Election Commission finds that any provision of section 143, section 144 or section 145 has not been complied with, the petition shall be dismissed forthwith.</p> <p>(2) If an election petition is not dismissed under subsection (1), the Election Commission shall refer it for trial to an Election Tribunal.</p>	<p>The functions of the commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).</p>
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<p>149. Power to transfer petition.—The Commissioner, either of his own motion or on an application made in this behalf by any of the parties, may, at any stage, transfer an election petition from one Election Tribunal to another Election Tribunal and the Election Tribunal to which the election petition is so transferred—</p> <p>(a) shall proceed with the trial of the petition from the stage from which it is transferred; and</p>	<p>149. Power to transfer petition.—The Election Commission, either of its own motion or on an application made in this behalf by any of the parties, may, at any stage, transfer an election petition from one Election Tribunal to another Election Tribunal and the Election Tribunal to which the election petition is so transferred—</p> <p>(a) shall proceed with the trial of the petition from the stage from which it is transferred; and</p>	<p>The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).</p>
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(b) may recall and examine any of the witnesses already examined.	(b) may recall and examine any of the witnesses already examined.
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<p>159. Decision of the Election Tribunal.—(1) The Election Tribunal may, upon the conclusion of the trial of an election petition, make an order—</p> <p>(a) dismissing the petition;</p> <p>(b) declaring the election of the returned candidate to be void;</p> <p>(c) declaring the election of the returned candidate to be void and the petitioner or any other contesting candidate to have been duly elected; or</p> <p>(d) declaring the election as a whole to be void.</p> <p>(2) The Election Tribunal shall proceed with the trial of the election petition on day to day basis and the decision thereof shall be taken within four months from its receipt:</p> <p>Provided that 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 shall refer to the Commissioner that such candidate may be declared by the Election Commission to have ceased to perform the functions of his office either till the conclusion of the proceedings or for such period as the Election Commission may direct.</p> <p>(3) Save as provided in sub-section (4), the decision of an Election Tribunal on an election petition shall be final.</p> <p>(4) Any person aggrieved by a decision of the Election Tribunal may, within thirty days of the announcement of the decision, appeal to the Supreme Court and the decision of the Supreme Court on such appeal shall be final.</p> <p><i>Explanation.</i>—In this sub-section, “decision of the Election Tribunal” shall not be deemed to include an order made by the Election Commission in the exercise of its powers under section 102.</p>	<p>159. Decision of the Election Tribunal.—(1) The Election Tribunal may, upon the conclusion of the trial of an election petition, make an order—</p> <p>(a) dismissing the petition;</p> <p>(b) declaring the election of the returned candidate to be void;</p> <p>(c) declaring the election of the returned candidate to be void and the petitioner or any other contesting candidate to have been duly elected; or</p> <p>(d) declaring the election as a whole to be void.</p> <p>(2) The Election Tribunal shall proceed with the trial of the election petition on day to day basis and the decision thereof shall be taken within four months from its receipt:</p> <p>Provided that 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 shall refer to the Election Commission that such candidate may be declared by the Election Commission to have ceased to perform the functions of his office either till the conclusion of the</p> <p>(3) Save as provided in sub-section (4), the decision of an Election Tribunal on an election petition shall be final.</p> <p>(4) Any person aggrieved by a decision of the Election Tribunal may, within thirty days of the announcement of the decision, appeal to the Supreme Court and the decision of the Supreme Court on such appeal shall be final.</p> <p><i>Explanation.</i>—In this sub-section, “decision of the Election Tribunal” shall not be deemed to include an order made by the Election Commission in the exercise of its powers under section 102.</p>
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<p>164. Other provisions relating to Election Tribunal.—</p> <p>(1) An order of the Election Tribunal under section 159 shall take effect on the date on which it is made and shall be communicated to the Commissioner who shall publish it in the official Gazette.</p> <p>(2) The Election Tribunal shall after an election petition has been disposed of, forward the record thereof to the Commissioner who shall retain it for a period of five years from the date of its receipt and shall thereafter cause it to be destroyed.</p>	<p>164. Other provisions relating to Election Tribunal.—</p> <p>(1) An order of the Election Tribunal under section 158 shall take effect on the date on which it is made and shall be communicated to the Election Commission which shall publish it in the official Gazette.</p> <p>(2) The Election Tribunal shall after an election petition has been disposed of, forward the record thereof to the Election Commission which shall retain it for a period of five years from the date of its receipt and shall thereafter cause it to be destroyed.</p>	<p>The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).</p>
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<p>165. Withdrawal of petition.—(1) An election petition may be withdrawn—</p> <p>(a) before the Election Tribunal has been appointed, by leave of the Commissioner; and</p> <p>(b) after an Election Tribunal has been appointed, by leave of the Election Tribunal.</p> <p>(2) Where leave is granted by the Election Tribunal, the petitioner shall be ordered to pay the costs incurred by the respondents to the election petition or such portion thereof as the Election Tribunal may direct.</p>	<p>165. Withdrawal of petition.—(1) An election petition may be withdrawn—</p> <p>(a) before the Election Tribunal has been appointed, by leave of the Election Commission; and</p> <p>(b) after an Election Tribunal has been appointed, by leave of the Election Tribunal.</p> <p>(2) Where leave is granted by the Election Tribunal, the petitioner shall be ordered to pay the costs incurred by the respondents to the election petition or such portion thereof as the Election Tribunal may direct.</p>
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CHAPTER XI: MISCELLANEOUS

<p>206. Rules.—(1) The Election Commission may, with approval of the President, make rules for carrying out the purposes of this Act.</p> <p>(2) Where a form has been prescribed for any of the purposes of this Act or the rules made thereunder, the Commissioner may, by notification in the official Gazette, make such modifications or additions in the form as may in his opinion be necessary.</p>	<p>206. Rules.—(1) The Election Commission may, with approval of the President, make rules for carrying out the purposes of this Act.</p> <p>(2) Where a form has been prescribed for any of the purposes of this Act or the rules made thereunder, the Election Commission may, by notification in the official Gazette, make such modifications or additions in the form as may in its opinion be necessary.</p>	<p>The functions of the Commissioner have now been entrusted to the Election Commission (Articles 219 & 224 of the Constitution).</p>
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SCHEDULES

<p style="text-align: center;">SCHEDULE-I</p> <p style="text-align: center;">[See section 4]</p> <p style="text-align: center;">بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ</p> <p style="text-align: center;">(In the name of Allah, the most Beneficent, the most Merciful)</p> <p>I _____, do solemnly swear that as Chief Election Commissioner, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully, in accordance with the law, the Proclamation of Emergency of the Fourteenth day of October, 1999, the Provisional Constitution Order No. 1 of 1999, as amended, and without fear or favour, affection or ill-will, and that will not allow my personal interest to influence my official conduct or my official decisions.</p> <p>That I will abide by the provisions of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999, as amended.</p> <p style="text-align: center;">May Allah Almighty help and guide me (A'meen)</p>	<p style="text-align: center;">THE SCHEDULE</p> <p style="text-align: center;">[See section 4]</p> <p style="text-align: center;">بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ</p> <p style="text-align: center;">(In the name of Allah, the most Beneficent, the most Merciful)</p> <p>I _____, do solemnly swear that as Chief Election Commissioner, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully, in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and without fear or favour, affection or ill-will, and that will not allow my personal interest to influence my official conduct or my official decisions.</p> <p style="text-align: center;">[May Allah Almighty help and guide me (A'meen)]</p>	<p>Schedule containing oath of the Chief Election Commissioner has been made in accord with the Constitution (Article 214 of the Constitution read with the Third Schedule of the Constitution).</p>
<p style="text-align: center;">SCHEDULE-II</p> <p style="text-align: center;">[See section 29(1)]</p> <p>Name of Constituency Extent of the Constituency</p> <p>-</p> <p>Tribal Area-I Mohmand Agency</p> <p>Tribal Area-II Kurram Agency</p> <p>Tribal Area-III Orakzai Agency</p> <p>Tribal Area-IV North Waziristan Agency</p> <p>Tribal Area-V South Waziristan Agency</p> <p>Tribal Area-VI Bajaur Agency</p> <p>Tribal Area-VII Khyber Agency</p> <p>Tribal Area-VIII (a) Tribal Area adjoining Peshawar District;</p> <p> (b) Tribal Area adjoining Kohat District;</p> <p> (c) Tribal Area adjoining D.I. Khan District; and</p> <p> (d) Tribal Area adjoining Bannu District.</p>	<p style="text-align: center;">[Omitted]</p>	<p>Allocation of seats for the National and Provincial Assemblies have been changed and constituencies are divided for the general seats (Articles 51 & 106 of the Constitution).</p>

SECTION III – REVISIONS TO UNIFIED ELECTION LEGISLATION

Having now unified Pakistan’s election legislation (in Section I) and demonstrated how this unified law should be changed to account for reforms dictated by the “18th Amendment” to the Constitution (in Section II), the coming section offers a series of legal revisions that would further improve Pakistan’s current ‘patchwork’ of election law. In doing so, FAFEN advocates for an election law that is increasingly consistent with both international legal obligations and comparative “best practice” in election administration—two of the principal electoral benchmarks described in the Introduction to this paper.

Establishing Model Provisions

Elections in Pakistan are not conducted in a vacuum but are implemented by the ECP in accordance with current legislation. While FAFEN has already taken important steps in this paper to facilitate the implementation of a unified law, it also recognizes that subsequent legislation will be built on the laws presently in place. There are many legislative reforms that FAFEN could propose and, in doing so, it could put forward a comprehensive “model election law” that, theoretically, might replace the Acts and Orders that guide the country’s electoral processes. Yet FAFEN has taken a more practical and realistic path—one which proposes a series of “model provisions” that can be viably integrated into the a unified version of current legislation found in Sections I and II.

As a result, the pages below offer *specific* changes to the provisions that have been accumulated so far in this paper, organizing these reforms in a manner consistent with the various “constituent parts” of an electoral process. These parts include:

- **1.0 - Legal Framework:** Specific measures will be proposed in this context, each aiming to improve the legal framework that guides electoral processes in Pakistan. While an earlier paper argued for particular changes to the Constitution (see Section II), the measures within this section consider changes needed within current *legislation* alone;
- **2.0 - Electoral Management:** As an essential component of conducting effective elections, measures for legislative reform will be proposed related to the appointment, organization and the authority of those tasked with implementing electoral processes;
- **3.0 - Boundary Delimitation:** Most often associated with the drawing or re-drawing of boundaries for individual constituencies, measures within this section will argue for legislative changes that will improve the manner by which boundaries are established in Pakistan;
- **4.0 - Voter Education:** A series of measures for reform are proposed with respect to Voter Education, a term used to describe various election-related educational activities that occur during an election cycle, but especially in the period commencing as voters register to vote and until the time they cast their ballots on Election Day;
- **5.0 - Parties & Candidates:** Measures influencing the organization and conduct of political parties and candidates for office will be considered under this heading, looking at ways that legislation can facilitate actions that are more consistent with international standards and practice;
- **6.0 - Political Finance:** While money is an ‘enabler’ that allows political parties to get their message out to the voting public, a series of measures are proposed under this heading that would lead to greater accountability with respect to campaign spending and the financial conduct of political parties before and after the campaign period;
- **7.0 - Voter Registration:** The process of identifying and recording a list of eligible voters is integral to the overall success of electoral processes. The failure to properly accumulate the information it is to contain could undermine the rights of both voters and candidates. A number of measures that could lead to important legislative reform are proposed in relation to this constituent part;
- **8.0 - Voting Operations:** A number of measures will be proposed under this heading to improve the environment in which ballots are cast on Election Day. As perhaps the most visible of all parts of an

election, the implementation of an electoral process on Election Day provides the tools that facilitate the Will of the People being expressed;

- **9.0 - Vote Counting:** Another essential component of electoral processes involves counting the ballots once voting operations have been concluded. In many ways, this constituent part proves most controversial, particularly when the procedures followed are not clear and inclusive of all election stakeholders. A number of measures for legislative change will be proposed under this heading;
- **10.0 - Dispute Resolution:** Disputes with respect to electoral processes can arise before, during and after the electorate has cast their ballots. It is increasingly clear that specific guidance is needed to address questions that arise with respect to the implementation of election-related procedures. A number of legislative reforms are proposed within this constituent part;
- **11.0 - Election Observation:** The accreditation of election observers representing both domestic and international organizations has become the norm in electoral processes. In this light, a number of changes to legislation are proposed that establish and define the mandate of election observers over the course of an election cycle;
- **12.0 – Persons with Disabilities:** Election administrators are increasingly guided by international standards which assert the need to make polling sites and voting processes accessible to persons with disabilities. Measures for reform to legislation are proposed under this heading with the aim of increasing the ability of persons with disabilities to participate more fully in electoral events.

1.0 – Legal Framework

As we learned at the beginning of this paper, FAFEN’s goal within the Election Law Reform Project—first and foremost—has been to complete a comprehensive review of country’s election law so as to be able to offer an informed view on election legislation reform. At the same time, a number of *specific* changes to election legislation are proposed here that would facilitate greater consistency between election-related Acts and Orders and the Constitution of Pakistan while also reinforcing the rights of citizens. Four measures within two topic areas are proposed that would lead to reforms within a unified law.

Term Limits for Prime Minister, Chief Ministers

A first topic focuses on the number of terms that citizens can complete as either Prime Minister, a Chief Minister, or in a combination of these roles. An inconsistency has come to light between the current election legislation and the Constitution following recent changes made in the 18th Amendment. Article 91(5) of the Constitution now establishes that no term limits will be placed on those serving in the role of Prime Minister. Article 130(5) now dictates the same scenario for those holding the position of Chief Minister. *The Qualifications to Hold Public Offices Order 2002* had been consistent with the Constitution before these recent changes. It outlined two terms as the limit that individuals were allowed to serve in these positions or a combination thereof.²⁴ Given the change to the Constitution and that this legislation’s sole purpose has been to establish the specified term limits, FAFEN argues that the law should be repealed.

Measure 1.1

Repeal provision in election law that bars anyone from serving as Prime Minister and Chief Minister for more than two terms.

[See section 135 of the Unified Election Bill in Table II above]

Codes of Conduct for Election Stakeholders

A second topic relates to the need for greater influence on the conduct of election stakeholders during an electoral process. While often voluntary, Codes of Conduct can be effective in encouraging election stakeholders to remain within the boundaries of the Constitution, established laws and regulations, and other behaviour to which they have cooperatively agreed.²⁵ FAFEN has strongly supported the current practice of

²⁴ The Qualifications to Hold Office Order 2002 (Chief Executive’s Order No. 19 of 2002), para 2.

²⁵ ACE Project, "Political Party Codes of Conduct" in *The Administration and Cost of Elections Project* (United Nations, International IDEA and IFES, New York 2009).

“preparing” and “publishing” Codes of Conduct that guide the actions of political parties and contesting candidates²⁶ and advocates within this paper for the continuation of the practice. It argues for the implementation of a robust process by which this Code is not only established but revised on the basis of discussion among Pakistan’s political parties. In pursuing this approach, the ECP will then be able to issue the Code of Conduct without further consultation once an election campaign begins.

Measure 1.2

Establish in election law that a “Code of Conduct for Political Parties and Contesting Candidates” will be established and revised annually in consultation with the country’s political parties. The law should stipulate that the code should then be issued without further consultation once an election has been called.

[See model provision in Table III below at line 550]

Further consideration should be given to expanding the practice for other election stakeholders, including domestic and international election observers. FAFEN supports the view that all stakeholders participating in election-related activities should act within the parameters of a series of coherent rules established through law. Such Codes should be established in advance for each election and in a manner consistent with international practice.

Measure 1.3

Establish in election law that a “Code of Conduct for Election Observers,” outlining conduct and practices consistent with international election observation practices, will be established in advance of each campaign period in consultation with domestic and international election observation organizations.

[See model provision in Table III below at line 537]

During the 2008 general election, FAFEN observed that political parties and contesting candidates had not lived up to the commitments they had agreed to in the Code of Conduct established for that election. Evidence of violations were reported across the country, with political parties conducting activities such as advertising on public and private buildings, intimidating local printing presses, and discouraging women from voting, all in contradiction to the Code.²⁷ In a “Special Note” among recommendations submitted to the Electoral Reforms Committee following that electoral process, FAFEN emphasized “the importance of ensuring that Codes of Conduct are enforced” based on the data it had collected demonstrating that there had been “significant electoral irregularities in all parts of the country.”²⁸ FAFEN argues that the establishment of Codes of Conduct can lead to greater effectiveness in fulfilling the election-related rights of citizens found within the Constitution. It argues further that even greater consistency can be achieved if these Codes are integrated with the regulations of the Election Commission, thereby allowing the ECP to enforce them. Indeed, election legislation should give the ECP authority to issue warnings and impose fines or advises in instances in which the established Code of Conduct has not been followed.

Measure 1.4

Establish in election law that codes of conduct for selected stakeholder groups will become part of the election regulations overseen by the Election Commission while providing the Commission with the authority to issue warnings and impose fines or advises.

[See model provisions in Table III below at lines 512, 524, 537 and 550]

2.0 – Electoral Management

The impartiality of the institution responsible for conducting elections is an essential component of its success. While the structure of election commissions varies from country to country, commissions considered most

²⁶ FAFEN has consistently argued for the implementation of this measure. See Free & Fair Election Network (FAFEN), *Priorities for Reform to Laws Governing the Conduct of Elections in Pakistan (December 14, 2009)* (FAFEN, Islamabad 2009), Priority 2.2.

²⁷ Free & Fair Election Network (FAFEN), *Pakistan General Elections 2008: Election Results Analysis, A Report Based on Parallel Vote Tabulations (PVTs) in 242 National Assembly Constituencies (Conducted on February 18, 2008)* (First Edition (March 2009) edn Free & Fair Election Network, Islamabad 2009), p.11-12.

²⁸ Free & Fair Election Network (FAFEN), *Pakistan General Elections 2008: Election Observation Summary & Recommendations for Electoral Reforms (Submitted to the Electoral Reforms Committee (June 21, 2008)* (Free & Fair Election Network, Islamabad 2008), p.12.

successful demonstrate both a *perceived* and *real* tradition of impartiality at all levels of the organization. The United Nations states clearly that provisions of law in every country need to guarantee that an “objective, unbiased, independent and effective administrative structure [for conducting elections] is in place.”²⁹ Careful attention must be given to those provisions focusing on appointment, remuneration, duties and powers, qualifications, and reporting structures in the context of election administration. Without a foundation of impartiality and unless election administrators are genuinely regarded as fair arbiters, neither voters nor candidates can be entirely certain that the ‘rules of the game’ have been followed and that candidates selected by the people have won an election after all the ballots have been counted.

Terms of Members of Election Commission

FAFEN has carefully assessed both the current system of election administration in light of international standards and best practice and those recommendations put forward by other election stakeholders within Pakistan, concluding that the system under which its members and officials are appointed and operate requires further reform to ensure genuine independence. FAFEN finds, for example, that the term of Members of the Election Commission should be established as five years, equalling that of Chief Election Commissioner. Doing so will extend a member’s term beyond a single mandate of government, thereby facilitating greater consistency in election administration.

Measure 2.1

Establish in election law that terms of Members of the Election Commission will be five years and their terms of service, including removal, shall be settled in the same manner as with the Chief Election Commissioner.

[See model provisions in Table III below at lines 2, 5 and 24]

Control over rules and regulations

Legislation drives electoral process, offering a basic framework for how elections should be conducted. In turn, rules and regulations provide essential detail that is not suitably contained within law but ensures that those implementing an election are better able to respect the principles found within the law while laying out clearly for all election stakeholders what they can (and should) expect over the course of an election cycle.

FAFEN is convinced of the need for continued development of election-related rules and regulations as essential to the success of elections in Pakistan. It has also found that international best practice often and correctly affords an Election Commission with significant influence over those rules and regulations, given that the Commission must use those rules to meet the expectations of the law,³⁰ thereby offering it greater independence. As its currently stands, legislation fails to provide the Election Commission with the independent authority needed to establish election rules and regulations.

With the Election Commission having to seek approval for making election rules and regulations from the President or the Federal Government, the existing provisions do not meet the benchmarks established for international best practice. The law needs to be changed to ensure that the Election Commission will have the authority to make the election-related rules and regulations that allow it to carry out the dictates of election law.³¹

²⁹ United Nations, *Human Rights and Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections, Professional Training Series, No. 2* (United Nations Centre for Human Rights, New York 1994), para 101. Institutions worldwide strongly endorse impartiality with respect to those responsible for organizing and implementing electoral process. See, as examples, R Lopez-Pintor, *Electoral Management Bodies as Institutions of Governance* (United Nations Development Programme, Bureau for Development Policy, New York 2000), 103, 104; GS Goodwin-Gill, *Free and Fair Elections: International Law and Practice* (1st edn Inter-Parliamentary Union, Geneva 1994), 35; OSCE/ODIHR, *Election Observation Handbook (Fifth edition)* (Organization for Security and Cooperation in Europe, Warsaw 2005), 37; International IDEA, *International Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections* (International IDEA, Stockholm 2002), 37; Commonwealth Secretariat, *Good Commonwealth Electoral Practice: A Working Document - June 1997* (Commonwealth Secretariat, London 1997); Venice Commission (European Commission for Democracy through Law), *Code of Good Practice in Electoral Matters (Opinion no. 190/2002, CDL-AD (2002) 13 Or. fr., adopted by the Venice Commission at its 51st and 52nd sessions, Venice 5-6 July and 18-19 October 2002, Opinion no. 190/2002)* (Venice Commission, Strasbourg 2002), p.15; SADC, *SADC Principles and Guidelines Governing Democratic Elections (adopted by the SADC Summit, Mauritius, August 2004)* (Southern Africa Development Community, 2004), para 2.1.7.

³⁰ A Wall and others, *Electoral Management Design: The New International IDEA Handbook* (International IDEA, Stockholm 2005), p.43-44.

³¹ FAFEN also argued for this measure in Free & Fair Election Network (FAFEN), *Priorities for Reform to Laws Governing the Conduct of Elections in Pakistan (December 14, 2009)*, Priority 1.3.

Measure 2.2

Establish in election law that the Election Commission will have final approval over rules and regulations on the conduct of election.

[See model provision in Table III below at line 561]

Control over election budget and ECP structures

An important pillar in reinforcing the impartiality of an Election Commission involves granting complete budgetary control to the administering body. Its independence can be easily undermined when the financial resources allotted to it are not entirely under its own direction. The United Nations has increasingly found this lack of fiscal control to be problematic, noting what election commissions should avoid: “In budgetary matters, it should not ‘become subservient, or under the control of the Executive which is providing it with its funds and which could make pliability a prerequisite for adequate funding.’”³²

In 2000, the federal government gave the Chief Election Commissioner power to manage its own budget through a Notification issued. The authority includes spending without limit, re-appropriating funds from one head to another, changing the nomenclature of any post in the Election Commission, and upgrading or downgrading any post.³³ A fundamental problem remains, however. The Notification issued in 2000 can be withdrawn by a government at any time, leading to circumstances under which the Executive ultimately has control over the ECP’s budgetary arrangement.

The current arrangement is unacceptable as it undermines the independence of the Election Commission. In this light, FAFEN recommends that the financial autonomy of the Election Commission be guaranteed in law, including that authority over approval of its budget, the maintenance of accounts, the creation of posts, and authority over supplementary grants.³⁴

Measure 2.3

Establish in election law that the ECP will have authority to alter its organizational structure and to manage its own budget, giving it authority to approve that budget, maintain accounts, create posts, and authorize supplementary grants.

[See model provisions in Table III below at lines 538, 539 and 544]

Authority to appoint election officials

The Election Commission’s independence as an institution can be further enhanced in a reassessment of the control it has over the individuals appointed to organize and implement the components of an election. Current legislation obfuscates this authority by establishing that the ECP must appoint its District Returning Officers and Returning Officers from among officers of agencies and corporations of the Federal and Provincial governments.³⁵ In fact, this practice runs contrary to current international obligations for elections in that it fails to offer all citizens the opportunity to participate in public affairs.³⁶ The practice of involving the judiciary in election administration also creates an imbalance in the system. While members of the judiciary are respected within the community, their participation in administering elections leads to a conflict of interest in circumstances where the judiciary is called upon to mediate election disputes.

To correct the current imbalance, FAFEN argues that the ECP should be given the authority in law to appoint both District Returning Officers and Returning Officers from among all citizens, not only from among those engaged by Federal and Provincial entities. The law should establish the Election Commission’s power both to recruit and to dismiss temporary staff on terms and conditions to be determined by the Commission and as

³² Lopez-Pintor, *Electoral Management*, p.105; Commonwealth Secretariat, *Let’s Talk About Elections* (Commonwealth Secretariat, London 1997), p.210.

³³ Ministry of Finance’s OM NO F.3(7) Exp-III/2000 dated 25.7.2000. Further background found in Pakistan Institute of Legislative Development and Transparency (PILDAT), p.11.

³⁴ The measure is consistent with FAFEN’s previous arguments in Free & Fair Election Network (FAFEN), *Priorities for Reform to Laws Governing the Conduct of Elections in Pakistan* (December 14, 2009), Priority 1.4.

³⁵ The Representation of the People Act 1976 (LXXXV of 1976), sec 7.

³⁶ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR), art 25(a).

deemed necessary by it for the purposes of conduct an election. While this should not exclude the participation of government officials, the ECP’s authority to “deputize” so as to direct, sanction and remove members of the civil service seconded to assist in the conduct of elections should be strengthened in a manner that reinforces its impartiality in elections.³⁷ Further, the law should state that serving judges of the superior and subordinate judiciary can no longer be appointed to the positions of District Returning Officer and Returning Officer so as to avoid any conflict of interest that may arise.

Measure 2.4

Establish in election law that the ECP will have authority to appoint District Returning Officers and Returning Officers from among all citizens.

[See model provisions in Table III below at lines 9 and 19]

Measure 2.5

Establish in election law that the ECP will have full authority over seconded staff to direct, sanction, and remove such staff while conducting elections on its behalf.

[See model provisions in Table III below at lines 16 and 19]

Measure 2.6

Establish in election law that serving judges of superior and subordinate judiciary shall not be assigned the responsibilities as District Returning Officer and Returning Officers.

[See model provision in Table III below at line 9]

Authority over government entities

The independence of the Election Commission is reinforced when it has the capacity to control all the constituent parts of an election and all actions that are taken as an election unfolds. To achieve this goal, the ECP requires a clear legislative mandate that ensures government entities, including government agencies and security forces, will not interfere with electoral processes for purposes of party control or for personal interests and that they will act only in a manner prescribed by the ECP. If government entities interfere inappropriately, the ECP should have the authority to initiate legal and/or disciplinary proceedings against any government official involved.³⁸ Recent electoral processes have shown that government entities continue to intervene in Pakistan’s electoral processes, despite current legislation and guidance within the Code of Conduct for Political Parties and Contesting . FAFEN has, for example, recorded evidence of interference of Nazims at all three tiers in offering support to parties and candidates, urging voters to support specific candidates for office.³⁹

Measure 2.7

Establish in election law that government entities will not become involved in electoral processes without specific direction from the Election Commission of Pakistan.

[See model provision in Table III below at line 32]

³⁷ The ECP currently has limited authority in this regard, per ROPA 1976, sec 6-7; FAFEN has already argued that the ECP should have such authority, per Free & Fair Election Network (FAFEN), *Priorities for Reform to Laws Governing the Conduct of Elections in Pakistan (December 14, 2009)*, Priority 1.2.

³⁸ The ECP currently has limited authority in this regard, per ROPA 1976, sec 6-7; The measure is consistent with with FAFEN’s previous arguments, as found in Free & Fair Election Network (FAFEN), *Priorities for Reform to Laws Governing the Conduct of Elections in Pakistan (December 14, 2009)*, Priority 1.5.

³⁹ FAFEN observers saw that political party candidates garnered support through Union Nazims in over 30% of the constituencies “where candidate strategies were observed,” except for PML-Q candidates, who did so in 72% of constituencies “where candidate strategies were observed,” per Free & Fair Election Network (FAFEN), *Pakistan General Elections 2008: Election Observation Summary & Recommendations for Electoral Reforms (Submitted to the Electoral Reforms Committee (June 21, 2008)*, p.7, para 2; see also Free & Fair Election Network (FAFEN), *Pakistan General Elections 2008: Election Results Analysis, A Report Based on Parallel Vote Tabulations (PVTs) in 242 National Assembly Constituencies (Conducted on February 18, 2008)*, p.11, paras 2.1, 2.2.

Measure 2.8

Establish in election law the suspension of any public functionary who, during an election, fails to comply with the directives of the ECP, despite notice.

[See model provision in Table III below at line 32]

Police and security forces fulfil an important function over the course of an electoral process. Indeed, they must pay particular attention to maintaining the security of citizens without influencing the vote of citizens inappropriately. FAFEN has recorded evidence during recent electoral processes that suggests some police have acted inappropriately in this regard. FAFEN has found that in many constituencies police officers have demonstrated support for particular candidates by providing extra security, attending political rallies, and even posting campaign materials.⁴⁰ Police have also failed to effectively monitor and overcome security problems on Election Day, with FAFEN finding security-related issues arising at a remarkably high number of polling sites.⁴¹ In this light, FAFEN argues that the law should be strengthened by stipulating that Presiding Officers will have full authority over individuals assigned to a polling site to maintain security and to enforce the election rules.⁴²

Measure 2.9

Establish in election law that Presiding Officers will have full authority over police and security forces in enforcing rules at polling stations.

[See model provision in Table III below at line 21]

Public access to Election Commission activities

While an Election Commission's impartiality is essential to the success of an electoral process, a Commission must also be accountable to other election stakeholders and institutions. Indeed, "it is of a little value to have standards of behaviour concerning the management of elections if there are no means of checking whether the appointed member or the electoral officials have adhered to them."⁴³ In the same way that an Election Commission requires the authority to ensure that other election stakeholders are following the election rules, the activities of the Election Commission must be held to account. Parties and candidates, citizens who cast their ballots, and the media must all be given a full opportunity to evaluate an Election Commission's activities.

Two additional measures within election legislation would reinforce this goal. A first measure would establish an expectation for greater transparency among all public entities. While being subject to reasonable restrictions, the Election Commission should be required to allow public access to its records and to its meetings. In addition, it should always allow for public consultation in its decision making processes. A second measure would also reinforce a trends evident in international best practice of election administration. The ECP should be required statutorily to issue regular reports to Parliament on its activities, both on an annual basis and following each general election.

Measure 2.10

Establish in election law that, subject to reasonable restrictions, the ECP must allow public access to its records, meetings and allow for public consultation in decision making processes.

[See model provisions in Table III below at lines 24, 38, 48, 52, 72, 77, 322, 341, 384, 395, 416 and 561]

⁴⁰ Free & Fair Election Network (FAFEN), *Pakistan General Elections 2008: Election Results Analysis, A Report Based on Parallel Vote Tabulations (PVTs) in 242 National Assembly Constituencies (Conducted on February 18, 2008)*, p.11, para 2.3; Free & Fair Election Network (FAFEN), *Pakistan General Elections 2008: Election Observation Summary & Recommendations for Electoral Reforms (Submitted to the Electoral Reforms Committee (June 21, 2008)*, pp.7-8, para 4.

⁴¹ During the 2008 general election, "security problems" were observed in about one in every 25 polling stations, per Free & Fair Election Network (FAFEN), *Pakistan General Elections 2008: Election Results Analysis, A Report Based on Parallel Vote Tabulations (PVTs) in 242 National Assembly Constituencies (Conducted on February 18, 2008)*, p.17, para 9.

⁴² ROPA 1976, sec 32.

⁴³ A Wall and others, "Guiding Principles of Electoral Management" in *ACE Encyclopaedia* (Administration and Cost of Elections Project, New York 2010); Such accountability is emphasized globally. See, for example, OAU/AU Declaration on the Principles Governing Democratic Elections in Africa (Adopted at the 38th Ordinary Session of the Organization of African Unity, 8 July 2002, Durban, South Africa) (OAU/AU Declaration), II(4c), III(c); Commonwealth Secretariat, *Good Practice*, 6-7; Lopez-Pintor, *Electoral Management*, 101;

Measure 2.11

Establish in election law that the ECP must issue regular reports to Parliament, annually and following each general election.

[See model provision in Table III below at line 545]

3.0 – Boundary Delimitation

Periodic changes to the boundaries of constituencies are necessary in every democracy. Without these changes, the number of citizens within each constituency will become increasingly inconsistent. In turn, the adjustment of these boundaries can have a significant influence on the outcome of elections and thus political decisions that are made between these events. Despite such consequences, the importance of boundary delimitation is often under-emphasized.

Equality of voting strength

An equality with respect to each vote that is cast in an election⁴⁴ stands out among the fundamental principles that must guide the delimitation of boundaries in any country, something that has been agreed to in various universal treaties.⁴⁵ General Comment 25 of the United Nations Human Rights Committee offers clear guidance in its reinforcement that any system for elections must produce results that are consistent with Article 25 of the International Covenant on Civil and Political Rights (ICCPR) in guaranteeing the free expression of the will of electors. At the same time, it provides more tangible guidance with respect to boundary delimitation in its interpretation, stating, “The principle of one person, one vote, must apply, and within the framework of each State’s electoral system, the vote of one elector should be equal to the vote of another.”⁴⁶

The practical implementation of “one person, one vote” has taken different forms between States, leading to circumstances that are not as strict as one might initially think. There are examples of the application of the obligation as described above, yet countries—more often than not—account for contextual issues that allow for some deviation from the rule, including administrative or natural boundaries, along with geographic features such as sparsely populated or isolated territories. The “representation of voters” has taken precedence over the “representation of communities,” however. The rules within almost all States call for the population within boundaries to be *as equal as possible*⁴⁷ with an increasing acceptance of no more than 10-15 percent variance in population size between constituencies becoming an acceptable norm.⁴⁸

FAFEN argues that this ideal has not yet been achieved in Pakistan. In fact, there are significant discrepancies between sizes of constituencies between provinces and territories. The size of constituencies in sparsely-populated rural regions of Baluchistan can differ dramatically from that in urban areas such as Karachi in Sindh. It is understood that these differences are in place due partly to parameters specified within the Constitution and that, until changes can be made, Constitutionally-driven inequality will remain in place.⁴⁹ While FAFEN recommends that these Constitutionally defined inequalities be dealt with in the future, such Constitutional changes are beyond the scope of the current set of reforms, which focus on legislative and not Constitutional amendments.

Still, specific changes to the country’s election legislation—focusing on intra-provincial and intra-territorial parity between constituencies—would begin a process of diminishing the inequality evidenced in Pakistan’s election system, bringing the system more in line with international standards for boundary delimitation. FAFEN calls for revisions to election legislation that would ensure greater consistency in the number of voters

⁴⁴ L Handley, “Guiding Principles of Boundary Delimitation” in *ACE Encyclopaedia* (United Nations, International Institute for Democracy and Electoral Assistance, International Foundation for Election Systems, New York 2010).

⁴⁵ ICCPR, art 25(b); International Convention on the Elimination of All Forms of Racial Discrimination (adopted and opened for signature and ratification by General Assembly Res. 2106 A(XX), 21 December 1965; entered into force on 4 January 1969 in accordance with Article 19) (ICERD), art 5(c).

⁴⁶ United Nations Human Rights Committee (UNCHR), General Comment 25 on “The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service,” UN Doc. CCPR/C/21/Rev.1, Addendum 7, 27 August 1996 (UNCHR General Comment 25), para 21.

⁴⁷ L Handley, “Establishment of Criteria for Delimiting Districts” in *ACE Encyclopaedia* (United Nations, International Institute for Democracy and Electoral Assistance, International Foundation for Election Systems, New York 2010).

⁴⁸ Venice Commission (European Commission for Democracy through Law), *Code of Good Practice*.

⁴⁹ Constitution of Pakistan 1973, art 51(3) and 106(1).

within these constituencies. To ensure greater consistency with international best practice, FAFEN argues that these constituencies should not ordinarily vary by more than 10 percent across a province or territory while recognizing that in exceptional circumstances it may be necessary to establish constituencies outside this restraint. In those cases, FAFEN states that the ECP should be required by legislation to carefully state and publish its reasoning on its website.

Measure 3.1

Establish in election law that, while constituencies may vary in size according to parameters outlined within the Constitution, the size of constituencies within provinces and territories should vary by more than 10 percent only under exceptional circumstances. In such cases, the reasoning for this decision should be published on the ECP website.

[See model provision in Table III below at line 45]

Greater transparency when revising election boundaries

The formulation of boundaries is an important, yet very often obscure aspect of administering an electoral process. To avoid claims of unfairness, an election commission must do everything within its authority to solicit input from all election stakeholders before making revisions to election boundaries. The ECP has the authority to hold inquiries, hear from witnesses and record evidence in this regard within the current legislation. FAFEN argues, however, that such authority should be expanded to include greater specificity within the law. Upon establishing a new proposed set of boundaries for electoral process, FAFEN argues that election law should guide the ECP to specifically hold inquiries, hear from witnesses, record evidence, and publish such evidence on its website. In doing so, the ECP should invite objections and suggestions with respect to those proposed boundaries, after which the Election Commission may alter those boundaries based on these suggestions.

Measure 3.2

Establish in election law a process that requires public input into the drawing of boundaries.

[See model provision in Table III below at line 48]

4.0 – Voter Education

The delivery of voter education remains an important component of any election that meets international standards. Such efforts should focus on electoral elements that voters will need to consider in order to make an informed choice regarding their political preferences. While the educational process cannot sustain democracy on its own, it plays an essential role in reinforcing it. Effective voter education can help guard the electoral process from being undermined due to inadequacies that arise as part of an election, whether administrative inefficiencies or malfeasance on the part of election stakeholders.⁵⁰

Election Commissions are “mandated”⁵¹ to conduct voter education activities through various international sources that reinforce the requirement to implement elections according to Article 25 of the International Covenant on Civil and Political Rights (ICCPR).⁵² The United Nations’ handbook on *Human Rights and Elections*, for example, links voter education in this way by asserting that “funding and administration should be provided for objective, non-partisan voter education and information campaigns” while noting, in particular, that “such education is especially critical for populations with little or no experience with democratic elections.”⁵³ It also states that “literature should be widely available...to help ensure the meaningful participation of *all* eligible

⁵⁰ P Graham, "Guiding Principles of Voter Education" in *ACE Encyclopaedia* (Administration and Cost of Elections Project, New York 2010).

⁵¹ P Graham, "International Principles of the Educational Mandate" in *ACE Encyclopaedia* (Administration and Cost of Elections Project, New York 2010). While other election stakeholders may contribute to voter education efforts, it is widely held that this responsibility ultimately rests with those responsible for election administration, per European Commission, *Handbook for European Union Election Observation Missions (First Edition)* (European Commission, Brussels 2002), p.65; Electoral Institute of Southern Africa (EISA) and Electoral Commissions Forum of SADC Countries, *Principles for Election Management, Monitoring and Observation in the SADC Region (as adopted on 6 November 2003 at the Kopanong Hotel and Conference Centre, Benoni, Johannesburg)* (Electoral Institution of Southern Africa and the Electoral Commission Forum, Benoni, Johannesburg 2003), p.22; Goodwin-Gill, *Free and Fair*, p.52.

⁵² ICCPR, art 25.

⁵³ United Nations, *Human Rights and Elections*, para 124.

voters.”⁵⁴ In another example, the Commonwealth Secretariat shapes this mandate further in establishing voter education as an “essential feature” in countries where a “culture” of voting is being developed. In pursuing this, it emphasizes the importance of targeting specific groups that are disadvantaged with respect to their full participation in electoral processes.⁵⁵

No matter where an election is held, there will be a wide range of groups requiring specific attention in the context of voter education. FAFEN argues that the Election Commission should take “positive measures” to allow traditionally marginalized groups to overcome the challenges faced in participating in electoral processes.⁵⁶ Given the context and resources available in Pakistan, the ECP should be required to establish regular, targeted voter awareness program among three key groups.

Initiatives for women

While women in Pakistan were offered enfranchisement many years ago, access to the ballot can still be difficult for them. During the last general election, FAFEN found that the number of women who had not registered to vote was much higher than the number of unregistered men, noting that this might have been attributable to “social obstacles to women’s political participation and the fact that many women lack CNICs.”⁵⁷ On Election Day, FAFEN also found the average turnout of female voters far below that of males. The average national turnout was 49.9 percent in male polling stations (49.6 percent in combined polling stations), while turnout was just 41.1 percent for females.⁵⁸ Sadly, FAFEN also observed in its monitoring efforts various violations of the Code of Conduct for Political Parties and Contesting Candidates where women were being discouraged from voting.⁵⁹ Education alone will not change this situation, but it constitutes an influential step toward facilitating an awareness among women of their electoral rights with the aim of increasing their participation in electoral processes. As a result, FAFEN is convinced that election legislation must be altered to require that electoral educational programs for women are conducted before each electoral process.

Measure 4.1

Establish in election law that the ECP, before every election, will conduct voter education programs specifically for women.

[See model provision in Table III below at line 81]

Initiatives for minorities

Societies are not generally homogenous, and Pakistan is no exception. As the country begins to address the diversity of its people, FAFEN argues that the Election Commission must focus increasingly on the needs of minority groups that have not fully understood the electoral processes by which leaders are selected. Changes within legislation should, therefore, be instigated that require the ECP to identify minority groups in which citizens have not fully participated in past elections. With this information, it should be required to implement voter education programs specifically of these minority groups.

Measure 4.2

Establish in election law that the ECP, before every election, will conduct voter education programs specifically for minorities.

[See model provision in Table III below at line 81]

⁵⁴ Ibid, para 125. Emphasis added.

⁵⁵ Commonwealth Secretariat, *Good Practice*, paras 42, 43.

⁵⁶ The United Nations has asserted the importance of such steps as expressed in UNCHR General Comment 25, para 12. See also, European Commission, *Handbook for EU Observers (First Edition)*, p.65; Norwegian Helsinki Committee, *Election Observation: An Introduction to the Methodology and Organization* (Norwegian Helsinki Committee, Oslo 2000).

⁵⁷ Free & Fair Election Network (FAFEN), *Pakistan General Elections 2008: Election Results Analysis, A Report Based on Parallel Vote Tabulations (PVTs) in 242 National Assembly Constituencies (Conducted on February 18, 2008)*, p.9;

⁵⁸ These figure leave out polling stations where the turnout was at 100 percent or higher; Ibid, p.16, para 4.

⁵⁹ Ibid, p.11, para 3.2.

Initiatives for persons with disabilities

In line with the needs of women and minority groups in Pakistan, persons with disabilities constitute a significant component of the voting public. Looking back on the requirement that *all* citizens have the opportunity to cast a ballot during elections, FAFEN finds that voter education needs to increase for this voting group. While the ECP should certainly liaise with disability groups such as Special Talent Exchange Program (STEP), it argues that legislation should be altered requiring the ECP to conduct voter education programs in advance of elections for this group of voters.

Measure 4.3

Establish in election law that the ECP, before every election, will conduct voter education programs specifically for persons with disabilities.

[See model provision in Table III below at line 81]

5.0 – Parties & Candidates

Parties and candidates have been assigned various human rights as key stakeholders in every electoral process as they carry out a campaign to convince voters of the merits of their platform. The right to conduct such activities are enshrined within a variety of international legal mechanisms, but particularly in the International Covenant on Civil and Political Rights (ICCPR) that asserts that “every citizen shall have the right and the opportunity...to be elected at genuine periodic elections.”⁶⁰ Associated with this right are various other human rights that apply across all areas of societal participation, including electoral processes. Among these are the freedom to associate with others and a freedom of speech and assembly.⁶¹ Indeed, political parties and candidates require access to these rights in order to conduct an effective campaign that is engaging, based on accurate information, and that leads voters into a meaningful discussion during the campaign period.

At the same time, however, the rights of voters must also be protected in the context of electoral processes. Fundamental to every election is the necessity that the Will of the People is genuinely expressed.⁶² To make an informed choice, the electorate must maintain the right to seek information about the political parties and candidates among whom they must choose.⁶³ Such information is required in order to make an informed and effective choice.

In striking a balance between the rights of candidates and the rights of voters, Pakistan needs to establish mechanisms in its electoral processes that will enhance transparency and accountability among political parties and candidates in a manner that ensures the rights of both candidates and voters are fulfilled. FAFEN argues that, to achieve this goal, changes to legislation are needed in the principal areas.

Information on candidates

Consideration should initially be given to changes that would improve access to information about candidates seeking office. On the one hand, the information presently submitted by candidates during the nomination process cannot currently be accessed by the public. While nomination materials may currently be inspected by the public, the process of acquiring this information is cumbersome. Election law should therefore establish an avenue by which candidate information can be acquire conveniently by all election stakeholders.⁶⁴ The information should be published in the *official Gazette*. The Election Commission should also be required to publish the information on its website before the final list of candidates is posted. Further, the methods by which this information can be acquired should be advertised to the public.

⁶⁰ ICCPR, art 25.

⁶¹ Ibid, art 19(2); “The right of freedom of opinion is guaranteed... This right is absolute and cannot be restricted or interfered with in any manner” per United Nations, *Human Rights and Elections*, para 34; ICCPR, art 21; In the context of electoral campaigns, political parties have the right to organize public rallies and conduct legitimate campaigning without undue hindrance, per European Commission, *Handbook for EU Observers (First Edition)*, 73.

⁶² ICCPR, art 25.

⁶³ Ibid, art 19.

⁶⁴ The measures described here are consistent with FAFEN’s earlier call for increasing the availability of information on candidates in advance of elections, per Free & Fair Election Network (FAFEN), *Priorities for Reform to Laws Governing the Conduct of Elections in Pakistan (December 14, 2009)*, Priority 2.3.

Measure 5.1

Establish in election law that information on candidates may be made available to the public in the official Gazette.

[See model provisions in Table III below at lines 96 and 228]

Measure 5.2

Establish in election law that information on candidates may be made available to the public before the final list of candidates on the Election Commission website.

[See model provisions in Table III below at lines 96 and 228]

Measure 5.3

Establish in election law that the ECP will advertise the ways by which voters can access information about candidates.

[See model provisions in Table III below at lines 96 and 228]

On the other hand, FAFEN argues that the information submitted by candidates during the nomination process—including data on loans, taxes paid, educational qualifications, and occupation⁶⁵—should be expanded to include a statement outlining previous convictions. FAFEN takes seriously that citizens accused of a crime must always be considered innocent until they have been proven guilty by a qualified court. Accusations of illegality could be used to manipulate support for a candidates during a campaign period. While such strategies among parties and candidates are unacceptable, the public has a right to know about a candidate’s actual convictions by a court in advance of casting their ballot. FAFEN argues that election legislation should be changed to require all candidates to submit to the ECP information on convictions as part of the nomination process, including specific details with respect to each case involved, allowing voters to make their own decisions about the candidate.

Measure 5.4

Establish in election law that candidates must submit details of all previous convictions against them.

[See model provisions in Table III below at lines 96 and 228]

Candidate nomination

The right of citizens to run for office should be a primary consideration within a country’s election legislation. In interpreting this right, the United Nations Human Rights Committee has clearly articulated that this right should not be unreasonably restricted.⁶⁶ Early on, legislation in Pakistan had allowed for the submission of nomination papers by individuals other than a candidate, but the law was amended in 2002. While that change may have been to exclude potential candidates living outside the country at the time, Pakistan’s election law still fails to account for the complexity of a campaign in ignoring that a team, as opposed to an individual, will more often than not act on behalf of a candidate during the campaign period. The requirement that a candidate personally complete the nomination process remains unreasonably restrictive. FAFEN argues that the right of citizens to pursue public office can be achieved more fully by altering the law to allow nominations to be completed by an authorized person *other than* the candidate.

Measure 5.5

Establish in election law that candidate nominations may be completed by an authorized person other than the candidate.

[See model provision in Table III below at line 96]

Another issue with respect to nominations has to do with the deposits required for candidates wishing to run for office in both the National and Provincial assemblies. Here again, the rights of candidates should remain at the forefront in all considerations so that serious candidates are not limited from running for office on financial

⁶⁵ ROPA 1976, para 12(2).

⁶⁶ UNCHR General Comment 25, para 17.

grounds. FAFEN would emphasize that election legislation dictates that deposits of candidates receiving one-eighth or more of the votes cast during an electoral process are to be returned to candidates or their legal representative.⁶⁷ Deposits should not be used for other purposes within the Election Commission. International standards allow for fees and a deposit that are “reasonable” with respect to those vying for office in order to deter “frivolous candidates” and limit the field of office seekers to those who are most serious about the race.⁶⁸ It is acceptable to use this approach to minimize the list of candidates on the ballot in order to diminish confusion among voting citizens. The nomination deposit required for both National and provincial assemblies has remained at the same level of RS 4,000 and RS 2,000 respectively for many years and has not been adjusted for inflation. FAFEN argues that these deposits should be increased to RS 8,000 and RS 4,000 in order to better achieve this goal.

Measure 5.6

Establish in election law that candidate nomination deposits be increased from RS 4 to 8 thousand for National Assembly and RS 2 to 4 thousand for Provincial Assemblies.

[See model provision in Table III below at line 110]

Regulation of party participation

A final area of consideration relates to the regulation of political parties. In recent elections the number of parties on the ballot has proliferated, introducing further complexity to the process of casting a ballot in Pakistan. While emphasizing the importance of freedom of association, that all individuals and groups have a right to establish their own political parties on equal terms,⁶⁹ FAFEN has also observed that many political parties do not meet objective criteria laid down by the law. Nonetheless, these parties are still assigned an election symbol by submitting in accurate documentation to the ECP. To address this problem, FAFEN argues that more stringent requirements should be established for political parties wishing to qualify for an election symbol, requirements that carefully balance the freedom to associate with the need for ballots that are accessible to individual voters.⁷⁰ As such, legislation should be altered to require political parties to submit a list of names and other particulars requested by the Election Commission for at least 1,000 members in order to qualify for this symbol.

Measure 5.7

Establish in election law that political parties must submit a list of names and other particulars for 1,000 members in order to qualify for an election symbol.

[See model provision in Table III below at line 38]

6.0 – Political Finance

“No matter how flawless are the country’s elections, how active its civil society, how competitive its political parties, and how responsible its local authorities, the role of money in politics undeniably influences the quality of democracy and governance.”⁷¹ Indeed, the impact that money has on politics should not be underestimated.

Election practitioners tasked with regulating the use of money in electoral contests are guided increasingly by various political finance-related international obligations. Perhaps foremost among these, the United Nations Convention Against Corruption (UNCAC) emphasizes that all States must “enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.”⁷² International organizations have consistently reinforced this requirement while also noting the need for establishing clear rules

⁶⁷ ROPA 1976, para 43.

⁶⁸ UNCHR General Comment 25, para 16; M Tjernstrom and L Ederberg, “Monetary Deposits for Ballot Access” in *ACE Encyclopaedia* (United Nations, International Institute for Democracy and Electoral Assistance, International Foundation for Election Systems, New York 2010).

⁶⁹ ICCPR, art 25; UNCHR General Comment 25, para 26; International IDEA, *Standards, Legal Framework*, 49-50;

⁷⁰ International IDEA, *Standards, Legal Framework*, 50; European Commission, *Handbook for EU Observers (First Edition)*, 68-69.

⁷¹ G Ward, *Money in Politics: A Guide to Increasing Transparency in Emerging Democracies*, Technical Publication Series (United States Agency for International Development, Washington, DC 2003), p.5.

⁷² United Nations Convention against Corruption (adopted 31 October 2003, entered into force 14 December 2005) UN Resolution 58/4 (UNCAC), art 7(3).

that guide political funding and the use of funds over the course of an election cycle.⁷³ The maintenance of a ‘level playing field’ has also been considered paramount in the context of political finance. A leading legal scholar has articulated this well in noting that “a free and fair election is less likely if the government denies financial resources to its opponents, while using all the resources at its disposal to put the opposition at a disadvantage.” He goes on to say that “the art is to find that balance which best accommodates the objectives of allowing each party a reasonable opportunity to put across its message.”⁷⁴

Election stakeholders in Pakistan recently gathered to consider the role of political finance in the context of this country’s electoral processes. In that time, FAFEN discovered an alignment of views among many of the country’s stakeholders, finding comments offered by the ECP particularly helpful. The Secretary of the ECP offered the assertion that money in politics can be used for good or bad purposes, but that “when it is the latter it undermines the [electoral] process.”⁷⁵ He stated clearly that “if the political system does not regulate money, then one may expect money to regulate the system and that we want to avoid.” It is in light these and other concerns expressed by election stakeholders in Pakistan that FAFEN argues for a number of changes to election legislation with respect to political finance.

Refinement of responsibilities for political finance

One analyst has found that a majority of countries invest this authority in a national Election Management Body, rather than in a specialized regulatory body, government department, or any other kind of institution.⁷⁶ FAFEN agrees with election stakeholders that have recently asserted the responsibilities for enforcing political finance be placed within the Election Commission, a Constitutionally-mandated institution capable of enforcing political finance regulations. FAFEN views it important that the Election Commission be provided with the financial resources to establish a separate department responsible for and capable of auditing and, when needed, investigating and enforcing laws and regulations that guide political spending in Pakistan. This department should be provided through legislation with the authority to issue fines or even prosecute election stakeholders that do not fulfil their legal responsibilities with respect to political spending.

Measure 6.1

Establishing in election law the Election Commission’s responsibility for and jurisdiction over auditing, investigating and enforcing through fines or prosecution requirements for financial reporting by candidates, political parties, and officeholders.

[See model provisions in Table III below at lines 308 and 322]

Further structural change is required within political parties and in the campaigns of candidates as well, change that will allow for greater transparency in campaigns and facilitate the ability of a regulatory body to verify the accuracy of what is required as political spending. To achieve this end, FAFEN argues that election legislation must be changed to require all political parties to appoint a Finance Office qualified and responsible for financial reporting. Further, candidates should be required to do the same as part of their campaigns.

Measure 6.2

Establishing in law that political parties and candidates must designate a Finance Officer who is qualified and responsible for recordkeeping and financial reporting.

[See model provision in Table III below at line 296]

A final structural change involves a requirement in legislation that all political parties must submit their financial statement to an outside Auditor for review and certification before submitting their statements to the Election

⁷³ OSCE/ODIHR, *Observation Handbook (Fifth Edition)*, p.47; International IDEA, *Standards, Legal Framework*, p.65; Venice Commission (European Commission for Democracy through Law), *Code of Good Practice*, p.11, para 2.3.d; SADC, *Principles and Guidelines*, para 4.1.6.

⁷⁴ Goodwin-Gill, *Free and Fair*, p.61; See also National Democratic Institute for International Affairs, *How Domestic Organizations Monitor Elections: An A to Z Guide* (National Democratic Institute, Washington, DC 1995), p.56.

⁷⁵ Election Commission of Pakistan, *National Workshop on Political Finance: Report from National Workshop (3-4 November 2010, Islamabad)* (Election Commission of Pakistan, Islamabad 2010), p.10.

⁷⁶ In a survey of over 70 countries, Marcin Walecki demonstrated during a recent ECP workshop that 63 percent of countries had assigned this responsibility to their election management body; M Walecki in comments for National Workshop on Political Finance: Report from National Workshop (3-4 November 2010, Islamabad).

Commission for review. The same should be required of contesting candidates if they are directed to do so by the Election Commission upon their review.

Measure 6.3

Establishing in law that all political parties must submit their financial statements to an outside Auditor for review. The law should also stipulate that candidates must submit their financial statements to an outside Auditor for review if directed by the ECP.

[See model provisions in Table III below at lines 296]

Broadening of definitions for political finance

FAFEN also argues that the definitions that guide political spending within election legislation are too narrow and must be changed in order to reinforce the structural reform described above. Such steps would involve revisions, initially, to the legislative framework that guides political spending in Pakistan. From the outset, a clearer understanding of this framework will come through a process of consolidating political finance laws into a single chapter within the unified law being proposed. In this context, FAFEN also believes that particular characteristics related to political spending have been under-defined, leading to significant ambiguity with respect to how political finance regulations have been applied in the past. The definition of “election expenses” should be changed to include a broader range of expenditures. Further the timeframe during which such expenditures are recorded should also be expanded to include spending that after the date of the official announcement of an electoral process until the end of election day. Finally, FAFEN believes that the levels of political spending have not been at levels adequate to fully fund political activities in Pakistan, leading to circumstances in which political parties and candidates have been circumventing the regulatory system. While political spending should remain within the framework of the election law, election law must also be adjusted so as to allow realistic levels of political and campaign spending. Election law should be changed to allow the ECP to stipulate adequate spending levels for each electoral process, giving it the authority to stipulate spending levels in advance of each electoral process.

Measure 6.4

Consolidating political finance regulations and reporting obligations within a chapter of a unified election law.

[See model provisions in Table III below at lines 37, 223, 286, 290, 302, 308, 320, 327, 328, 332 and 339]

Measure 6.5

Establishing in election law a definition of ‘election expenses’ that includes a broader range of expenditures.

[See model provisions in Table III below at line 291]

Measure 6.6

Establishing in election law a timeframe for the application of a definition of ‘election expenses’ to include those incurred after the date of the official announcement of elections through election day.

[See model provision in Table III below at line 291]

Measure 6.7

Establishing in election law the Election Commission’s authority to establish appropriate levels of campaign spending so as to limit political parties and contesting candidates from circumventing the regulatory system. The law should stipulate that levels of spending should be issued in advance of the schedule for an election.

[See model provision in Table III below at line 292]

Transparency in financial reporting

Having considered the current state of political spending in Pakistan, FAFEN argues, finally, that greater transparency is necessary in this context. Increased financial transparency, if twinned with the proper regulatory framework, can lead to greater accountability for political parties and candidates. Such transparency has been pursued in other democracies around the globe in recent year. In Canada, to offer just one example, the Royal Commission on Electoral Reform and Party Financing has noted specific benefits to voters and to the electoral process as a whole in implementing this kind of transparency, determining that “full and timely disclosure requirements help remove suspicion about the financial activities of candidates and parties by opening the process to public scrutiny.”⁷⁷

To facilitate greater transparency, FAFEN proposes a number of practical revisions to election law that guide political spending. Among them, it calls for legislation to dictate that political parties must classify their expenditures into three different kinds of expense; those that are administrative in nature; those that are operational; and those that can be classified as election expenses. With respect to the two former categories, political parties should be required, through legislation, to submit an annual document reporting on all these expenses while also detailing the sources of political funding. Political parties should complete the same following an election for the latter expenses, providing specific information with regard to election-related expenses met with party funds either to promote the political party or to support a candidate for office.

Measure 6.8

Establishing in law that political parties must separate and classify their expenditures into categories of ‘general administration’, ‘operational expenses’ and ‘election expenses’.

[See model provision in Table III below at line 298]

Measure 6.9

Establishing in law that political parties must submit an annual report of ‘general administrative and operational expenditures’ which includes all expenses incurred outside an election period and, within this report, note all sources of funds for such expenditures.

[See model provision in Table III below at line 302]

Measure 6.10

Establishing in law that political parties must submit a post-election report of ‘election expenses’ incurred on behalf of or in support of candidates nominated by the party (or in opposition to candidates not nominated by the party) or to promote the party to the public during the election period and, within this report, note the sources of funds for such expenditures.

[See model provision in Table III below at line 302]

Election law currently requires candidates wishing to compete in an election and members who have been elected to submit statements to provide voters with insight into their current assets and liabilities.⁷⁸ The law also states that candidates must submit a statement outlining their election expenditures.⁷⁹ Yet these statements are not readily available to the public. FAFEN argues that greater transparency should be established in this context as well. Election law should be amended to ensure that all disclosure statements submitted by candidates and Members of Parliament, the Senate, and provincial assemblies should be publicly accessible upon submission both through the *official Gazette* and via the Election Commission’s website.⁸⁰

⁷⁷ P Lortie (ed) *Reforming Electoral Democracy, Royal Commission on Electoral Reform and Party Financing - Volume 1 (“The Lortie Commission”)* (Dundurn Press Toronto 1992), p.421-422.

⁷⁸ ROPA 1976, sec 12(2)(f).

⁷⁹ *Ibid*, sec 50.

⁸⁰ These statements are to include: The “Statement of Assets and Liabilities” (filed by all candidates at the time of filing a nomination, a hard copy of which is currently retained by the Returning Officer); a yearly “Statement of Assets and Liabilities” (filed by elected members each year; the ECP publishes these records in the *official Gazette*); the “Return of Election Expenses” (filed by all contesting candidates; these records are retained by the Returning Officer). This measure is consistent with FAFEN’s previous guidance, per Free & Fair Election Network (FAFEN), *Priorities for Reform to Laws Governing the Conduct of Elections in Pakistan (December 14, 2009)*, Priority 2.1.

Measure 6.11

Establishing in election law that all campaign expenditure reports and asset disclosure statements submitted by candidates and Members of Parliament are published in the official Gazette upon submission.

[See model provisions in Table III below at lines 97 and 317]

Measure 6.12

Establishing in election law that all asset disclosure statements submitted by candidates and Members of Parliament, the Senate and Provincial Assemblies are available on the ECP website.

[See model provisions in Table III below at lines 97 and 317]

7.0 – Voter Registration

Among the changes proposed to Pakistan’s electoral process, there is a pressing need to enhance the quality of the country’s electoral rolls. As stated in both the International Covenant on Civil and Political Rights (ICCPR) and in the Constitution of Pakistan,⁸¹ citizens have a fundamental right to exercise their vote during electoral processes, yet recent difficulties with the electoral rolls offer evidence that improvements are needed if this right is to be guaranteed in the future.

It is widely understood that the ability to vote is “premised on the existence of a comprehensive and inclusive electoral register...which is rigorously maintained to ensure, to the extent possible, that each eligible voter is listed once and only once on the register.”⁸² Such has not been the case in Pakistan. Electoral rolls prepared in 2006-2007 for use in a 2008 general election contained the names of voters who had in their possession either a Computerized National Identity Card (CNIC) or a National Identity Card (NIC), an older form of the CNIC. Following a challenge by Benazir Butto, who argued that many individuals would be excluded from the voter roll, the Supreme Court issued an Interim Order stating that the names of those on the electoral rolls prepared in 2002 who were not currently registered should also be included on the updated list.⁸³ The time between the issuance of the Order and the general election held on February 18, 2008 was minimal, however. The ECP was unable to consolidate the two lists properly. As a result, the current electoral roll contains a significant number of multiple entries.

Because establishing and maintaining a current and accurate electoral roll can be one of the most challenging elements of election administration,⁸⁴ FAFEN argues that changes to the law with respect to the electoral roll should be pursued as soon as possible so that Pakistan can more readily meet its obligations to both candidates and voters alike. While key improvements in administering the rolls are recommended, FAFEN also encourages the implementation of measures that will increasingly protect the rights of election stakeholders.

Improved administration of electoral roll

The Election Commission requires the authority to access both data and technology that will allow for the fulfilment of its mandate in election administration. In doing so, the ECP should be given greater flexibility within the law to pursue a range of relationships with non-ECP entities.

While an agreement between the Election Commission and National Database and Registration Authority (NADRA) could lead to significant progress with respect to accumulating and managing accurate lists of voters,

⁸¹ ICCPR, art 25; Constitution of Pakistan 1973, art 51; 106.

⁸² K Archer, "Voter Registration" in H Alves and others (eds), *The Administration and Cost of Elections Project User's Guide* (International Foundation for Election Systems, International Institute for Democracy and Electoral Assistance, United Nations, Washington, DC 1999), p.50.

⁸³ *Mohtarama Benazir Bhutto v. Chief Election Commissioner & others*; Constitutional Petition No. 45 of 2007. Date of Hearing 26.7.2007; *Mohtarama Benazir Bhutto v. Chief Election Commissioner & others*; Constitutional Petition No. 45 of 2007 and C.M. As No. 2330 and 2331 of 2007 In Const. P.No.45 of 2007. Date of Hearing 10.8.2007; *Mohtarama Benazir Bhutto v. Chief Election Commissioner & others*; Constitutional Petition No. 45 of 2007. Date of Hearing 16.8.2007; *Mohtarama Benazir Bhutto v. Chief Election Commissioner & others*; Constitutional Petition No. 45 and 57 of 2007 and C.M.A. 2513 of 2007. Date of Hearing 4.10.2007.

⁸⁴ OSCE/ODIHR, *Observation Handbook (Fifth Edition)*, p.41.

FAFEN argues that the law should specifically provide the Commission with broader authority to establish partnerships with other government entities and private-sector companies that, in the Commission’s view, would further facilitate the development of the Electoral Roll in the months and years ahead. At the same time, the law should clearly articulate the Election Commission’s ongoing responsibility to accumulate and maintain a voters’ list that reaches the highest in international best practice for election administration and ensure that the rights related to this exercise are upheld at all times.

Election law should, therefore, provide the ECP with the authority to engage organizations outside its institutional structure in discharging its responsibility to prepare and maintain a current, accurate and complete electoral roll in advance of electoral processes. The legislation should afford the ECP the flexibility to coordinate with other State agencies in ways that will allow it to achieve this goal, but specifically with respect to the removal of citizens now deceased and who have been declared of unsound mind in a court of law.⁸⁵

Measure 7.1

Establish in election law the ECP’s authority to engage outside organizations in preparing and maintaining a current, accurate and complete electoral roll in advance of electoral processes. The law should establish that, in doing so, the ECP may coordinate with other state agencies regarding the removal of deceased and exclusion of persons declared of unsound mind.

[See model provision in Table III below at line 55]

The CNIC has become the principal form of identification in Pakistan, with over 80 million cards being issued to citizens. NADRA, the government entity responsible for registering citizens and for printing and distributing these cards, continues to make significant progress toward issuing CNICs by establishing a network of fixed and mobile registration centres where citizens may register to receive these cards at any time.

Under current election legislation, citizens may present many kinds of identification in order to register to vote, while they are required to present one of two specific forms of identification before being issued a ballot paper at a polling station. The identification required at the polling station is either the CNIC or a NIC, issued under the National Registration Act, 1973.

There are three principal reasons for using the CNIC as the sole piece of identification during both the voter registration process and at polling stations on Election Day. First, use of CNICs would allow voter registration and Election Day officials to more quickly locate the names of citizens on the electoral roll since the CNIC number represents a unique “identifier.” The electoral roll currently contains many duplicate voter registrations without a NIC or CNIC number, making it difficult for officials to locate such names in an efficient manner. Second, use of CNICs would reduce the amount of electoral fraud as the unique “identifier” can be used by officials to better ensure that only genuine voters are allowed to register and vote during elections. Finally, use of CNICs would facilitate greater efficiency in completing both processes, allowing election administrators to focus on other important issues during the pre-election and Election Day periods.

Given this reasoning, FAFEN finds that the election law should require that CNICs be the only form of identification citizens may present when applying for inclusion on the electoral rolls.⁸⁶ Further, it argues that the law should be altered so as to facilitate the use of these cards at polling sites. To do so, election officials should include the names of individual voters, their national identity card number and other particulars of a voter on electoral rolls distributed to polling sites so as to effectively forge the connection between the CNIC and the list by which election officials verify that a voter has been registered.

Measure 7.2

Establish in election law that CNICs will be a required form of identification for citizens registering to be included in the electoral rolls.

[See model provisions in Table III below at lines 55 and 66]

⁸⁵ This measure is consistent with FAFEN’s previous guidance in Free & Fair Election Network (FAFEN), *Priorities for Reform to Laws Governing the Conduct of Elections in Pakistan (December 14, 2009)*, Priority 5.1.

⁸⁶ These arguments are consistent with FAFEN’s previous guidance in *Ibid*, Priority 5.2.

Enhanced protection of election stakeholders' rights

While key improvements in administering the rolls are recommended,⁸⁷ FAFEN also encourages the implementation of measures that will increasingly protect the rights of election stakeholders. Transparency is widely viewed as fundamental to the fulfilment of the rights of candidates to compete in electoral processes and of voters to express their will.⁸⁸ Indeed, it would be “impossible to imagine how citizens could take part in government and public affairs...unless the processes surrounding government and public affairs [were deemed] open to public knowledge and scrutiny.”⁸⁹

At present, the Election Commission provides only limited access to the electoral rolls via its website and on a voter-by-voter basis. Increased transparency could be achieved by ensuring that all election stakeholders—including voters, candidates, political parties, and election observers—have ongoing access to accurate voter registration and in various forms. In an effort to improve on transparency with respect to the voters list, FAFEN believes that the law should be altered in various ways.

FAFEN argues that an extension of the number of days that the provisional voter rolls are on display is an important step in increasing transparency in this process. The display is currently limited to three weeks. While this period is often extended by the Election Commission, FAFEN asserts that the review period should be extended in law to six weeks. The additional time allotted will allow all citizens to verify that they have been placed on the list and for candidates and voters to bring to light any errors that have been introduced.

Measure 7.3

Establish in election law an extension of the period--from three to six weeks--during which provisional electoral rolls for electoral areas are displayed publicly at polling sites and claims and objections may be lodged.

[See model provisions in Table III below at lines 67 and 68]

Greater transparency in the development of electoral rolls can also be achieved by expanding access to voter rolls. It is important that lists of voters be available locally. FAFEN argues that the ECP should ensure that area-wise voter lists are posted at individual polling sites while allowing voters to verify their place on those lists.⁹⁰

Measure 7.4

Establish through election law that electoral area-wise voter lists will be posted at individual polling sites. In turn, the law should stipulate that voters will be able to verify their place on the voters list.

[See model provision in Table III below at line 69]

The pursuit of transparency is important, but it must also be balanced with the protection of the rights of voters. A number of international organizations have expressed concern with respect to maintaining the privacy of electors, noting that voter lists should not include personal data other than that which necessary to establish the eligibility of a voter.⁹¹ The United Nations has raised similar concerns with respect to the use of personal information, asserting that “data likely to give rise to unlawful or arbitrary discrimination, including information on racial or ethnic origin, colour, sex life, political opinions, religious, philosophical and other beliefs as well as members of an association or trade union should not be compiled.”⁹² While FAFEN continues to support greater transparency with respect to the voters lists, it also encourages the ECP to pursue policies that are consistent with those urged by international organizations. It argues that the current election legislation should be altered so as

⁸⁷ In advance of the last General Election, FAFEN observed that the Final Electoral Rolls and polling station lists (“polling schemes”) were not consistently distributed to district and constituency officials. Further, it found that these lists were often not delivered in a timely manner, per Free & Fair Election Network (FAFEN), *Pakistan General Elections 2008: Election Results Analysis, A Report Based on Parallel Vote Tabulations (PVTs) in 242 National Assembly Constituencies (Conducted on February 18, 2008)*, p.10, para B.1.1.

⁸⁸ International IDEA, *Standards, Legal Framework*, p.45-47.

⁸⁹ P Merloe, *Promoting Legal Frameworks for Democratic Elections* (National Democratic Institute, Washington, DC 2008), p.13.

⁹⁰ FAFEN has argued this previously in Free & Fair Election Network (FAFEN), *Priorities for Reform to Laws Governing the Conduct of Elections in Pakistan (December 14, 2009)*, Priority 5.3.

⁹¹ OSCE/ODIHR, *Observation Handbook (Fifth Edition)*, p.41; European Commission, *Handbook for European Union Election Observation (Second Edition)* (European Commission, Brussels 2008), p.41; K Archer, “Production of Preliminary Voters List” in *ACE Encyclopaedia* (United Nations, International IDEA and IFES, New York 2010).

⁹² United Nations Guidelines Concerning Computerized Data Files (adopted by the United Nations General Assembly, December 14, 1990), para 5.

to ensure that computerized electoral rolls generated by the ECP can be used only for the purpose of conducting elections. Election stakeholders—including political parties, contesting candidates, election observers, and research institutions—should have access to these rolls in order to compete effectively during the electoral race and analyse the successes and failures of the electoral process. The law should authorize the ECP to provide the electoral rolls to these institutions but also authorize it to issue fines in instances where institutions are deemed to have not used voters lists for reasons other than those focused on elections.

Measure 7.5

Establish in election law that computerized electoral rolls will be used only for electoral purposes by the Election Commission, parties and contesting candidates, election observers, and research institutions. The law should authorize the ECP to provide the electoral rolls to these institutions while providing it with the ability to issue a fine in instances where such directions are not followed.

[See model provision in Table III below at line 77]

A final measure urged by FAFEN relates to establishing parameters for deterrence against fraud within the voter registration process in Pakistan. While the ECP should be urged to implement programs that will facilitate the registration of all qualified voters as it seeks to facilitate universal suffrage, it should also be provided with authority to introduce safeguards against the registration of ineligible voters.⁹³ FAFEN argues the law should be altered so as to allow the ECP to punish those who are proven to have registered intentionally in more than one instance.

Measure 7.6

Establish in election law punishment for people intentionally registering multiple times.

[See model provision in Table III below at line 447]

8.0 – Voting Operations

Reliable access to polling stations

An open and consistent determination of polling station sites is widely viewed as an essential component in conducting a transparent electoral process. In this context, there are various criteria that an Election Commission must consider in order to ensure that voters are effectively served in its efforts to provide what can be deemed as meeting international standards. Such criteria include a polling site's ability to cope with the number of voters expected, its accessibility for all election stakeholders but particularly for voters, the safety and security of the surrounding area, along with the voters' familiarity with the location.⁹⁴

Last-minute decisions with respect to boundaries for polling areas and the physical location of polling stations lead to confusion among registered voters who must locate polling sites and to suspicion among voters and candidates that electoral processes are being manipulated for political purposes. "Given the essential nature of voting site data for election planning, and for voter information purposes, the legal policy framework for determination of voting sites must be finalized as early as possible, and certainly before the election period commences."⁹⁵

The method by which sites for polling stations are established in Pakistan has proven problematic in recent elections, with locations being altered in the days leading to the electoral process, leaving voters without knowledge of the location where they are to cast their ballots and preventing candidate agents and election observers from monitoring the process.⁹⁶ Current election legislation allows the District Returning Officer to change the location of polling stations within fifteen days of Election Day, well within the campaign period.⁹⁷ It also allows for location changes in a manner that is inconsistent with international best practice as it fails to

⁹³ International IDEA, *Standards, Legal Framework*, p.45; OSCE/ODIHR, *Observation Handbook (Fifth Edition)*, 42.

⁹⁴ A Wall and L Olivier, "Locations of Voting Sites" in *ACE Encyclopaedia* (United Nations, International Institute for Democracy and Electoral Assistance, International Foundation for Election Systems, New York 2010).

⁹⁵ A Wall and L Olivier, "Voting Sites: Basic Issues" in *ACE Encyclopaedia* (United Nations, International Institute for Democracy and Electoral Assistance, International Foundation for Election Systems, New York 2010).

⁹⁶ Free & Fair Election Network (FAFEN), *Pakistan General Elections 2008: Election Observation Summary & Recommendations for Electoral Reforms (Submitted to the Electoral Reforms Committee (June 21, 2008)*, p.10 (Pre-Election Key Findings, 1.1), as example.

⁹⁷ ROPA 1976, sec 8(2).

ensure any accountability for such a significant decision within the federal and provincial structure of election administration.

FAFEN argues that such practices necessitate a change in the law to ensure that the electorate's right to vote is not undermined. A change in the manner by which polling stations are established would have an immediate impact, resulting in improvements to electoral processes. Election law should stipulate that a Committee be established in each District with the responsibility to identify and recommend polling station sites that afford appropriate access for all voters. Through a process that allows for input from the public, the Committee should forward its recommendations to the Election Commission for consideration. The law should stipulate that if the ECP determines the polling site scheme should be revised, the Commission should constitute another Committee, which is to conduct a similar public exercise and make subsequent recommendations to be forwarded to the Commission. A final list of polling sites for each District should remain valid for three years, be re-considered on an ongoing basis every three years thereafter, and be made available for public review on the Election Commission's website.⁹⁸

Measure 8.1

Establish in election law a process resulting in a list of polling station sites providing appropriate access for all voters within each electoral constituency. This list should remain valid for three years and be revised subsequently through a consultative process after each three-year period.

[See model provision in Table III below at line 83]

It is recognised that an "emergency" situation may arise during which election officials may need to alter a polling site location in advance of an election. Such changes should be permitted under extraordinary circumstances, but only with the approval of the Election Commission, with the new location of the site being published immediately on the Election Commission's website so that voters will know where to cast their ballots.

Measure 8.2

Establish in election law that in instances where an "emergency" situation arises in which a polling site location needs to be altered in advance of an election, such changes will be permitted, but only with the approval of the Election Commission and following publication of the site's location on the Election Commission's website in order to announce the change to voters within the constituency.

[See model provision in Table III below at line 83]

Weapons at polling sites

The security of voters should be of primary concern on Election Day. General Comment 25 of the United Nations Human Rights Committee clearly articulates that all electors must be free to vote for the candidate of their choice without undue influence or coercion of any kind that may distort or inhibit their free expression.⁹⁹ Given this fundamental concern, international organizations have consistently voiced the need provide secure facilities at which voters may cast their ballots. One institution puts it this way: "Votes must be cast without pressure from anybody."¹⁰⁰

Police and security forces are often present to provide a sense of security for voters while ensuring that polling sites are free from intimidation. Yet an excessive presence of such forces can be intimidating in itself. With this in mind, Election Commissions need to be sure to balance the need to maintain voters' security with the requirement that they be able to cast their ballot without interference. Fundamentally, police and security forces must act "neutrally" when interacting with voters at polling sites.¹⁰¹

While police and security forces are authorized to carry weapons as part of their official duties, FAFEN has observed a particular problem with respect to other individuals brandishing weapons in polling areas. Supporters of the parties and candidates have been known to forcibly enter polling stations in order to intimidate voters and

⁹⁸ The measure and process described here are consistent with FAFEN's previous guidance described in Free & Fair Election Network (FAFEN), *Priorities for Reform to Laws Governing the Conduct of Elections in Pakistan (December 14, 2009)*, Priority 6.1.

⁹⁹ UNCHR General Comment 25, para 19.

¹⁰⁰ Norwegian Helsinki Committee, *Manual for Election Observation* (Norwegian Helsinki Committee, Norwegian Institute of Human Rights, Oslo 1994), para C.1.

¹⁰¹ European Commission, *EU Election Observation Handbook*, p.77.

polling staff and to gain favour with their candidate.¹⁰² A limited security team assigned to polling stations are mostly ill-equipped and unable to stop such activities from occurring. The result is that polling exercises are interrupted, with the franchise of some voters either being manipulated or deprived.

Clearly the presence of firearms should be minimized in the context of polling sites. While it is recognized that police and security forces must carry weapons in their official capacity, guns should not be used to intimidate voters as they carry out their official duties. FAFEN calls instead for changes to legislation that would specifically ban the carrying of weapons in polling sites by any other individuals. While such a change in legislation will only act as a deterrent, it also establishes a clear message that weapons should not be used to influence the electorate on Election Day.

Measure 8.3

Establish in election law that weapons must not be brought into a polling site except by police and security forces.

[See model provisions in Table III below at lines 448 and 484]

Voters' access to the ballot

Perhaps the most integral step in the electoral process on Election Day begins with a voter's request for a ballot. Yet various problems are often observed at this stage. While international legal sources note various "reasonable" limits that countries can place on individuals seeking access to the ballot—including the need to have reached a minimum age, a requirement of residency and citizenship, and having a record without criminal conviction or a mental incapacity as determined by a court of law¹⁰³—electors should *not* suffer administrative disenfranchisement once they have been registered to vote. Election administrators should establish systems that will maximize the potential for registered voters to receive a ballot upon arriving at a polling site on Election Day. Upon receiving a ballot, the right of voters to cast their ballot in secrecy must also be maintained.¹⁰⁴ The potential to undermine ballot secrecy is perhaps most acute under circumstances where balloting varies from the norm, particularly when voters require assistance to complete their ballot. International best practice has demonstrated an acceptance of voters being assisted by an individual selected by a voter or, alternatively, by a Presiding Officer sworn to secrecy by oath. The reasons for requiring such assistance vary, but often arise in relation to individuals who are visually impaired, have difficulty understanding the language in which ballots are produced, or those who are frail or elderly.¹⁰⁵

In recent electoral processes, FAFEN has observed circumstances under which some individuals have been allowed to vote without proper identification while others voters have not been able to secure a ballot. Legislation should be altered so as to improve the potential for voters to be identified easily on the electoral roll. FAFEN has already recommended that CNICs become a required form of identification for citizens registering to vote.¹⁰⁶ Indeed, it argues that the law needs to stipulate that voters will identify themselves using a CNIC upon their arrival at an assigned polling site. Pursuing this strategy affords polling site officials an effective tool to confirm the eligibility of voters while increasingly the likelihood that the name of voters can be located on a polling station list. The unique "identifier" on the card allows officials to cross reference the card with an individual on the list.

Measure 8.4

Establish in election law that CNICs will be a required form of identification for citizens requesting a ballot at polling stations.

[See model provisions in Table III below at lines 66 and 135]

¹⁰² Free & Fair Election Network (FAFEN), *Pakistan General Elections 2008: Election Results Analysis, A Report Based on Parallel Vote Tabulations (PVTs) in 242 National Assembly Constituencies (Conducted on February 18, 2008)*, p.16, para B.1.2; p.17, para 9.

¹⁰³ Many of these restrictions are discussed in UNCHR General Comment 25. See paragraphs 3, 4, 10, 15. See also United Nations, *Human Rights and Elections*, para 65.

¹⁰⁴ ICCPR, art 25(b); UNCHR General Comment 25, para 20.

¹⁰⁵ A Wall and L Olivier, "Assistance to Voters" in *ACE Encyclopaedia* (Administration and Cost of Elections Project, New York 2010).

¹⁰⁶ Free & Fair Election Network (FAFEN), *Pakistan General Elections 2008: Election Results Analysis, A Report Based on Parallel Vote Tabulations (PVTs) in 242 National Assembly Constituencies (Conducted on February 18, 2008)*, p.17, Priority 5.2.

FAFEN is aware of discussion to introduce a voters list at polling stations that includes photographs of individual voters. The inclusion of photographs on polling station lists has increasingly been considered good practice in election administration in other countries, particularly in places where voting has proven problematic and voter fraud has been a concern.¹⁰⁷ Given that the CNIC already contains a photograph of the voter, however, FAFEN finds that the development of such lists would not only be duplicative but may well create confusion among officials in instances where a voters photograph differs between the list and the CNIC. At the same time, it continues to argue that some changes are required within the law with respect to the electoral rolls distributed at polling sites. As argued above under voter registration,¹⁰⁸ the lists distributed on polling day should include the names of individuals voters, their national identity number and other particulars of a voter.

9.0 – Vote Counting

The expression of the Will of the People in establishing government is fundamental in every election.¹⁰⁹ Vote counting plays an integral role in fulfilling this and many other election-related international obligations.¹¹⁰ A failure to conduct this constituent part in an accurate and transparent manner can significantly influence the success of an electoral process, leading political parties, candidates, and voters to question the final results. In fact, electoral processes that are otherwise conducted flawlessly can be entirely undermined by a vote count that fails to achieve these standards and pursue international best practices related to the electoral part.

A series of guiding principles can be identified, offering greater specificity with respect to how these obligations for vote counting can be fulfilled.¹¹¹ Among these principles is the need for the process to be transparent. Election stakeholders, including parties, candidates, election observers and others with an interest in ensuring the election has been conducted freely and fairly, should be allowed to observe the process and acquire accompanying documentation that will allow for a reconstruction of the results.¹¹² Accuracy and timeliness during the count are also fundamental to its integrity. On the one hand, it is important that officials take the time necessary to count ballots correctly as errors, even small ones, can lead to subsequent accusations of tampering and fraud. It is essential that polling officials be trained properly for the task and be guided by clear directions over the course of the count. It is important that others, once the count has been conducted, are able to reconstruct and verify the count's validity.¹¹³ On the other hand, unnecessary delays in completing the count can influence the confidence that election stakeholders have that the count was conducted properly. It is a difficult balance that must be struck.¹¹⁴ Finally, the secrecy of the ballot remains just as important during the count as it is during voting operations.¹¹⁵ Indeed, a voters' identification must be protected during the vote count. While others have the right to observe the count, officials must ensure that preferences expressed on ballots cannot be linked to individual voters.¹¹⁶

FAFEN supports changes to legislation that reinforce these guiding principles with an eye toward conducting an electoral process that more fully meets international standards for elections. Yet having evaluated the conduct of vote counting in recent elections, it proposes here specific changes to the current election law aimed at addressing challenges that have been identified in the context of vote counting while increasing transparency within the process. Such transparency will enhance the ability of candidates, accredited observers and other election stakeholders to verify the results recorded.

¹⁰⁷ Association of European Election Officials (ACEEEO), *Theory and Practice of Voter Registration: Definitions, Standards, Principles, Examples* (ACEEEO, Budapest, Hungary 2009), p.22 and 27; A Wall and L Olivier, "Voters' List" in *ACE Encyclopaedia* (Administration and Cost of Elections Project, New York 2010).

¹⁰⁸ cr. above, 7.0 – Voter Registration, Measure 7.2.

¹⁰⁹ ICCPR, art 25(b).

¹¹⁰ Including, among other obligations, that elections must be genuine and period, offer universal and equal suffrage, and be held by secret ballot, per *Ibid*, art 25.

¹¹¹ D-C Tremblay and L Olivier, "Guiding Principles of Vote Counting" in *ACE Encyclopaedia* (United Nations, International Institute for Democracy and Electoral Assistance, International Foundation for Election Systems, New York 2010).

¹¹² UNCHR General Comment 25, para 20; International IDEA, *Code of Conduct: Ethical and Professional Administration of Elections* (International Institute for Democracy and Electoral Assistance, Stockholm 1996), p.14; OSCE/ODIHR, *Guidelines for Reviewing a Legal Framework for Elections* (Organization for Security and Cooperation in Europe, Warsaw 2001), p.29;

¹¹³ United Nations, *Human Rights and Elections*, para 112; OSCE/ODIHR, *Observation Handbook (Fifth Edition)*, p.63.

¹¹⁴ OSCE/ODIHR, *Observation Handbook (Fifth Edition)*, p.73; CW Dundas, *Dimensions of Free and Fair Elections: Frameworks, Integrity, Transparency, Attributes, Monitoring* (Commonwealth Secretariat, London 1994), p.47; International IDEA, *Standards, Legal Framework*, p.79; SADC Parliamentary Forum, *Norms and Standards for Elections in the SADC Region (March 25, 2001)* (SADC Parliamentary Forum Plenary Assembly, Windhoek, Namibia 2001), p.23, rec ii.

¹¹⁵ Commonwealth Secretariat, *Good Practice*, para 34.

¹¹⁶ Tremblay and Olivier, "Guiding Principles of Vote Counting".

Procedural guidance during vote count

During recent elections, observers witnessed inconsistencies in the manner by which ballots were counted.¹¹⁷ A lack of uniformity can lead to concerns among voters, parties and candidates, and election observers that the count is being manipulated. FAFEN believes that offering increased guidance through legislation with respect to the count could help to overcome such concerns and thereby facilitate greater transparency among everyone with an interest in the electoral results. Presiding Officers should examine ballots drawn from the ballot box one by one, calling out loud each voter's preference as expressed on the ballot and displaying the ballot for accredited observers. In turn, Presiding Officers should separate the ballots into piles according to the candidate which has been supported while accumulating those ballots which have been rejected based on election rules in another pile. Legislation should also be clear that only polling station officials will be allowed contact with the ballots under consideration. Observers must be allowed to see the ballots, but at no time should they touch them.

Measure 9.1

Establish in election law that Presiding Officers must examine ballots one by one, calling out loud markings, and making each ballot visible to accredited observers and polling agents when counting the ballots. They must also place each ballot in a separate pile for either a candidate or invalid (rejected) ballots when counting the ballots. Election law should also stipulate that only polling station officials will touch the ballots when being counted.

[See model provisions in Table III below at lines 154 and 270]

Transparency in release of election results

Further confidence in the counting process is fostered when observers can verify the figures accumulated at polling stations.¹¹⁸ It is essential that legislation be altered to provide all election stakeholders—voters, candidates, and election observers among them—with timely access to copies of results protocols produced by Presiding Officers at individual polling stations. Among election practitioners, the posting of polling station results in a location accessible to the public outside the polling station is considered effective.¹¹⁹ This is particularly needed given that current legislation dictates specifically those individuals who will be allowed to observe the vote count—a list that excludes the voting public.¹²⁰ Under these circumstances, voters will not necessarily be aware of the result once it has been announced. Current election regulations guide Presiding Officers to post the results outside the polling site once the count has been completed, but election observers have found that these instructions are not widely followed.¹²¹ To facilitate broad public access to polling station-by-polling station results, FAFEN maintains that election law should specifically direct Presiding Officers to post attested copies of the “Statement of the Count” and “Ballot Paper Account” for public inspection outside each polling station immediately following the count.¹²²

Measure 9.2

Establish in election law that the “Statement of Count” and “Ballot Paper Account” will be posted for public inspection at each polling station immediately upon completion of the count.

[See model provision in Table III below at line 154]

It is also essential that accredited election stakeholders have ready access to copies of various election results documents containing data generated by Presiding and Returning Officers during the vote counting process.¹²³

¹¹⁷ Free & Fair Election Network (FAFEN), *Pakistan General Elections 2008: Election Results Analysis, A Report Based on Parallel Vote Tabulations (PVTs) in 242 National Assembly Constituencies (Conducted on February 18, 2008)*, p.17, para 11.

¹¹⁸ During the last General Election, FAFEN determined through a Parallel Vote Tabulation (PVT) effort a significant number of constituencies where the official count was inconsistent with the PVT, per *Ibid*, p.15.

¹¹⁹ International IDEA, *Standards, Legal Framework*, p.80; Electoral Institute of Southern Africa (EISA) and Electoral Commissions Forum of SADC Countries, *Principles of Election Management*, p.26, sec 5.4.

¹²⁰ See ROPA 1976, sec 38(3).

¹²¹ Free & Fair Election Network (FAFEN), *Pakistan General Elections 2008: Election Observation Summary & Recommendations for Electoral Reforms (Submitted to the Electoral Reforms Committee (June 21, 2008)*, p.18 (Election Day Key Findings, 14).

¹²² The “Statement of the Count” (Form XIV) and “Ballot Paper Account” (Form XV). This change is consistent with FAFEN’s previous call to revise election legislation as found in Free & Fair Election Network (FAFEN), *Priorities for Reform to Laws Governing the Conduct of Elections in Pakistan (December 14, 2009)*, Priority 7.1.

¹²³ These documents include the “Statement of the Count” (Form XIV), “Ballot Paper Account” (Form XV), “Tendered Votes List” (Form XII), and “Challenged Votes List” (Form XIII), and all others issued by Presiding Officers; and the “Consolidation Statement of the

While it is considered best practice to post result documents outside the polling station for public review, it is also widely accepted that copies of these documents should be *distributed* to election candidates (or their representatives) and accredited election observers.¹²⁴ The process is not only consistent with the rights that have been outlined above, but it is also found to be within guidance offered by various election practitioner organizations around the world. In recent electoral processes in Pakistan, however, election officials have not uniformly offered this information to election stakeholders, and particularly not to election observers.¹²⁵

FAFEN argues that small changes to election law in this context can enhance transparency in the distribution of election results. Election law currently dictates that Presiding Officers provide an attested copy of the “Statement of the Count” and “Ballot Paper Count” forms at each polling station to candidates (or their polling/election agents) who are present.¹²⁶ The practice should be expanded, however, to include accredited election observers, although within the resources available to the Presiding Officer at the polling station.¹²⁷

While election law currently dictates that Returning Officers are to provide an attested copy of the “Result of the Count” form at the constituency level to candidates (or their polling/election agents), the law should be changed to provide for distribution of the “Consolidation of the Count” form as well.¹²⁸ The law should also ensure that accredited election observers receive copies of these forms. The law should be changed to ensure that all request for copies of the “Statement of the Count,” “Ballot Paper Count” and all other forms prepared by Presiding Officers can be fulfilled by the Returning Officer at this point. Because Presiding Officers and Returning Officers have regularly failed to fulfil their legal mandate in this regard, election law should be changed to introduce administrative penalties in instances where access to attested copies are not provided. FAFEN also argues that election law should establish that copies of the “Statement of the Count,” “Ballot Paper Count,” “Consolidation of the Count” and “Result of the Count” forms must be made available on the Election Commission’s website before the name of the returned candidate is published in the *official Gazette*.

Measure 9.3

Establish in election law that polling station-wise and constituency-level election results documents will be provided to specific election stakeholders, including election observers, immediately upon completion of the count and after the consolidation process. These documents must also be placed on the Election Commission’s website in advance of the returned candidate’s name being published in the official Gazette.

[See model provisions in Table III below at lines 154, 197, 217, 218, 270 and 534]

FAFEN also proposes a capstone for transparency in changes to legislation with respect to the announcement of election results. Among international electoral institutions, there is a clear consensus that a timely announcement and distribution of election results is essential to the success of an electoral event. While the counting process at individual polling sites should be completed immediately after voting ceases,¹²⁹ FAFEN argues that the consolidated constituency-level election results must be released within 48 hours after the close of polls.¹³⁰ Current legislation asserts that Returning Officers are to submit the consolidated results “immediately after the count,”¹³¹ yet the transfer of these results, which include data from every polling site in a constituency, has been postponed on many occasions.¹³² Reporting delayed beyond this point, without an adequate explanation, creates doubt in the minds of election stakeholders as to whether the vote counting process

Results of the Count Furnished by the Presiding Officers” (Form XVI) and “Result of the Count” (Form XVII), issued by Returning Officers.

¹²⁴ OSCE/ODIHR, *Existing Commitments for Democratic Elections in OSCE Participating States, A Progress Report (October 2003)* (Organization for Security and Cooperation in Europe, Office of Democratic Institutions and Human Rights, Warsaw 2003), p.84, para 1; OSCE/ODIHR, *Handbook for Domestic Election Observers* (Organization for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights, Warsaw 2003), p.112.

¹²⁵ FAFEN observed during the recent General Election that accredited observers verifying the count were not given a Statement of the Count in about one in every five polling stations, per Free & Fair Election Network (FAFEN), *Pakistan General Elections 2008: Election Results Analysis, A Report Based on Parallel Vote Tabulations (PVTs) in 242 National Assembly Constituencies (Conducted on February 18, 2008)*, p.18, para 13.

¹²⁶ ROPA 1976, sec 38(11).

¹²⁷ FAFEN has called for these changes previously in Free & Fair Election Network (FAFEN), *Priorities for Reform to Laws Governing the Conduct of Elections in Pakistan (December 14, 2009)*, Priority 7.2.

¹²⁸ ROPA 1976, sec 38(11).

¹²⁹ Electoral Institute of Southern Africa (EISA) and Electoral Commissions Forum of SADC Countries, *Principles of Election Management*, p.26.

¹³⁰ International best practice is consistent FAFEN’s assertion, arguing for example that “the announcement should be expeditious, and the information that is published should be complete....,” per OSCE/ODIHR, *Existing Commitments*, p.73.

¹³¹ ROPA 1976, sec 42(3).

¹³² Free & Fair Election Network (FAFEN), *Pakistan General Elections 2008: Election Results Analysis, A Report Based on Parallel Vote Tabulations (PVTs) in 242 National Assembly Constituencies (Conducted on February 18, 2008)*, p.18, para 15.

has been manipulated. There are circumstances in which such delays are justifiable, yet a description of the reasons for delays must be provided.

Measure 9.4

Establish in election law that the ECP must announce consolidated election results at the constituency level within 48 hours after the close of polls unless adequate explanation is offered.

[See model provisions in Table III below at lines 218 and 284]

In some instances, election stakeholders will call for a recount of the ballots. While current legislation provides for candidates to request a recount of ballots counted within a constituency, it fails to offer the specific circumstances under which a recount must be conducted by Returning Officers. Candidates denied a recount currently have the option to appeal to the Election Commission.¹³³ FAFEN argues that the circumstances under and manner by which recounts must be conducted should be established more clearly in law, allowing candidates to know more specifically the parameters under which they may call for and a recount must be conducted.¹³⁴ Direction for a recount within current legislation should go beyond the Returning Officer's acceptance of reasons put forward by a contesting candidate or agent as being "reasonable" or the Election Commission's direction that one take place. More specific guidance should include instances where more than one official statements of the count or ballot paper accounts exist; when the Election Commission identifies the ballot paper account and statement of the count; when an election official or accredited election observer records in writing illegal or irregular activity during the count process; when an error is evidenced when the statement of the count or ballot paper account are recorded; or when the ballot paper excluded from the count and those received by mail have not been given the opportunity to observe the count of these ballots.

Measure 9.5

Establishing in election law the circumstances under and manner by which a recount must be undertaken.

[See model provisions in Table III below at lines 197 and 270]

Further, in some instances, the ECP may find that the conduct of an election—evidenced in the exclusion of a particular section of voters from the electoral process or in the figures established as part of a count—has been compromised to the extent that electoral processes within a polling area, a constituency, or in a number of constituencies has not met the expectations outlined in law. Under these circumstances, FAFEN argues that the ECP should have the legislative authority to declare the elections partially or completely void within those areas. In instances, where the turnout of voters exceeds 100 percent,¹³⁵ however, legislation should be revised so as to exclude ballots from that polling station from the overall count.

Measure 9.6

Establishing in election law that the ECP may declare an election partially void, and that if a section of voters has been excluded from the process an election may be declared partially or completely void.

[See model provision in Table III below at line 224]

Measure 9.7

Establishing in election law that more than a 100 percent turnout at a polling station will result in a rejection of those votes.

[See model provisions in Table III below at lines 197 and 270]

¹³³ ROPA 1976, sec 39(6).

¹³⁴ FAFEN provides evidence that the results consolidation process was poorly implemented in about one third of constituencies where it collected data, per Free & Fair Election Network (FAFEN), *Pakistan General Elections 2008: Election Results Analysis, A Report Based on Parallel Vote Tabulations (PVTs) in 242 National Assembly Constituencies (Conducted on February 18, 2008)*, p.18, para 17.

¹³⁵ In reporting to the Electoral Reforms Committee, FAFEN noted that in 25 percent of constituencies it observes one or more polling stations had voter turnout rates exceeding 100 percent of the registered voters, per Free & Fair Election Network (FAFEN), *Pakistan General Elections 2008: Election Observation Summary & Recommendations for Electoral Reforms (Submitted to the Electoral Reforms Committee (June 21, 2008)*, p.9, para 3.

10.0 – Dispute Resolution

Citizens' ability to seek justice when their election-related rights are undermined is integral to the success of any election system.¹³⁶ In fact, a number of international obligations guide the way by which citizens should be able not only to voice their concerns but to seek redress in this regard. While the International Covenant on Civil and Political Rights (ICCPR) outlines the overarching framework within which these rights should be instituted, it also offers greater specificity when it articulates that States must "take the necessary steps...to adopt such laws or other measures as may be necessary to give effect to the rights" in the Covenant.¹³⁷ In doing so, the ICCPR directs that citizens are to have access to an "effective remedy" in cases where their rights have not been met, offering individuals access to a determination of these rights by "competent judicial, administrative, or legislative authorities, or by any other competent authority provided for by the legal system of the State..."¹³⁸ The UN Human Rights Committee (UNHRC) interprets this guidance in General Comment 25 in noting that the ICCPR "requires States to adopt such legislative and other measures as may be necessary to ensure that citizens have an effective opportunity to enjoy the rights it protects."¹³⁹ Among the UNHRC's assertions, perhaps none other better expresses the importance of establishing structures and procedures by which citizens can address inconsistencies that arise between election law and its implementation than this: "There should be independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of votes."¹⁴⁰

Structural change to address complaints more effectively

FAFEN has considered these obligations in light of various changes election stakeholders have proposed for managing election disputes. The assessment leads to a twofold conclusion. On the one hand, the system for addressing election disputes needs to be revised in such a way that ensures an increased coherency. The current framework allows citizens to raise disputes with respect to only some of their rights—not all of them. Further, it fails to avoid certain conflicts of interest in which individuals administering electoral processes can potentially offer judgement on their own work. On the other hand, the system fails to provide adequate resources to institutions responsible for resolving election disputes, leaving many issues without resolution in a timely manner. Given the obligations to which Pakistan has agreed, this is unacceptable and must be addressed.

FAFEN finds that election disputes can be addressed more effectively and without fundamentally altering the structures by which election disputes are addressed. It proposes specific changes to election legislation so as to achieve two goals; a first aims to provide enough resources to allow responsible institutions to address disputes in a timely manner; and, a second focuses on altering institutional relationships so as to avoid conflicts of interest within those institutions. FAFEN argues that these goals can be achieved by revising election legislation related to the following institutions.

Election Commission of Pakistan

FAFEN has observed that the judiciary's election-related workload far surpasses the resources it has been given within the current framework for election dispute resolution and, therefore, proposes changes to legislation that would limit this institution's involvement as disputes arise. Citizens should instead register their complaints with the Election Commission—the institution responsible for implementing electoral processes during pre-election, Election Day, and post-election periods. The Commission should be assigned initial responsibility to assess whether it has, in fact, implemented electoral processes as directed by the established procedures, rules, and legislation. This approach will, at the outset, limit the number of enquiries leading to quasi-judicial or judicial review in either facilitating an understanding of Commission officials that the electoral process has not been implemented properly or convincing citizens that their electoral rights have, in fact, been upheld.¹⁴¹

¹³⁶ International IDEA, *Electoral Justice: The International IDEA Handbook* (International IDEA, Stockholm 2010); Carter Center, "International Obligations for Electoral Dispute Resolution: Discussion Paper (February 24-25, 2009)" (The Carter Center, Democracy Program, Atlanta, Georgia 2008).

¹³⁷ ICCPR, art 2(2).

¹³⁸ Ibid, art 2(3).

¹³⁹ UNCHR General Comment 25, para 5.

¹⁴⁰ Ibid, para 20.

¹⁴¹ Current legislation states that the ECP may exercise some, although very limited, adjudicatory powers in this regard, per ROPA 1976, sec 103, 103AA and 104; The Senate (Election) Rules 1975, sec 32; The Electoral Rolls Act 1974 (Act No. XXI of 1974), sec 27.

Measure 10.1

Establish in election law that the ECP maintains a process by which it accepts complaints during the pre-election, election day, and post-election periods, evaluating its decisions based on the institution's understanding of the Constitution, election law, and election-related policies and procedures.

[See model provision in Table III below at line 384]

Concerns have been raised specifically with respect to disputes that arise in relation to political parties and contesting candidates adhering to the *Code of Conduct for Parties and Candidates*.¹⁴² FAFEN has found that additional resources will be required if these disputes are to be considered effectively. Legislation should dictate that a Complaints Resolution Committee be established for each or a group of constituencies. This Committee should be given authority through legislation to report violations to the Code directly to the Election Commission, following which the Commission should determine whether a violation has occurred.

Measure 10.2

Establish in election law a system for tracking and enforcing a Code of Conduct for Parties and Candidates, directing that any violations to the Code of Conduct be reported to a Complaints Resolution Committee established for a constituency (or a group thereof), authorizing that body to report on any violations to the Code directly to the Election Commission.

[See model provision in Table III below at line 550]

Election Tribunals and Appellate Tribunals

Current election law enables Election Tribunals to focus on complaints arising during the post-election period. This institution's authority is established through the Constitution which states that no election can be called into question in "a House or a Provincial Assembly" unless a petition is presented to it.¹⁴³ In turn, election legislation shapes the institution's arrangement, dictating that the Election Commission may appoint as many Election Tribunals are needed across the country and that each shall consist of a current or former judge of the High Court or of an individual who was, at the time of retirement as a District and Session Judge, qualified to serve on the High Court.¹⁴⁴

FAFEN argues that, in reforming the way election disputes are addressed across Pakistan, the mandate of Election Tribunals should be *expanded* to consider all complaints that arise during the pre-election, Election Day and post-election periods. The Election Tribunal would still fulfil its Constitutional mandate of receiving petitions that call into question elections to National and provincial assemblies, yet its role would be one that is quasi-judicial and quasi-independent of the Election Commission. While its members are to be appointed by the Commission, as the Constitution states,¹⁴⁵ its members, including a permanent "chair," should be appointed based on specific qualifications and enabled to rule on, within a specified time, complaints filed subsequent to being heard by the Election Commission. FAFEN argues that, through legislation, the qualifications of those appointed to Election Tribunals should be changed to include any citizens with a background in election administration and the law, allowing for a greater consistency with the right of all citizens to participate in public affairs.¹⁴⁶ Current judges of the High Court and Supreme Court should be barred from participating in this role, however, so as to avoid a conflict of interest as incidents of judicial review arise. Outside its Constitutional mandate, the Election Tribunal's responsibilities should be refined through legislation to focus on those complaints which citizens deem the Election Commission has not effectively addressed, offering judgements based on its understanding of the Constitution, election law and related policies and procedures.

Measure 10.3

Establish in election law that the mandate of Election Tribunals be expanded to address complaints of citizens regarding the decisions of the ECP during pre-election, election day and post-election periods.

¹⁴² Demonstration of extent of violations in the last General Election is found in Free & Fair Election Network (FAFEN), *Pakistan General Elections 2008: Election Results Analysis, A Report Based on Parallel Vote Tabulations (PVTs) in 242 National Assembly Constituencies (Conducted on February 18, 2008)*, p.11-12.

¹⁴³ Constitution of Pakistan 1973, art 225.

¹⁴⁴ ROPA 1976, sec 57.

¹⁴⁵ Constitution of Pakistan 1973, art 219(c).

¹⁴⁶ ICCPR, art 25.

[See model provisions in Table III below at lines 391, 411, 414, 415, 416, 420, 421, 437, 440, 442, 443 and 560]

Measure 10.4

Establish in law that Election Tribunals may be constituted of citizens capable of interpreting the ECP's decisions regarding election administration, but not current judges of the High Court and Supreme Court. Such Election Tribunals will be permanent bodies, with a "chair," and with each member being appointed based on specific qualifications.

[See model provision in Table III below at line 405]

Through current legislation, Appellate Tribunals constituted of High Court judges are appointed to act on appeals against the decisions of Returning Officers with respect to the acceptance of nomination papers of candidates.¹⁴⁷ In turn, if a decision by this body is not forthcoming in a specified time, the appeal is deemed to have been rejected.¹⁴⁸ To avoid duplication and a conflict of interest that could arise should judicial review arise subsequently, FAFEN argues that Appellate Tribunals should be *abolished*, with Election Tribunals assuming the Appellate Tribunal's responsibilities within their newly-expanded mandate.

Measure 10.5

While abolishing Appellate Tribunals as currently constituted within election law, establish that Election Tribunals will take on responsibilities within the current legislation regarding appeals against the acceptance of nomination papers by Returning Officers.

[See model provisions in Table III below at lines 116, 250 and 268]

Judiciary

Judicial review is currently conducted by the Supreme Court with respect to decisions made under an Election Tribunal's mandate. With regard to the decisions of an Appellate Tribunal, judicial review has been conducted by the High Court. Consistent with its call to introduce greater consistency in the system for election dispute resolution, FAFEN argues that legislation should dictate that all complaints with respect to Election Tribunal decisions must be heard first by the High Court during pre-election, Election Day, and post-election periods and that appeals should then be heard by the Supreme Court. In further shaping how election disputes should be managed, FAFEN also states that election law should specifically establish that political parties, civil society organizations and voters may file petitions.

Measure 10.6

Establish in election law that judicial review at the level of the High Court will be conducted following a review of the ECP's decisions by Election Tribunals and in instances where citizens request it.

[See model provisions in Table III below at lines 426 and 436]

Measure 10.7

Establish in election law that political parties, civil society organizations and voters may file petitions.

[See model provision in Table III below at line 403]

Procedural revisions to strengthen "effective remedies"

Penalties for offenses

In light of the structural changes proposed above with respect to dispute resolution, FAFEN also recommends a number of procedural revisions that would reinforce the ability of citizens to seek an "effective remedy" in circumstances where their rights have potentially been undermined. An initial step would involve adjusting the penalties for offenses related to electoral processes. While maintaining current levels of punishment with respect

¹⁴⁷ ROPA 1976, sec 14(5).

¹⁴⁸ Ibid, sec 14(6).

to imprisonment, FAFEN argues that significantly higher fines should be introduced for offenses that contradict certain provisions within election law. Such offenses relate to, for example, instances in which corrupt practices are identified, where a contesting candidate's campaign is hindered, when the forty-eight hour "cooling down" period in advance of Election Day is not observed, or when an individual tampers with ballot papers or interferes with a voter's right to ballot secrecy. In reconsidering the penalties for such offenses, FAFEN argues for a more intentional approach with respect to offenses in the context of electoral processes. It not only believe that penalties for offenses should be more proportional, but it calls for a reassessment of the current framework for criminal offences and penalties found with election law.

Measure 10.8

Establish in election law penalties that are more proportional to offenses.

[See model provisions in Table III below at lines 445, 446, 448, 455, 464, 470, 472, 477, 485, 495, 499, 503, 508 and 509]

Response times

With the aim of reinforcing the structural changes already proposed, additional procedural revisions should include clear guidance with respect to the period in which an appeal must be addressed by institutions tasked with overseeing election-related disputes. The period of time institutions have been taking in this context has proven unacceptable among citizens. In this light, FAFEN proposes changes to legislation that would offer increased guidance in this regard, offering greater specificity as to the time frame by which responsible institutions must address such appeals over the course of an election cycle.

Measure 10.9

Establish in election law that clear timelines to rule on election disputes within each body responsible, whether during pre-election, election day, or post-election periods.

[See model provisions in Table III below at lines 384, 391, 395, 416 and 436]

11.0 – Election Observation

The International Covenant on Civil and Political Rights (ICCPR)—when considered with an array of other international treaties, declarations, and other interpretive documents—establishes the right of citizens to participate in governing their country, whether directly or through freely chosen representatives.¹⁴⁹ In an international legal context, it has become increasingly clear that citizens also have the right to monitor the electoral processes by which the leaders of their country are selected. While certain distinctions can be made between citizens who choose to monitor elections within their State's boundaries and international observers who are not citizens, the right to conduct election observation is no longer seriously questioned.¹⁵⁰ Indeed, election monitoring is an enabling factor with respect to the fulfilment of citizens' rights over the course of an election cycle. Rights that reinforce the basic framework for elections as established in Article 25 of the ICCPR, along with other fundamental human rights that apply across all activities within a given society, are those that citizens consider as they monitor electoral processes. These include the Right to Participate in Public Affairs; Freedom of Opinion and Expression; the Right to Access information; Freedom of Association and of Movement; and a Right of Security of the Person. Of particular importance is the need for transparency in an electoral process.

Over the past decade, significant direction has emerged with respect to the practice of election observation. In 2005, for example, twenty-one international organizations signed the Declaration of Principles for International

¹⁴⁹ ICCPR, art 25(a). See also, as example, UNCHR General Comment 25, para 1.

¹⁵⁰ United Nations, *Human Rights and Elections*; WM Reisman, (1992) "International Election Observation" 4 Pace Yearbook of International Law; Y Beigbeder, *International Monitoring of Plebiscites, Referenda and National Elections: Self-Determination and Transition to Democracy*, International Studies in Human Rights, Vol 32 (Martinus Nijhoff, Dordrecht 1994); Goodwin-Gill, *Free and Fair*; MD Boda, *A New Generation in Election Observation: International Law as a Standard for Electoral Practice* (Johns Hopkins University 2011).

Election Observation and Code of Conduct for International Election Observers.¹⁵¹ In 2009, civil society groups from the Asia region met in Islamabad to consult on a regional version of this declaration.¹⁵²

Legal mandate for election observation

Given the cadre of international and regional guidance with respect to election observation and the place of this activity in both verifying and reinforcing the fulfilment of citizens' rights, FAFEN argues that election legislation should be revised so as to establish a mandate in law for election observers, allowing Pakistan to take the steps necessary to ensure the rights of voters are fulfilled during future electoral processes.¹⁵³ In doing so, current legislation should be altered so as to clearly establish a legal mandate for both domestic and international observers, while describing specifically how they are to be registered and accredited.¹⁵⁴

Measure 11.1

Establish in election law a legal recognition and mandate for domestic and international election observers.

[See model provisions in Table III below at lines 510 and 511]

Measure 11.2

Establish in election law the process by which domestic and international election observers will be registered and accredited.

[See model provisions in Table III below at lines 512 and 524]

Enhanced access for those conducting election observation

FAFEN also argues that the legislation should be changed to allow election monitoring which is conducted in a manner consistent with the breadth and depth of practice recorded in recent international and regional declarations and codes of conduct. A first but important revision to election legislation should be that of including election observers among those individuals permitted to enter polling sites on Election Day. As it reported before the Electoral Reforms Committee in June 2008, FAFEN election observers recorded a significant number of threats to and interference with the organization's election verification efforts during the last General Election.¹⁵⁵ Officially-sanctioned access is essential to ensuring observers are able to conduct monitoring activities.

More generally, however, Pakistan's legislation should be altered so as to guarantee the ability to conduct a comprehensive array of monitoring activities over the course of an *entire* election cycle and in a manner consistent with international best practice.¹⁵⁶ Earlier in this report,¹⁵⁷ FAFEN determined that the parameters and pervasiveness of these activities should be established within a Code of Conduct for Election Observers, a code that would allow observers to evaluate electoral processes using methods consistent with those practiced worldwide. In an effort to reinforce the fulfilment of all election-related rights, election law should—at a minimum—authorize observers to attend meetings of the Election Commission, observe election-related activities throughout the electoral process, and inspect documents at all levels.¹⁵⁸ The legislation should establish

¹⁵¹ Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers (as commemorated October 27, 2005, at the United Nations, New York) (Declaration of Principles).

¹⁵² Declaration of Principles for Domestic Election Observation (Second Draft); Free & Fair Election Network (FAFEN), "Asia-wide Consultation on Declaration of Principles for Domestic Election Observers Agreed - January 29, 2009" (FAFEN, Islamabad 2009).

¹⁵³ ICCPR, art 2(2). The United Nations states that election observation "should be widely provided for in election legislation," per United Nations, *Human Rights and Elections*, para 126.

¹⁵⁴ This is consistent with previous guidance from FAFEN, per Free & Fair Election Network (FAFEN), *Priorities for Reform to Laws Governing the Conduct of Elections in Pakistan (December 14, 2009)*, Priority 3.1 and 3.2.

¹⁵⁵ FAFEN reported that out of 650 polling stations in its planned sample in Karachi, its observers were "physically prevented, threatened, or otherwise barred from observing in 122 polling stations in 16 constituencies," per Free & Fair Election Network (FAFEN), *Pakistan General Elections 2008: Election Observation Summary & Recommendations for Electoral Reforms (Submitted to the Electoral Reforms Committee (June 21, 2008))*, p.32.

¹⁵⁶ Declaration of Principles (International); Declaration of Principles (Domestic); OSCE/ODIHR, *Observation Handbook (Fifth Edition)*; Organization of American States, *Methods for Election Observation: A Manual for OAS Electoral Observation Missions* (General Secretariat of the Organization of American States (OAS), Secretariat for Political Affairs (SPA), an Department for Electoral Cooperation and Observation (DECO), Washington, DC 2007); European Commission, *EU Election Observation Handbook*.

¹⁵⁷ cr. above, 1.0 – Legal Framework, Measure 1.3.

¹⁵⁸ Example codes of conduct are found within Declaration of Principles (International); European Commission, *EU Election Observation Handbook*, p.10-11; OSCE/ODIHR, *Observation Handbook (Fifth Edition)*, 22;

key parameters for observation activities, not only authorising observers to conduct monitoring activities, but also clearly establishing that they are not to interfere or influence, but to observe and report on, all elements of an election cycle.¹⁵⁹

Measure 11.3

Establish in election law the inclusion of election observers on the list of individuals authorized to enter polling sites.

[See model provision in Table III below at line 534]

Measure 11.4

Establish in election law that election observers will have access to all phases of electoral processes.

[See model provision in Table III below at line 534]

Measure 11.5

Establish in election law that election observers may attend official meetings of the Election Commission and observe and inspect election activities and documents at any time during the election cycle, including those conducted and generated during the pre-election, Election Day and post-election periods.

[See model provision in Table III below at line 534]

Measure 11.6

Establish in election law the basic parameters of conducting election observation activities, emphasizing in particular that observers are not to interfere with, but to observe and report on election-related activities.

[See model provisions in Table III below at lines 512 and 524]

12.0 – Persons with Disabilities

The International Covenant on Civil and Political Rights (ICCPR) delineates that *every* citizen has the right to vote while emphasizing that this right must be fulfilled without “distinction of any kind.”¹⁶⁰ All voters therefore, including persons with disabilities, must be afforded the opportunity to participate in an electoral process. In its interpretation of the ICCPR, General Comment 25 of the United Nations Human Rights Committee frames this obligation carefully in asserting that “it is unreasonable to restrict the right to vote on the ground of physical disability...”¹⁶¹ Further, the United Nations Convention on the Rights of Persons with Disabilities articulates that States must “ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others.”¹⁶² In this context, it explicitly describes the right of persons with disabilities “to vote.”

Around the globe, States are taking this commitment seriously. The Electoral Commissions of the Southern Africa Development Community (SADC) have determined, for example, that polling stations in its region should be situated in locations that are accessible to persons with disabilities while materials within its polling sites should be developed to assure the participation of persons with disabilities.¹⁶³ FAFEN has already argued within this report that election legislation should be revised so as to authorize the Election Commission to conduct special voter education program for persons with disabilities in advance of an election in order to makes this

¹⁵⁹ These measures are consistent with earlier guidance from FAFEN, per Free & Fair Election Network (FAFEN), *Priorities for Reform to Laws Governing the Conduct of Elections in Pakistan (December 14, 2009)*, Priority 3.3.

¹⁶⁰ ICCPR, art 25, art 2.

¹⁶¹ UNCHR General Comment 25, para 10. The United Nations asserts further that voters “with special needs, including the disabled...should be accommodated,” per United Nations, *Human Rights and Elections*, para 110.

¹⁶² International Convention on the Rights of Persons with Disabilities (opened for signature 30 March 2007, not yet in force). UN Doc A/61/611 (ICRPD), art 29(a).

¹⁶³ Electoral Institute of Southern Africa (EISA) and Electoral Commissions Forum of SADC Countries, *Principles of Election Management*, pp. 23, 24.

group aware of its right to vote.¹⁶⁴ Here, it advocates for three additional measures that would further protect the rights of persons with disabilities within legislation.¹⁶⁵

Increased accessibility at polling sites

First, so that Pakistan will continue to meet these international commitments, election law should be revised to ensure that locations established for polling sites will, to the greatest extent possible, be accessible to persons with disabilities. Second, the legislation should articulate that the arrangement for polling within each polling site must account for the needs of these individuals whenever possible. Finally, the legislation should dictate that voting arrangements must facilitate secrecy in balloting at designated polling sites within a constituency. As determined elsewhere, it is expected that these arrangements will involve adapting the balloting system in such a way so that ballots can be completed by persons with disabilities. Such accommodation may include the introduction of ballots that makes use of Braille and/or the development of audio guides.

Measure 12.1

Establish in election law that the location of polling stations will be accessible to persons with disabilities to the greatest extent possible.

[See model provision in Table III below at line 83]

Measure 12.2

Establish in election law that the arrangement of polling sites will be accessible to persons with disabilities to the greatest extent possible.

[See model provision in Table III below at line 83]

Measure 12.3

Establish in election law that persons with disabilities may be able to vote in secret in a public place through system accommodation (such as tactile, Braille and/or audio guides) at designated polling sites within the constituency.

[See model provision in Table III below at line 135]

¹⁶⁴ cr. above, 4.0 – Voter Education, Measure 4.3.

¹⁶⁵ Such protection has been clearly articulated by other regional institutions, including Electoral Institute of Southern Africa (EISA) and Electoral Commissions Forum of SADC Countries, *Principles of Election Management*, 24; and OSCE/ODIHR, *Observation Handbook (Fifth Edition)*, 54.

TABLE III: MODEL PROVISIONS

<p align="center"><u>Unified Election Law</u> including changes due to the <u>18th Amendment to the Constitution</u></p>	<p align="center"><u>Model Provisions</u></p>	<p align="center">Provision Proposed by Measure #</p>	<p align="center">Line #</p>
<p align="center"><u>CHAPTER II: ELECTION COMMISSION</u></p>			1
	<p>Term of office of Members of the Election Commission.—(1) A Member of the Election Commission shall, subject to this section, hold office for a term of five years.</p> <p>(2) A Member of the Election Commission shall not be removed from office except in the manner prescribed in Article 209 for the removal from office of a Judge of the Supreme Court of Pakistan and, in the application of the Article for the purpose of this section, any reference in that Article to a Judge shall be construed as a reference to the Member of the Election Commission.</p> <p>(4) A Member of the Election Commission may, by writing under his hand addressed to the President, resign his office.</p>	2.1	2 3 4
	<p>Members of the Election Commission not to hold office of profit.—(1) A Member of the Election Commission shall not—</p> <p>(a) hold any other office of profit in the service of Pakistan; or</p> <p>(b) occupy any other position carrying the right to remuneration for the rendering of services.</p> <p>(2) A person who has held office as a Member of the Election Commission shall not hold any office of profit in the service of Pakistan except the office of the Commissioner or Member of the Commission before the expiration of two years after he has ceased to hold that office.</p>	2.1	5 6 7 8
<p>9. District Returning Officer.—(1) For the election of the National Assembly or a Provincial Assembly, the Election Commission shall appoint, from amongst the officers of the Federal Government, Provincial Governments, corporations controlled by any such Government and local authorities, a District Returning Officer for each district.</p> <p>(2) Subject to the superintendence, direction and control of the Election Commission, the District Returning Officer shall coordinate and supervise all work in the district in connection with the conduct of elections and shall also perform such other duties and functions as may be entrusted to him by the Election Commission.</p> <p>10. Returning Officer and Assistant Returning Officer.—(1) The Election Commission shall appoint, from amongst the officers of the Federal Government, Provincial Governments, corporations controlled by any such Government and local authorities, a Returning Officer for each constituency:</p> <p>Provided that a person may be appointed as Returning</p>	<p>Appointment of District Returning Officers and Returning Officers.— (1) The Election Commission shall appoint, from amongst the officers of the Election Commission, Federal Government, a Provincial Government, local government or any entity or corporation of any of these Governments, or persons having prescribed qualifications, a District Returning Officer for a District and a Returning Officer for a constituency.</p> <p>(2) The Election Commission may appoint a person as Returning Officer for two or more constituencies.</p> <p>(3) The Election Commission may appoint, from amongst the officers of the Election Commission, Federal Government, a Provincial Government, local government or any entity or corporation of any of these Governments, Assistant Returning Officers.</p> <p>(4) An Assistant Returning Officer shall assist the Returning Officer and may, subject to any condition imposed by the Election Commission and under the control of the Returning Officer, perform functions of the</p>	2.4 2.6	9 10 11 12

<p>Officer for two or more constituencies.</p> <p>(2) The Election Commission may appoint, from amongst the officers of the Federal Government, Provincial Governments, corporations controlled by such Government and local authorities, as many Assistant Returning Officers as may be necessary.</p> <p>(3) 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 Election Commission, exercise and perform, under the control of the Returning Officer, the powers and functions of the Returning Officer.</p> <p>(4) It shall be the duty of a Returning Officer to do all such acts and things as may be necessary for effectively conducting an election in accordance with the provisions of this Act and the rules.</p> <p>(5) The Election Commission may, at any time, for reasons to be recorded in writing, suspend any officer performing any duty in connection with an election, or any other public functionary, or any member of the police force or any other law-enforcing agency, who obstructs or prevents or attempts to obstruct or prevent the conduct of fair and impartial poll or interferes or attempts to interfere with a voter when he records his vote, or influences in any manner the polling staff or a voter or does any other act calculated to influence the result of election, and make such arrangements as it or he may consider necessary for the performance of the functions of the officer so suspended.</p> <p>(6) Where the Election Commission suspends any officer under sub-section (6), the Election Commission shall refer the matter to the appropriate authority for taking disciplinary action against such officer.</p>	<p>Returning Officer.</p> <p>(5) A Returning Officer shall perform all functions as may be necessary for conducting free, fair and impartial election in accordance with the provisions of this Act, rules and instructions of the Election Commission.</p> <p>(6) A District Returning Officer shall coordinate and supervise conduct of election in the District and perform functions in accordance with the provisions of this Act rules and instructions of the Election Commission.</p> <p>(7) The Election Commission shall not appoint a member of judiciary as District Returning Officer or Returning Officer.</p>		<p>13</p> <p>14</p> <p>15</p>
	<p>Subordination to the Election Commission.— (1) A District Returning Officer, Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer or any other official or person, who is for the time being performing a function relating to an election, shall act in accordance with the directions of the Election Commission.</p> <p>(2) A District Returning Officer, Returning Officer, Presiding Officer, Polling Officer or any other official, who is not an employee of the Election Commission but appointed to performing function under this Act, shall be deemed to be on deputation with the Election Commission.</p> <p>(3) The Election Commission may, if an officer or official is deemed to be on deputation with the Election Commission, take disciplinary action against the officer or official in the prescribed manner.</p>	<p>2.5</p>	<p>16</p> <p>17</p> <p>18</p>
	<p>Temporary employment.—(1) The Election Commission may, for the purpose of conducting an election, create temporary posts and employ officers and servants on such posts in the prescribed manner.</p> <p>(2) The Election Commission may determine the terms and conditions of service of the temporary employees including training and discipline.</p>	<p>2.4</p> <p>2.5</p>	<p>19</p> <p>20</p>
	<p>Authority of the Presiding Officers.—(1) Subject to the general supervision of the Election Commission, District Returning Officer and Returning Officer, the Presiding Officer shall enforce all election laws at the polling station.</p>	<p>2.9</p>	<p>21</p>

	(2) All executive authorities shall assist the Presiding Officer in discharge of his duties.		22	
	(3) The Presiding Officer may, for maintaining law and order in or around the polling station, issue verbal or written directions to personnel of security forces appointed at the polling station and such personnel shall be bound to comply with the directions of the Presiding Officer.		23	
<p>14. Decisions of the Election Commission.—(1) Subject to the provisions of this section, the Election Commission shall regulate its procedure.</p> <p>(2) If, upon any matter requiring a decision of the Election Commission, there is difference of opinion among its Members, the opinion of the majority shall prevail and the decision of the Election Commission shall be expressed in terms of the opinion of the majority.</p> <p>(3) The Election Commission may exercise its powers and perform its functions notwithstanding that there is a vacancy in the office of any one of its Members or that any one of its Members is, for any reason, unable to attend its proceedings and the decision of the other two Members shall have the effect of the decision of the Election Commission:</p> <p>Provided that, in the event of a difference of opinion between the two Members attending the proceedings of the Election Commission, the matter shall be placed for decision before the Commission.</p>	<p>Decisions of the Election Commission.—(1) Subject to the provisions of this section, the Election Commission shall regulate its procedure.</p> <p>(2) If, upon any matter requiring a decision of the Election Commission, there is difference of opinion among its Members, the opinion of the majority shall prevail and the decision of the Election Commission shall be expressed in terms of the opinion of the majority.</p> <p>(3) The Election Commission may exercise its powers and perform its functions notwithstanding that there is a vacancy in the office of any one of its Members or that any one of its members is, for any reason, unable to attend its proceedings and the decision of the other Members shall have the effect of the decision of the Election Commission.</p> <p>(4) If the Commissioner and one other Member of the Election Commission are attending the proceedings of the Election Commission and, in the event of a difference of opinion between them, the opinion of the Commissioner shall be the decision of the Election Commission.</p> <p>(5) If two or more Members of the Election Commission are attending the proceedings of the Election Commission and, in the event of a difference of opinion between them without any majority, the matter shall be placed for decision before the Commissioner and decision of the Commissioner shall be the decision of the Election Commission.</p> <p>(6) Except where the Election Commission, for reasons to be recorded in writing by general or special order, declares any document or decision making process confidential, any person may, subject to necessary restrictions, witness the meetings of the Election Commission or obtain copies of any document in the custody of the Election Commission.</p> <p>(7) The Election Commission shall, as soon as possible, publish its decisions and brief reasons for the decisions on the website of the Election Commission.</p> <p>(8) The Election Commission may, before taking any decision, consult the relevant stakeholders on a draft proposal.</p>	2.1 2.10	24	
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	<p>Disciplinary action against delinquent public functionary.—(1) After the appointment of a date for holding general election for the National Assembly or a Provincial Assembly, or a general seat of an Assembly and till the holding of the election, the Election Commission may, for reasons to be recorded in writing, direct the Federal Government, a Provincial Government or an entity of any of the Governments to:</p> <p>(a) place an officer of the Government or entity under suspension for interfering with holding of a free and fair election; and</p> <p>(b) not to fill a post or transfer an officer without concurrence of the Election Commission.</p>	2.7 2.8	32	
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	(2) The Election Commission may suspend a public functionary who, despite notice, fails to implement any direction of the Election Commission for holding free and fair election.		35
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<u>CHAPTER III: POLITICAL PARTIES</u>			36
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<p>24. Information about the sources of party's fund.—(1) Every political party shall, in such manner and in such form as may be prescribed or specified by the Election Commission, submit to the Commissioner, within sixty days from the close of each financial year, a consolidated statement of accounts of the party audited by a Chartered Accountant containing—</p> <p>(a) annual income and expenses;</p> <p>(b) sources of its funds; and</p> <p>(c) assets and liabilities.</p> <p>(2) The statement referred to in sub-section (1), shall be accompanied by a certificate signed by the party leader stating that—</p> <p>(a) no funds from any source prohibited under this Act were received by the party; and</p> <p>(b) the statement contains an accurate financial position of the party.</p>	[Omitted]	6.4	37
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<p>25. Eligibility of party to obtain election symbol.—(1) Notwithstanding anything contained any other law for the time being in force, a political party shall be eligible to obtain an election symbol for contesting election for membership of Majlis-e-Shoora (Parliament) or a Provincial Assembly on submission of certificates and statement referred to in sections 23 and 24:</p> <p>Provided that a combination of political parties shall be entitled to obtain a common election symbol for such election if each party constituting such combination submits the certificates and statement referred to in sections 23 and 24.</p> <p>(2) Where any political party or a combination of political parties, severally or collectively, contravenes the provisions of sections 23 and 24, it shall not be entitled to obtain an election symbol for election to the Majlis-e-Shoora (Parliament) or a Provincial Assembly, and the Election Commission shall not allocate an election symbol to such party or, as the case may be, the combination of political parties for such election.</p>	<p>Eligibility of party to obtain election symbol.—(1) Notwithstanding anything contained in any law, the Election Commission shall not allocate an election symbol to a political party or a combination of political parties for contesting election for membership of Majlis-e-Shoora (Parliament) or a Provincial Assembly unless the political party or each political party constituting the combination submits to the Election Commission:</p> <p>(a) certificates and statement referred to in sections 23 and 24; and</p> <p>(b) a list of not less than one thousand members of the political party with such particulars or supporting documents as may be prescribed.</p> <p>(2) The Election Commission shall publish the certificates, statement and list mentioned in sub-section (1) on its website before allocation of symbol to a political party.</p> <p>(3) Where any political party or a combination of political parties, severally or collectively, contravenes the provisions of sections 23 and 24, it shall not be entitled to obtain an election symbol for election to the Majlis-e-Shoora (Parliament) or a Provincial Assembly, and the Election Commission shall not allocate an election symbol to such party or, as the case may be, the combination of political parties for such election.</p>	<p>2.10 5.7</p>	<p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p>
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	(4) The Election Commission shall not exercise its power under sub-section (3) unless the political party or the combination of political parties is provided an opportunity of hearing and for reasons to be recorded in writing.		43
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<u>CHAPTER IV: DELIMITATION OF CONSTITUENCIES FOR GENERAL SEATS OF ASSEMBLIES</u>			44
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<p>31. Principles of delimitation.—(1) All constituencies for general seats shall, as far as practicable, be delimited having regard to the distribution of population, including non-Muslims, in geographically compact areas, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies.</p> <p>(2) As far as may be the constituencies for election to the same Assembly shall be equal among themselves in population.</p>	<p>Principles of delimitation.—(1) Subject to sub-section (2), the Election Commission shall delimit constituencies for general seats having regard to the distribution of population in geographically compact areas, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies.</p>	3.1	45	
	<p>(2) Subject to sub-section (3), difference of population in two or more constituencies within a Province, the Federally Administered Tribal Areas or the Federal Capital shall not exceed ten percent.</p>			46
	<p>(3) The Election Commission may, in case of any hardship and for reasons to be recorded in writing and published on its website, delimit a constituency irrespective of the condition of parity of population amongst two or more constituencies.</p>			47

<p>32. Hearing, report and list of constituencies.—(1) For the purpose of delimiting constituencies, the Election 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.</p> <p>(2) Any person entitled to vote at an election to the National Assembly or a Provincial Assembly may, within fifteen days of the publication of the report under sub-section (1), make a representation to the Election Commission in respect of the delimitation of constituencies.</p> <p>(3) The Election Commission shall, after hearing and considering the representations, if any, received by it, make such amendments, alterations or modifications, in the preliminary list published under sub-section (1) as it thinks fit or necessary, and shall publish in the official Gazette the final report and list of constituencies showing the areas included in each constituency.</p>	<p>Hearing, report and list of constituencies.—(1) The Election Commission may hold inquiries, summon witnesses and record evidence, and shall prepare and publish on its website and in the official Gazette a preliminary report and delimitation of constituencies specifying the areas proposed to be included in each constituency.</p>	2.10 3.2	48	
	<p>(2) The Election Commission shall invite objections and suggestions on preliminary delimitation of constituencies within time of not less than fifteen days specified in the publication containing preliminary delimitation of constituencies.</p>			49
	<p>(3) Any person may, within stipulated time, file objections or suggestions to the Election Commission in respect of the preliminary delimitation of constituencies.</p>			50
	<p>(4) The Election Commission may, after hearing the person who has filed objections or suggestions and considering the objections and suggestions, make modifications in the preliminary delimitation of constituencies and shall publish on its website and in the official Gazette the final report and delimitation of constituencies showing the areas included in each constituency.</p>			51

<p>33. Modification in the final list of constituencies.— Notwithstanding anything contained in this Act, the Election Commission may, at any time, of its own motion, make such amendments, alterations or modifications in the final list of constituencies published under sub-section (3) of section 32, or in the areas included in a constituency, as it thinks necessary.</p>	<p>Modification in the final list of constituencies.—(1) Notwithstanding anything contained in this Act but subject to prior public notice, the Election Commission may, at any time and for reasons to be recorded in writing, make such modifications in the final list of constituencies published under sub-section (5) of section 32, or in the areas included in a constituency, as it thinks necessary.</p>	2.10	52
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	(2) The Election Commission shall publish the modification in the final list of constituencies or in the areas included in a constituency under sub-section (1) and the reasons for the modification, on its website and in the official Gazette.		53
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<u>CHAPTER V: ELECTORAL ROLLS</u>			54
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<p>34. Preparation of electoral rolls.— (1) The Election Commission shall cause to be prepared the electoral rolls for election to the National Assembly and Provincial Assemblies afresh or by revising the electoral rolls existing immediately before coming into force of this Act, and revised from time to time in the prescribed manner.</p> <p>(2) The Election Commission shall make arrangements for the computerization of the electoral rolls in the manner as it may determine and any printout of the computer maintained by, or with the authority of, the Election Commission, shall be deemed to be an electoral roll published under this Act.</p>	<p>Preparation of electoral rolls.— (1). The Election Commission shall prepare or cause to be prepared the electoral rolls for an electoral area with details of persons entitled to vote in the electoral area by:</p> <p>(a) directing the Registration Officer to prepare such rolls within the specified time; or</p> <p>(b) assigning whole or part of the function to an organization which has, in the opinion of the Election Commission, the capacity to undertake the function within the specified time.</p> <p>(2) If the Election Commission assigns the function of preparation of the electoral rolls to an organization, the organization shall, subject to the general control of the Election Commission, be bound by the directions of the Registration Officer and Revising Authority.</p> <p>(3) A person shall be entitled to be enrolled as a voter in an electoral area if he is:</p> <p>(a) citizen of Pakistan;</p> <p>(b) not less than eighteen years of age on the first day of January in the year in which the electoral roll is prepared or revised;</p> <p>(c) resident in the electoral area under section 36;</p> <p>(d) holder of the valid national identity card issued under the National Database and Registration Authority Ordinance 2000 (VIII of 2000); and</p> <p>(e) not declared by a competent court to be of unsound mind.</p> <p>(4) The Election Commission may coordinate with any other state agency or a local government for removal of the names of the deceased persons and exclusion of persons declared of unsound mind from the electoral rolls.</p>	7.1 7.2	55	
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	Particulars of a voter on the electoral rolls.— The Registration Officer, Revising Authority and the Election Commission shall include name, national identity card number and other prescribed particulars of a voter on the electoral roll.	7.2 8.4	66
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<p>37. Preliminary publication.— The preliminary electoral rolls prepared under section 35, together with a notice inviting claims and objections and applications for corrections, if any, with respect thereto, shall be published and displayed in such manner and form as may be prescribed.</p>	<p>Preliminary publication.— The preliminary electoral rolls prepared under section 35, together with a notice inviting claims and objections and applications for corrections, if any, with respect thereto, shall be published and displayed at the polling station for forty-two days in such manner and form as may be prescribed.</p>	7.3	67
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<p>39. Period for lodging claims and objection.—Every claim for inclusion of a name in the electoral roll, and every objection to, or application for correction of, any entry therein shall be made to the Revising Authority on the prescribed form within a period of twenty-one days next following the date of the publication of the preliminary electoral rolls under section 37.</p>	<p>Period for lodging claims and objection.—Any person may file a claim before the Revising Authority for inclusion of his name in the electoral roll, or submit an objection to, or application for correction of, any entry in the electoral rolls to the Revising Authority on the prescribed form within a period of forty two days next following the date of the publication of the preliminary</p>	7.3	68
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	electoral rolls under section 37.			
45. Final publication. —After making additions, deletions, modifications or corrections, if any, under section 44, the Registration Officer shall publish in the prescribed manner and form the final electoral roll for each electoral area.	Final publication. —(1) After making additions, deletions, modifications or corrections, if any, under section 44, the Registration Officer shall publish in the prescribed manner and form the final electoral roll for each electoral area.	7.4	69	
	(2) The Registration Officer shall, in the prescribed manner, publish the electoral rolls for each polling station at the polling station.		70	
	(2) The Election Commission shall maintain the electoral rolls of each electoral area on its website and may, in the prescribed manner, provide or restrict access to such electoral rolls.		71	
56. Election Commission's power to include a name in an electoral roll. — Subject to section 49, the Election 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.	Election Commission's power to include a name in an electoral roll. —(1) Subject to section 49, the Election Commission may, at any time, order—	2.10	72	
	(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;	(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;		73
	(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	(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		74
	(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.	(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.		75
		(2) The Election Commission shall provide an opportunity of hearing to any person interested in an order under sub-section (1), record brief reasons for the order and publish the order on its website.		76
	Use of electoral rolls. — (1) The Election Commission, Revising Authority, Registration Officer or any other person who is in possession of an electoral rolls, it or he shall not allow use of the electoral rolls for any purpose other than electoral purposes including for the use of candidates, political parties, election observation and electoral research.	2.10 7.5	77	
	(2) If a person uses an electoral roll for any purpose other than the purposes specified in sub-section (1), the Election Commission may impose fine on the person which may extend to five hundred thousand rupees.		78	
	(3) The Election Commission shall not pass an order under sub-section (2) unless the person is provided an opportunity of hearing and for reasons to be recorded in writing.		79	
<u>CHAPTER VI: CONDUCT OF ELECTION FOR NATIONAL AND PROVINCIAL ASSEMBLIES</u>			80	
	Voter education and mobilization. —(1) Before a general election, the Election Commission shall conduct voter education and mobilization programs especially for women, minorities and persons with disabilities.	4.1 4.2 4.3	81	
	(2) The voter education and mobilization programs may include media campaigns, workshops, seminars and		82	

	community mobilization in the targeted areas.		
63. Polling Stations. —(1) The Returning Officer shall, before such time as the Election Commission may fix, submit to the District Returning Officer a list of polling stations he proposes to provide in a constituency for the purpose of election of a member for that constituency.	Polling stations. —(1) The Election Commission shall constitute a Committee in each District consisting of an officer of the Election Commission and two other persons appointed by the Election Commission to identify and recommend polling stations.	8.1 8.2 12.1 12.2	83
(2) Subject to the direction of the Election Commission, the District Returning Officer may make such alterations in the list of polling stations submitted under sub-section (1) as he deems necessary and shall, at least fifteen days before the polling day, publish in the official Gazette the final list of polling stations specifying the electoral area the voters whereof will be entitled to vote at each polling stations.	(2) The Committee shall draw a preliminary list of polling stations specifying the proposed area of each polling station based on the criteria prescribed for an electoral area.		84
(3) The Returning Officer shall establish in each constituency polling stations according to the final list published under sub-section (2).	(3) The Committee shall take into account accessibility of the proposed polling stations for all the voters especially persons with disabilities while drawing a preliminary or final list of the polling stations.		85
(4) A polling station shall be situated in a Government building for the constituency and, where no Government building is available for the purpose, an improvised polling station shall be set up on a public property: Provided that no polling station shall be located in any premises which belong to or are under the direct or indirect control of any candidate.	(4) The officer of the Election Commission shall publish the preliminary list of polling stations with all the details in at least two newspapers of wide circulation in the District and invite objections and suggestions from voters of the District to be submitted within thirty days of the publication of the list.		86
	(5) The Election Committee shall, after taking into consideration the objections and suggestions and for reasons to be recorded in writing, recommend the list of polling stations to the Election Commission along with the details of area of each polling station.		87
	(6) The Election Commission shall, by notification in the official Gazette and on the website of the Election Commission, publish the list of polling stations of a District along with all the details as recommended by the Committee.		88
	(7) The Election Commission may, for reasons to be recorded in writing and published in the official Gazette and on the website of the Election Commission, set aside or modify the recommendation of a Committee constituted under this section.		89
	(8) If the Election Commission sets aside the recommendations of a Committee, it shall constitute another Committee for the purpose, and the new Committee and the Election Commission shall fulfill all the requirements of this section for finalizing the list of polling stations in the District.		90
	(9) A list of polling stations published by the Election Commission under this section shall remain valid for three years and such list shall be revised every three years in accordance with the provisions of this section.		91
	(10) The Election Commission shall not modify or change a polling station or area which a polling station shall cover after the Election Commission, by notification, calls upon a constituency to elect a representative.		92
	(11) Notwithstanding anything contained in this section, in case of any emergent situation warranting immediate action any time before an election, the Election Commission may, for reasons to be recorded in writing, change location of a polling station.		93
	(12) If the Election Commission changes the location of a polling station under sub-section (10), the Election Commission shall immediately publish the information on its website and in such other manner as it deems appropriate, enabling the voters of the area to know the change of location of the polling station.		94
	(13) The Election Commission shall ensure that		95

	appropriate arrangements are made at the polling stations to make them friendly for and accessible to all the voters especially persons with disabilities.		
64. Nomination for election. —(1) Any voter of a constituency may propose or second the name of any duly qualified person to be a member for that constituency.	Nomination for election. —(1) Any voter of a constituency may propose or second the name of any duly qualified person to be a member for that constituency.	5.1 5.2 5.3 5.4 5.5	96
(2) Every nomination shall be made by a separate nomination paper in the prescribed form which shall be signed both by the proposer and the seconder and shall, on solemn affirmation made and signed by the candidate, accompany—	(2) Every nomination shall be made by a separate nomination paper in the prescribed form which shall be signed both by the proposer and the seconder and shall, on solemn affirmation made and signed by the candidate, accompany—	6.11 6.12	97
(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 or any other law for the time being in force for being elected as a member;	(a) a declaration that he has consented to the nomination and that he fulfils the qualification specified in Article 62 and is not subject to any of the disqualifications specified in Article 63 or any other law for time being in force for being elected as member;		98
(b) a declaration that no loan for an amount of two million rupees or more, obtained from any bank, financial institution, cooperative society or corporate body in his own name or in the name of his spouse or any of his dependents, or any business concern mainly owned by him or the aforesaid, stands unpaid for more than one year from the due date, or has got such loan written off;	(b) a declaration that no loan for an amount of two million rupees or more, obtained from any bank, financial institution, cooperative society or corporate body in his own name or in the name of his spouse or any of his dependents, or any business concern mainly owned by him or the aforesaid, stands unpaid for more than one year from the due date, or has got such loan written off;		98.a
(c) a declaration that he, his spouse or any of his dependents or a business concern mainly owned by him or the aforesaid, is not in default in payment of government dues or utility charges, including telephone, electricity, gas and water charges of an amount in excess of ten thousand rupees, for over six months, at the time of filing of nomination papers;	(c) a declaration that he, his spouse or any of his dependents or a business concern mainly owned by him or the aforesaid, is not in default in payment of government dues or utility charges, including telephone, electricity, gas and water charges of an amount in excess of ten thousand rupees, for over six months, at the time of filing of nomination papers;		98.b
	(d) a statement containing detail of convictions of the candidate in which he has been sentenced to imprisonment or fine of more than fifty thousand rupees or both;		99
	(e) a statement containing detail of each case in which the candidate was acquitted or discharged from criminal liability on the basis of a compromise, plea bargain or composition including the amount or property transferred for affecting the compromise, plea bargain or composition of the offence;		100
(d) a statement specifying his educational qualifications, occupation, National Identity Card number and National Tax Number, if any, along with attested copies thereof; and;	(f) a statement specifying his educational qualifications, occupation, National Identity Card Number and National Tax Number, if any, along with attested copies thereof; and		101
(e) a statement of his assets and liabilities and those of his spouse and dependents on the prescribed form as on the preceding thirtieth day of June.	(g) a statement of his assets and liabilities and those of his spouse and dependants on the prescribed form as on the preceding thirtieth day of June.		101.a
<i>Explanation.</i> —For the purpose of this section, the expression—	<i>Explanation.</i> —For the purpose of this section, the expression—		101.b
(i) "loan" shall mean any loan, advance, credit or finance obtained or written off on or after the 31st day of December, 1985, but shall not include the loan the recovery of which has been stayed or suspended by any order of a court or tribunal, including the High Court and the Supreme Court;	(i) "loan" shall mean any loan, advance, credit or finance obtained or written off on or after the 31st day of December, 1985, but shall not include the loan the recovery of which has been stayed or suspended by any order of a court or tribunal, including the High Court and the Supreme Court;		101.c
(ii) "mainly owned" shall mean holding or controlling a majority interest in a business concern;	(ii) "mainly owned" shall mean holding or controlling a majority interest in a business concern;		101.d
(iii) "taxes" include all taxes levied by Federal	(iii) "taxes" include all taxes levied by Federal		101.e

<p>Government, Provincial Government or a local government, but shall not include taxes the recovery of which has been stayed or suspended by any order of a court or tribunal;</p> <p>(iv) "government dues and utility charges" shall include rent, charges of rest houses or lodges owned by the Federal Government, Provincial Governments, local governments or corporations established or controlled by such governments, but shall not include the government dues and utilities charges the recovery of which has been stayed or suspended by any order of a court or tribunal.</p> <p>(3) Every nomination paper shall be delivered to the Returning Officer by the candidate in person and the Returning Officer shall acknowledge receipt of the nomination paper specifying the date and time of receipt.</p> <p>(4) A person may be nominated in the same constituency by not more than five nomination paper.</p> <p>(5) The Returning Officer shall assign a serial number to every nomination paper and endorse thereon 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.</p> <p>(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.</p> <p>(7) The nomination form and accompanying; declarations and statements shall be open to inspection by the public, and copies thereof may be made available by the Election Commission in such manner and on payment of such fee as may be prescribed.</p>	<p>Government, Provincial Government or a local government, but shall not include taxes the recovery of which has been stayed or suspended by any order of a court or tribunal;</p> <p>(iv) "government dues and utility charges" shall include rent, charges of rest houses or lodges owned by the Federal Government, Provincial Governments, local governments or corporations established or controlled by such governments, but shall not include the government dues and utilities charges the recovery of which has been stayed or suspended by any order of a court or tribunal.</p> <p>(3) Every nomination paper shall be delivered to the Returning Officer by the candidate in person or through an authorized agent and the Returning Officer shall acknowledge receipt of the nomination paper specifying the date and time of the receipt.</p> <p>(4) A person may be nominated in the same constituency by not more than five nomination papers.</p> <p>(5) The Returning Officer shall assign a serial number to every nomination paper and endorse thereon the name of the person presenting it, and the date and time of the receipt, and inform such person of the time and place at which he shall hold scrutiny.</p> <p>(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 sown in the nomination paper.</p> <p>(7) The nomination form and accompanying declarations and statements shall be open to inspection by public, and copies thereof may be made available by the Election Commission in such manner and on payment of such fee as may be prescribed.</p> <p>(8) Before the publication of the list of validly nominated candidates by the Returning Officer, the Election Commission may, on its website, publish the nomination forms, declarations, statements and other documents delivered to the Returning Officer by the candidates.</p> <p>(9) The Election Commission may publish the nomination forms, declarations, and statements of the candidates on its website and in the official Gazette.</p> <p>(10) The Election Commission shall advertise on print and electronic media that the voters may obtain information about candidates on the website of the Election Commission.</p>		<p>101.f</p> <p>102</p> <p>103</p> <p>104</p> <p>105</p> <p>106</p> <p>107</p> <p>108</p> <p>109</p>
<p>65. Deposits.—(1) Subject to the provisions of sub-section (2), no nomination paper delivered under section 64 shall be accepted unless—</p> <p>(a) a sum of rupees—</p> <p>(i) four thousand for election to a seat in the National Assembly; and</p> <p>(ii) two thousand for election to a seat in the Provincial Assembly, is deposited in cash by the candidate or by any person on his behalf at the time of its delivery; or</p> <p>(b) it is accompanied by a bank draft for a sum as aforesaid drawn in favour of the Returning Officer or 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</p>	<p>Deposits.—(1) Subject to the provisions of sub-section (2), no nomination paper delivered under section 64 shall be accepted unless—</p> <p>(a) a sum of rupees—</p> <p>(i) eight thousand for election to a seat in the National Assembly; and</p> <p>(ii) four thousand for election to a seat in the Provincial Assembly, is deposited in cash by the candidate or by any person on his behalf at the time of its delivery; or</p> <p>(b) it is accompanied by a bank draft for a sum as aforesaid drawn in favour of the Returning Officer or 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</p>	<p>5.6</p>	<p>110</p> <p>111</p> <p>112</p> <p>113</p> <p>114</p>

<p>Pakistan or at a Government Treasury or sub-Treasury.</p> <p>(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 for the same seat by more than one nomination paper.</p>	<p>Government Treasury or sub-Treasury.</p> <p>(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 for the same seat by more than one nomination paper.</p>		<p>115</p>
<p>66. Scrutiny.—(1) 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 to the nomination of a candidate, may attend the scrutiny of nomination papers, and the Returning Officer shall give them reasonable opportunity for examining all nomination papers delivered to him under section 63:</p> <p>Provided that a voter who has filed an objection to the nomination of a candidate shall only attend the scrutiny of the nomination paper of that candidate.</p> <p>(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.</p> <p>(3) The Returning Officer may, either of his own motion or upon any objection, either by a voter or by any person referred to in sub-section (1), conduct such summary enquiry as he may think fit and may reject nomination paper if he is satisfied that—</p> <p>(a) the candidate is not qualified to be elected as a member;</p> <p>(b) the proposer or the seconder is not qualified to subscribe to the nomination paper;</p> <p>(c) any provision of section 64 or section 65 has not been complied with or submits any false or incorrect declaration or statement in any material particular; or</p> <p>(d) the signature of the proposer or the seconder is not genuine:</p> <p>Provided that—</p> <p>(i) the rejection of a nomination paper shall not invalidate the nomination of a candidate by any other valid nomination paper;</p> <p>(ii) the Returning Officer may, for the purpose of scrutiny, require any agency or authority to produce any, document or record;</p> <p>(iii) 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, his proposer or seconder so as to bring them in conformity with the corresponding entries in the electoral roll; and</p> <p>(iv) the Returning Officer shall not enquire into the correctness or validity of any entry in the electoral roll.</p> <p>(4) Notwithstanding anything contained in sub-section (3), where a candidate deposits any amount of loan, tax or utility charges payable by him before rejection of his nomination paper on the ground of default in payment of such loan, taxes or utility charges, such nomination paper</p>	<p>Scrutiny.—(1) 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 to the nomination of a candidate, may attend the scrutiny of nomination papers, and the Returning Officer shall give them reasonable opportunity for examining all nomination papers delivered to him under section 63:</p> <p>Provided that a voter who has filed an objection to the nomination of a candidate shall only attend the scrutiny of the nomination paper of that candidate.</p> <p>(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.</p> <p>(3) The Returning Officer may, either of his own motion or upon any objection, either by a voter or by any person referred to in sub-section (1), conduct such summary enquiry as he may think fit and may reject nomination paper if he is satisfied that—</p> <p>(a) the candidate is not qualified to be elected as a member;</p> <p>(b) the proposer or the seconder is not qualified to subscribe to the nomination paper;</p> <p>(c) any provision of section 64 or section 65 has not been complied with or submits any false or incorrect declaration or statement in any material particular; or</p> <p>(d) the signature of the proposer or the seconder is not genuine:</p> <p>Provided that—</p> <p>(i) the rejection of a nomination paper shall not invalidate the nomination of a candidate by any other valid nomination paper;</p> <p>(ii) the Returning Officer may, for the purpose of scrutiny, require any agency or authority to produce any, document or record;</p> <p>(iii) 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, his proposer or seconder so as to bring them in conformity with the corresponding entries in the electoral roll; and</p> <p>(iv) the Returning Officer shall not enquire into the correctness or validity of any entry in the electoral roll.</p> <p>(4) Notwithstanding anything contained in sub-section (3), where a candidate deposits any amount of loan, tax or utility charges payable by him before rejection of his nomination paper on the ground of default in payment of such loan, taxes or utility charges, such nomination paper</p>	<p>10.5</p>	<p>116</p> <p>117</p> <p>118</p> <p>119</p> <p>120</p> <p>121</p> <p>122</p> <p>123</p> <p>124</p> <p>125</p> <p>126</p> <p>127</p> <p>128</p> <p>129</p>

<p>shall not be rejected for default thereof.</p> <p>(5) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting it and shall, in the case of rejection, record brief reasons for rejection.</p> <p>(6) A candidate may prefer an appeal against the decision of the Returning Officer rejecting or, as the case may be, accepting the nomination paper of the candidate to the Tribunal constituted for the constituency to which the nomination relates and consisting of not less than two nor more than three Judges of the High Court nominated by the Commissioner, with the approval of the President; and such appeal shall be summarily decided within such time as may be notified by the Election Commission and any order passed thereon shall be final.</p> <p>(7) If, on the basis of any information or material brought to its knowledge by any source, a Tribunal constituted under sub-section (6) is of the opinion that a candidate whose nomination papers have been accepted is a defaulter of loan, taxes government dues or utility charges or has had any loan written off 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 Tribunal is satisfied that the candidate is actually a defaulter as aforesaid or has had a loan written off or suffers from any disqualification, it may reject the nomination papers.</p> <p>(8) An appeal not disposed of within the period specified in sub-section (6) shall be deemed to have been rejected.</p> <p>(9) Announcement of the day and time appointed for the hearing of an appeal under sub-section (6) over the radio or television or by publication in the press shall be deemed to be sufficient notice of the day and time so appointed.</p>	<p>shall not be rejected for default thereof.</p> <p>(5) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting it and shall, in the case of rejection, record brief reasons for rejection.</p> <p>(6) A candidate may prefer an appeal against the decision of the Returning Officer rejecting or accepting the nomination paper of the candidate to the Election Tribunal; and such appeal shall be summarily decided within such time as may be notified by the Election Commission and any order passed thereon shall be final.</p> <p>(7) If, on the basis of any information or material brought to its knowledge by any source, a Tribunal constituted under sub-section (6) is of the opinion that a candidate whose nomination papers have been accepted is a defaulter of loan, taxes government dues or utility charges or has had any loan written off 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 Election Tribunal is satisfied that the candidate is actually a defaulter as aforesaid or has had a loan written off or suffers from any disqualification, it may reject the nomination papers.</p> <p>(8) An appeal not disposed of within the period specified in sub-section (6) shall be deemed to have been rejected.</p> <p>(9) Announcement of the day and time appointed for the hearing of an appeal under sub-section (6) over the radio or television or by publication in the press shall be deemed to be sufficient notice of the day and time so appointed.</p>		<p>130</p> <p>131</p> <p>132</p> <p>133</p> <p>134</p>
<p>86. 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 the identity of the voter and shall, for that purpose, require the voter to produce his identity card issued under the National Registration Act, 1973 (LVI of 1973) or the National Database and Registration Authority Ordinance, 2000 (VIII of 2000).</p> <p>2) Before a ballot paper is issued to a voter—</p> <p>(a) the number and name of the voter as entered in the electoral roll shall be called out;</p> <p>(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;</p> <p>(c) he shall be required to receive a personal mark, made with indelible ink, on any finger of either hand as indicated by the Election Commission;</p> <p>(d) the ballot paper shall be stamped on its back with the official mark and signed by the Presiding Officer; and</p> <p>(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 National Identity Card of the voter, stamp it with the official mark, sign it and obtain on it the thumb impression of the voter.</p> <p>(3) A ballot paper shall not be issued to a person who—</p>	<p>Voting procedure.—(1) If a voter presents himself at the polling station to vote, the Presiding Officer shall issue a ballot paper to the voter after confirming the identity of the voter from the valid national identity card issued under the National Database and Registration Authority Ordinance 2000 (VIII of 2000).</p> <p>(2) Before a ballot paper is issued to a voter—</p> <p>(a) the number and name of the voter as entered in the electoral roll shall be called out;</p> <p>(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;</p> <p>(c) he shall be required to receive a personal mark, made with indelible ink, on any finger of either hand as indicated by the Election Commission;</p> <p>(d) the ballot paper shall be stamped on its back with the official mark and signed by the Presiding Officer; and</p> <p>(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 National Identity Card of the voter, stamp it with the official mark, sign it and obtain on it the thumb impression of the voter.</p> <p>(3) A ballot paper shall not be issued to a person who—</p>	<p>8.4 12.3</p>	<p>135</p> <p>136</p> <p>137</p> <p>138</p> <p>139</p> <p>140</p> <p>141</p> <p>142</p>

<p>(a) fails or refuses to produce his identity card issued under the National Registration Act, 1973 (LVI of 1973) or the National Database and Registration Authority Ordinance, 2000(VIII of 2000);</p> <p>(b) refuses to put his thumb impression on the counterfoil or whose thumb bears traces of its having already been used for putting an impression; or</p> <p>(c) refuses to receive the personal mark with indelible ink or who already bears such a mark or traces of such a mark.</p> <p>(4) 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.</p> <p>(5) On receiving the ballot paper, the voter shall—</p> <p>(a) forthwith proceed to the place reserved for marking the ballot paper;</p> <p>(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</p> <p>(c) after he has so marked the ballot paper, fold and insert it in the ballot box.</p> <p>(6) 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.</p> <p>(7) Where a voter is blind or is otherwise so incapacitated that he cannot vote without the assistance of a companion, the Presiding Officer shall allow him such assistance and thereupon such voter may do with such assistance anything which a voter is required or permitted to do under this Act.</p>	<p>(a) fails or refuses to produce his identity card issued under ■ the National Database and Registration Authority Ordinance, 2000(VIII of 2000);</p> <p>(b) refuses to put his thumb impression on the counterfoil or whose thumb bears traces of its having already been used for putting an impression; or</p> <p>(c) refuses to receive the personal mark with indelible ink or who already bears such a mark or traces of such a mark.</p> <p>(4) 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.</p> <p>(5) On receiving the ballot paper, the voter shall—</p> <p>(a) forthwith proceed to the place reserved for marking the ballot paper;</p> <p>(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</p> <p>(c) after he has so marked the ballot paper, fold and insert it in the ballot box.</p> <p>(6) 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.</p> <p>(7) Where a voter is blind or is otherwise so incapacitated that he cannot vote without the assistance of a companion, the Presiding Officer shall allow him such assistance and thereupon such voter may do with such assistance anything which a voter is required or permitted to do under this Act.</p> <p>(8) The Election Commission may, generally or at selected polling stations, make arrangement for provision of specially designed ballot papers for persons with disabilities or provision of prerecorded audio or visual guides for such voters.</p>	<p>143</p> <p>144</p> <p>145</p> <p>146</p> <p>147</p> <p>148</p> <p>149</p> <p>150</p> <p>151</p> <p>152</p> <p>153</p>
<p>91. 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 and polling agents as may be present</p> <p>(2) The Presiding Officer shall give such of the contesting candidates, election agents and polling agents as may be present reasonable facility of observing the count and give them such information with respect thereto as can be given consistent with the orderly conduct of the count and the discharge of his duties in connection therewith.</p> <p>(3) No person other than the Presiding Officer, the polling officer, any other person on duty in connection with the poll, the contesting candidates, their election agents and polling agents shall be present at the count.</p>	<p>Proceedings at the close of poll.—(1) The Presiding Officer shall count the votes immediately after the close of the poll by examining ballot papers one by one, calling out loud marking, and showing each ballot to election observers, contesting candidates, election agents and polling agents, as are present at the time of counting.</p> <p>(2) The Presiding Officer shall give such of election observers, the contesting candidates, election agents and polling agents as may be present reasonable facility of observing the count and give them such information with respect thereto as can be given consistent with the orderly conduct of the count and the discharge of his duties in connection therewith.</p> <p>(3) No person other than the Presiding Officer, the polling officer, any other person on duty in connection with the poll, election observers, the contesting candidates, their election agents and polling agents shall</p>	<p>9.1 9.2 9.3</p> <p>154</p> <p>155</p> <p>156</p>

<p>(4) The Presiding Officer shall—</p> <p>(a) open the used ballot box or ballot boxes and count the entire lot of ballot papers taken out therefrom;</p> <p>(b) open the packet bearing the label "Challenged Ballot Papers" and count them;</p> <p>(c) count, in such manner as may be prescribed, the votes cast in favour of each contesting candidate excluding from the count the ballot papers which bear—</p> <p>(i) no official mark and signature of the Presiding Officer;</p> <p>(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;</p> <p>(iii) no prescribed mark to indicate the contesting candidate for whom the voter has voted; or</p> <p>(iv) any mark from which it is not clear for whom the voter has voted:</p> <p>Provided that 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.</p> <p>(5) The Presiding officer may recount the votes—</p> <p>(a) of his own motion if he considers it necessary; or</p> <p>(b) upon the request of a contesting candidate or an election agent present if, in his opinion, the request is not unreasonable.</p> <p>(6) 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 the contents thereof, specifying the name and symbol of the contesting candidate to whom the packet relates.</p> <p>(7) The ballot papers excluded from the count shall be put in a separate packet indicating thereon the total number both in letters and figures of the ballot papers, contained therein.</p> <p>(8) The packets mentioned in sub-sections (6) and (7) shall be put in a principal packet which shall be sealed by</p>	<p>be present at the count.</p> <p>(4) Subject to sub-section (1), the Presiding Officer shall—</p> <p>(a) open the used ballot box or ballot boxes and count the entire lot of ballot papers taken out there from;</p> <p>(b) open the packet bearing the label "Challenged Ballot Papers" and count them ;</p> <p>(c) count the votes cast in favour of each contesting candidate excluding from the count the ballot papers which bear—</p> <p>(i) no official mark and signature of the Presiding Officer;</p> <p>(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;</p> <p>(iii) no prescribed mark to indicate the contesting candidate for whom the voter has voted; or</p> <p>(iv) any mark from which it is not clear for whom the voter has voted:</p> <p>Provided that 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.</p> <p>(5) The Presiding Officer shall place each ballot paper in a separate pile of a candidate or invalid ballots when counting the ballot papers.</p> <p>(6) A person present at the time of counting of the ballot papers, other than the Presiding Officer, Assistant Presiding Officer or polling officer shall not touch the ballot papers.</p> <p>(7) The Presiding officer may recount the votes—</p> <p>(a) of his own motion if he considers it necessary; or</p> <p>(b) upon the request of a contesting candidate or an election agent present if, in his opinion, the request is not unreasonable.</p> <p>(8) 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 the contents thereof, specifying the name and symbol of the contesting candidate to whom the packet relates.</p> <p>(9) The ballot papers excluded from the count shall be put in a separate packet indicating thereon the total number both in letters and figures of the ballot papers, contained therein.</p> <p>(10) The packets mentioned in sub-sections (8) and (9) shall be put in a principal packet which shall be sealed by</p>	<p>157</p> <p>158</p> <p>159</p> <p>160</p> <p>161</p> <p>162</p> <p>163</p> <p>164</p> <p>165</p> <p>166</p> <p>167</p> <p>168</p> <p>169</p> <p>170</p> <p>171</p> <p>172</p> <p>173</p>
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the Presiding Officer.	the Presiding Officer.	
(9) The Presiding Officer shall, immediately after the count, prepare a statement 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, immediately after the count, prepare a statement 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.	174
(10) The Presiding Officer shall also prepare in the prescribed form a ballot paper account showing separately—	(12) The Presiding Officer shall also prepare in the prescribed form a ballot paper account showing separately—	175
(a) the number of ballot papers entrusted to him;	(a) the number of ballot papers entrusted to him;	176
(b) the number of un-issued ballot papers;	(b) the number of un-issued ballot papers;	177
(c) the number of ballot papers taken out of the ballot box or boxes and counted;	(c) the number of ballot papers taken out of the ballot box or boxes and counted;	178
(d) the number of tendered ballot papers;	(d) the number of tendered ballot papers;	179
(e) the number of challenged ballot papers; and	(e) the number of challenged ballot papers; and	180
(f) the number of spoilt ballot papers.	(f) the number of spoilt ballot papers.	181
(11) The Presiding Officer shall give a certified copy of the statement of the count and the ballot paper account to such of the candidates, their election agents or polling agents as may be present and obtain a receipt for such copy.	(13) The Presiding Officer shall, subject to receipt, provide certified copies of the statement of the count and ballot paper account to the contesting candidates, election or polling agents and any other person who is entitled to obtain copies of these documents.	182
	(14) If the Presiding Officer, without any reasonable cause, fails to provide the certified copies under sub-section (13), he shall be deemed to have committed gross misconduct and the Election Commission may take any disciplinary action against the Presiding Officer.	183
	(15) The Presiding Officer shall publish the statement of the count and ballot paper account by affixing certified copies at the polling station for public inspection.	184
(12) The Presiding Officer shall seal in separate packets—	(16) The Presiding Officer shall seal in separate packets—	185
(a) the un-issued ballot papers;	(a) the un-issued ballot papers;	186
(b) the spoilt ballot papers;	(b) the spoilt ballot papers;	187
(c) the tendered ballot papers;	(c) the tendered ballot papers;	188
(d) the challenged ballot papers;	(d) the challenged ballot papers;	
(e) the marked copies of the electoral rolls;	(e) the marked copies of the electoral rolls;	189
(f) the counterfoils of used ballot papers;	(f) the counterfoils of used ballot papers;	190
(g) the tendered votes list;	(g) the tendered votes list;	191
(h) the challenged votes list; and	(h) the challenged votes list; and	192
(i) such other papers as the Returning Officers may direct.	(i) such other papers as the Returning Officers may direct.	193
(13) 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.	(17) 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.	194
(14) A person required to sign a packet or statement under sub-section (13) may, if he so desires, also affix his seal to it.	(18) A person required to sign a packet or statement under sub-section (17) may, if he so desires, also affix his seal to it.	195

<p>(15) After the close of the proceedings under the foregoing sub-sections, the Presiding Officer shall, in compliance with such instructions as may be given by the Election Commission in this behalf, cause the packets, the statement of the count and the ballot paper account prepared by him to be sent to the Returning Officer together with such other records as the Election Commission may direct.</p>	<p>(19) After the close of the proceedings under the foregoing sub-sections, the Presiding Officer shall, in compliance with such instructions as may be given by the Election Commission in this behalf, cause the packets, the statement of the count and the ballot paper account prepared by him to be sent to the Returning Officer together with such other records as the Election Commission may direct.</p>		196
<p>92. Consolidation of results.—(1) 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 aforesaid.</p> <p>(2) The consolidation proceedings shall be held without any avoidable delay as soon as possible after the polling day.</p> <p>(3) 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 thereby.</p> <p>(4) 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 sub-section (4) of section 83.</p> <p>(5) The ballot papers rejected by the Returning Officer under sub-section (4) shall be shown separately in the consolidated statement.</p> <p>(6) The Returning Officer may recount the ballot papers—</p> <p>(a) upon the request of, or challenge in writing made by, a contesting candidate or his election agent, if the Returning Officer is satisfied that the request or the challenge is reasonable; or</p> <p>(b) if so directed by the Election Commission, in which case the recount shall be held in such manner and at such place as may be directed by the Election Commission.</p>	<p>Consolidation of results.—(1) 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 aforesaid.</p> <p>(2) The consolidation proceedings shall be held without any avoidable delay as soon as possible after the polling day.</p> <p>(3) 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 thereby.</p> <p>(4) 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 sub-section (4) of section 83.</p> <p>(5) The ballot papers rejected by the Returning Officer under sub-section (4) shall be shown separately in the consolidated statement.</p> <p>(6) The Returning Officer may recount the ballot papers—</p> <p>(a) upon the request of, or challenge in writing made by, a contesting candidate or his election agent, if the Returning Officer is satisfied that the request or the challenge is reasonable; or</p> <p>(b) if so directed by the Election Commission, in which case the recount shall be held in such manner and at such place as may be directed by the Election Commission.</p> <p>(7) The Returning Officer shall recount the ballot papers of a polling station, ballot papers excluded from the count and ballot papers received by post and, on his failure, the Election Commission shall direct him to recount the ballot papers if—</p> <p>(a) there exist two or more statements of the count or ballot paper accounts containing signatures of the Presiding Officer;</p> <p>(b) there is substantial difference as defined by the Election Commission between the ballot paper account and statement of the count;</p> <p>(c) any election observer present at the time of counting or an official posted at the polling station has reported in writing any illegality or substantial irregularity in counting or preparation of the statement of the count or ballot paper account;</p>	<p>9.3 9.5 9.7</p>	<p>197</p> <p>198</p> <p>199</p> <p>200</p> <p>201</p> <p>202</p> <p>203</p> <p>204</p> <p>205</p> <p>206</p> <p>207</p> <p>208</p>

	<p>(d) there exists an error apparent on the face of record in the statement of the count or ballot paper account; or</p> <p>(e) ballot papers excluded from the count and ballot papers received by post are counted by the Returning Officer without notice to a contesting candidate and providing him or his election agent an opportunity to witness the consolidation proceedings.</p> <p>(8) The Returning Officer shall recount the ballot papers by examining ballot papers one by one, calling out loud marking, and showing each ballot to election observers, contesting candidates, election agents, as are present at the time of recount.</p> <p>(9) Notwithstanding anything contained in this section, if more than hundred percent votes are cast at a polling station, the Returning Officer shall not include the result of the polling station in the consolidated statement and result of the count and immediately report it to the Election Commission.</p> <p>(10) After consolidation of results, the Returning Officer shall, subject to receipt, provide certified copies of the consolidated statement and result of the count to the contesting candidates, election or polling agents and any other person who is entitled to obtain copies of these documents.</p> <p>(11) The Returning Officer shall post copies of the consolidated statement and result of the count to the contesting candidates and their election agents.</p> <p>(12) If a contesting candidate or election observer makes an application in writing before re-sealing of packets, the Returning Officer shall provide a certified copy of the statement of the count, ballot paper account or any other document prepared by a Presiding Officer.</p> <p>(13) If the Returning Officer, without any reasonable cause, fails to provide the copies under this section, he shall be deemed to have committed gross misconduct and the Election Commission may take the disciplinary action against the Returning Officer as it deems appropriate.</p>		<p>209</p> <p>210</p> <p>211</p> <p>212</p> <p>213</p> <p>214</p> <p>215</p> <p>216</p>
<p>93. Resealing of packets and supply of copies.—The Returning Officer shall—</p> <p>(a) immediately after preparing the consolidated statement and the return of election, 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</p> <p>(b) supply duly attested copies of the consolidated statement and the return of election to such of the candidates and their election agents as may be present.</p>	<p>Resealing of packets.—The Returning Officer shall, immediately after preparing the consolidated statement and return of election, in the prescribed manner reseal the packets, statements of the count and ballot paper accounts opened for the purpose of consolidation and may permit the contesting candidates and election agents to sign the packets and affix their seals to such packets.</p>	<p>9.3</p>	<p>217</p>
<p>95. Declaration of results.—(1) The Returning Officer shall, after obtaining the result of the count under section 92 or of the draw of the lots under section 94, intimate the results of the count to the Election Commission which shall declare by public notice the contesting candidate who has or is deemed to have received the highest number of votes to be elected.</p> <p>(2) The public notice shall contain the name of, and the total number of votes received by, each contesting candidate as a result of consolidation under section 92 or</p>	<p>Declaration of results.—(1) The Returning Officer shall, immediately after obtaining the result of the count under section 92 or draw of lots under section 94, submit the statements of the count of every polling station of the constituency, consolidated statement and the result of the count to the Election Commission.</p> <p>(2) The Election Commission shall, within forty eight hours of the close of the poll or immediately after receipt of the result and other documents from the Returning</p>	<p>9.3</p> <p>9.4</p>	<p>218</p> <p>219</p>

<p>as a result of draw of lots under section 94.</p> <p>(3) The Returning Officer shall, immediately after the count, submit to the Election Commission a copy of the consolidated statement in the prescribed form.</p> <p>(4) Every returned candidate shall, within ten days from the poll of an election, submit a return of election expenses in accordance with the provisions of section 132.</p> <p>(5) The Election Commission shall publish in the official Gazette the name of the returned candidate:</p> <p>Provided that the result of a returned candidate shall not be published who fails to submit the return of expenses.</p>	<p>Officer by public notice on its website, publish the name of the returned candidate, statements of the count and ballot paper accounts, consolidated statement, result of the count and result of draw of lots, if any.</p> <p>(3) A returned candidate shall, within ten days from the polling day, submit a return of election expenses in accordance with the provisions of section 132.</p> <p>(4) The Election Commission shall publish in the official Gazette the name of the returned candidate:</p> <p>Provided that the result of a returned candidate shall not be published who fails to submit the return of expenses.</p>		<p>220</p> <p>221</p> <p>222</p>
<p>96. Yearly submission of statements of assets and liabilities.—(1) Every member shall, on a form prescribed under clause (e) of sub-section (2) of section 64, submit a statement of assets and liabilities of his own, his spouse and dependents annually to the Election Commission by the thirtieth day of September each year.</p> <p>(2) The statements of assets and liabilities submitted under sub-section (1) shall be published in the official Gazette and copies thereof may be obtained on payment of prescribed fee.</p> <p>(3) The Commissioner shall, by the fifteenth day of October each year, notify the names of the members who fail to file statements of assets and liabilities within the period specified in sub-section (1) and by an order, direct that such member shall cease to function till such statement is submitted.</p> <p>(4) Where a member submits the statement of assets and liabilities under sub-section (1) which is found to be false in material particulars, he may be proceeded against under this Act for committing the offence of corrupt practice.</p>	<p>[Omitted]</p>	<p>6.4</p>	<p>223</p>
<p>102. Power of Election 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 summary inquiry as it may deem necessary, the Election Commission is satisfied that, by reason of grave illegalities or violation of the provisions of this Act or the rules, the poll in any constituency of an Assembly ought to be declared void, the Election Commission may make a declaration accordingly and, by notification in the official Gazette, call upon that constituency to elect a member of the Assembly in the manner provided for by-elections.</p> <p>(2) Notwithstanding the publication of the name of a returned candidate under this Act, the Election Commission may exercise the powers conferred on it by sub-section (1) before the expiration of sixty days after such publication; and, where the Election 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 a decision of an Election Tribunal.</p> <p>(3) While exercising the powers conferred on it by sub-section (1), the Election Commission shall be deemed to be an Election Tribunal to which an election petition has been presented and shall, notwithstanding anything</p>	<p>Power of Election Commission to declare a poll void.— (1) Notwithstanding anything contained in this Act, if, from facts apparent on the face of the record or report of the Returning Officer and after such summary inquiry as it may deem necessary, the Election Commission is satisfied that, by reason of grave illegalities or violation of any provision of this Act or the rules, including deliberate exclusion of a class of voters from casting their votes, the poll in any constituency of an Assembly or at a polling station ought to be declared void, the Election Commission may make a declaration accordingly and, by notification in the official Gazette, call upon the constituency or part of a constituency to recast their votes and elect a member of the Assembly in the manner provided for by-elections.</p> <p>(2) Notwithstanding the publication of the name of a returned candidate under this Act, the Election Commission may exercise the powers conferred on it by sub-section (1) before the expiration of sixty days after such publication; and, where the Election 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 a decision of an Election Tribunal.</p> <p>(3) While exercising the powers conferred on it by sub-section (1), the Election Commission shall be deemed to be an Election Tribunal to which an election petition has been presented and shall, notwithstanding anything</p>	<p>9.6</p>	<p>224</p> <p>225</p> <p>226</p>

CHAPTER VII: CONDUCT OF SENATE ELECTION	227
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<p>108. Nomination for election.—(1) A voter for the Senate election may propose or second the name of any person qualified for election to the Senate.</p> <p>(2) Every nomination shall be made by a separate nomination paper in the prescribed form signed both by the proposer and the seconder and shall, on solemn affirmation made and signed by the candidate, accompany—</p> <p>(a) a declaration that he has consented to the nomination and that he fulfils the qualifications specified in Article 62 of the Constitution and is not subject to any of the disqualifications specified in Article 63 thereof or any other law for the time being in force for being elected as a member;</p> <p>(b) a declaration about his party affiliation, if any;</p> <p>(c) a declaration that no loan for an amount of two million rupees or more, obtained from any bank, financial institution, cooperative society or corporate body in his own name or in the name of his spouse or any of his dependents, or any business concern mainly owned by him or the aforesaid; stands unpaid for more than one year from the due date, or has got such loan written off;</p> <p>(d) a declaration that he, his spouse or any of his dependents or a business concern mainly owned by him or the aforesaid, is not in default in payment of government dues or utility charges, including telephone, electricity, gas and water charges of an amount in excess of ten thousand rupees, for over six months, at the time of filing of nomination papers;</p> <p>(e) a statement specifying his educational qualifications, occupation, National Identity Card number and National Tax Number, if any, along with attested copies thereof; and</p> <p>(f) a statement of his assets and liabilities and those of his spouse and dependents on the prescribed form as on the preceding thirtieth day of June.</p> <p><i>Explanation.</i>—For the purpose of this section, the expression—</p> <p>(i) "loan" shall mean any loan, advance, credit or finance obtained or written off on or after the 31st day of December, 1985, but shall not include the loan the recovery of which has been stayed or suspended by any order of a court or tribunal, including the</p>	<p>Nomination for election.—(1) A voter for the Senate election may propose or second the name of any person qualified for election to the Senate.</p> <p>(2) Every nomination shall be made by a separate nomination paper in the prescribed form signed both by the proposer and the seconder and shall, on solemn affirmation made and signed by the candidate, accompany—</p> <p>(a) a declaration that he has consented to the nomination and that he fulfils the qualifications specified in Article 62 of the Constitution and is not subject to any of the disqualifications specified in Article 63 thereof or any other law for the time being in force for being elected as a member;</p> <p>(b) a statement containing detail of convictions of the candidate in which he has been sentenced to imprisonment or fine of more than fifty thousand rupees or both;</p> <p>(c) a statement containing detail of each case in which the candidate was acquitted or discharged from criminal liability on the basis of a compromise, plea bargain or composition including the amount or property transferred for affecting the compromise, plea bargain or composition of the offence;</p> <p>(d) a declaration about his party affiliation, if any;</p> <p>(e) a declaration that no loan for an amount of two million rupees or more, obtained from any bank, financial institution, cooperative society or corporate body in his own name or in the name of his spouse or any of his dependents, or any business concern mainly owned by him or the aforesaid; stands unpaid for more than one year from the due date, or has got such loan written off;</p> <p>(f) a declaration that he, his spouse or any of his dependents or a business concern mainly owned by him or the aforesaid, is not in default in payment of government dues or utility charges, including telephone, electricity, gas and water charges of an amount in excess of ten thousand rupees, for over six months, at the time of filing of nomination papers;</p> <p>(g) a statement specifying his educational qualifications, occupation, National Identity Card number and National Tax Number, if any, along with attested copies thereof; and</p> <p>(h) a statement of his assets and liabilities and those of his spouse and dependents on the prescribed form as on the preceding thirtieth day of June.</p> <p><i>Explanation.</i>—For the purpose of this section, the expression—</p> <p>(i) "loan" shall mean any loan, advance, credit or finance obtained or written off on or after the 31st day of December, 1985, but shall not include the loan the recovery of which has been stayed or suspended by any order of a court or tribunal, including the</p>	<p>5.1 5.2 5.3 5.4</p> <p>228</p> <p>229</p> <p>230</p> <p>231</p> <p>232</p> <p>233</p> <p>234</p> <p>235</p> <p>236</p> <p>237</p> <p>238</p> <p>239</p>
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<p>High Court and the Supreme Court.</p> <p>(ii) "mainly owned" shall mean holding or controlling a majority interest in a business concern;</p> <p>(iii) "taxes" include all taxes levied by Federal Government, Provincial Government or a local government, but shall not include taxes that recovery of which has been stayed of suspended by any order of a court or tribunal;</p> <p>(iv) "government dues and utility charges" shall include rent, charges of rest houses or lodges owned by the Federal Government, Provincial Governments, local governments or corporations established or controlled by such governments, but shall not include the government dues and utilities charges the recovery of which has been stayed or suspended by any order of a court or tribunal.</p> <p>(3) Every nomination paper shall be delivered by the candidate in person to the Returning Officer who shall acknowledge receipt of the nomination paper specifying the date and time of receipt.</p> <p>(4) A person may be nominated by more than one nomination papers.</p> <p>(5) Every proposal shall be accompanied by a certified copy of the relevant extract from the electoral roll in which the name of the person nominated is enrolled.</p> <p>(6) The nomination form and accompanying declarations and statements shall be open to inspection by the public, and copies thereof may be made available by the Election Commission in such manner and on payment of such fee as may be prescribed.</p>	<p>High Court and the Supreme Court.</p> <p>(ii) "mainly owned" shall mean holding or controlling a majority interest in a business concern;</p> <p>(iii) "taxes" include all taxes levied by Federal Government, Provincial Government or a local government, but shall not include taxes that recovery of which has been stayed of suspended by any order of a court or tribunal;</p> <p>(iv) "government dues and utility charges" shall include rent, charges of rest houses or lodges owned by the Federal Government, Provincial Governments, local governments or corporations established or controlled by such governments, but shall not include the government dues and utilities charges the recovery of which has been stayed or suspended by any order of a court or tribunal.</p> <p>(3) Every nomination paper shall be delivered by the candidate in person to the Returning Officer who shall acknowledge receipt of the nomination paper specifying the date and time of receipt.</p> <p>(4) A person may be nominated by more than one nomination papers.</p> <p>(5) Every proposal shall be accompanied by a certified copy of the relevant extract from the electoral roll in which the name of the person nominated is enrolled.</p> <p>(6) The nomination form and accompanying declarations and statements shall be open to inspection by the public, and copies thereof may be made available by the Election Commission in such manner and on payment of such fee as may be prescribed.</p> <p>(7) Before the publication of the list of validly nominated candidates by the Returning Officer, the Election Commission may, on its website, publish the nomination forms, declarations, statements and other documents delivered to the Returning Officer by the candidates.</p> <p>(8) The Election Commission may publish the nomination forms, declarations, and statements of the candidates in the official Gazette.</p> <p>(9) The Election Commission shall advertise on print and electronic media that the voters may obtain information about candidates on the website of the Election Commission.</p>	<p>240</p> <p>241</p> <p>242</p> <p>243</p> <p>244</p> <p>245</p> <p>246</p> <p>247</p> <p>248</p> <p>249</p>
<p>110. 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 nomination papers delivered to him under section 108.</p> <p>(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.</p> <p>(3) The Returning Officer may, either of his own motion or upon any objection, conduct such summary inquiry as he may think fit and reject any nomination paper if he is satisfied that—</p> <p>(a) the candidate is not qualified to be elected as a member;</p> <p>(b) the proposer or the seconder is not qualified to</p>	<p>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 nomination papers delivered to him under section 108.</p> <p>(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.</p> <p>(3) The Returning Officer may, either of his own motion or upon any objection, conduct such summary inquiry as he may think fit and reject any nomination paper if he is satisfied that—</p> <p>(a) the candidate is not qualified to be elected as a member;</p> <p>(b) the proposer or the seconder is not qualified to</p>	<p>10.5 250</p> <p>251</p> <p>252</p> <p>253</p> <p>254</p>

<p>subscribe to the nomination paper;</p> <p>(c) any provision of section 108 or section 109 has not been complied with or submits any false or incorrect declaration or statement in any material particular; or</p> <p>(d) the signature of the proposer or seconder is not genuine:</p> <p>Provided that—</p> <p>(i) the rejection of a nomination paper shall not invalidate the nomination of a candidate by any other valid nomination paper;</p> <p>(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</p> <p>(iii) the Returning Officer shall not inquire into the correctness or validity of any entry in the electoral roll.</p> <p>(4) The Returning Officer may, for the purpose of scrutiny, require any agency or authority to produce any document or record.</p> <p>(5) Notwithstanding anything contained in sub-section (3), where a candidate deposits any amount of loan, tax or utility charges payable by him before rejection of his nomination paper on the ground of default in payment of such loan, taxes or utility charges, such nomination paper shall not be rejected for default thereof.</p> <p>(6) 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 the rejection.</p> <p>(7) Where the nomination of a candidate has been rejected under this section by a Returning Officer, an appeal shall lie, within two days of the scrutiny day, to the Commissioner; or a Member of the Election Commission authorized by the Election Commission; and any order passed by the Commissioner or such Member, as the case may be, on such appeal shall be final:</p> <p>Provided that where a nomination paper is rejected by the Returning Officer on the ground that the candidate is a defaulter of loan or taxes or government dues or utility charges or has had the loan written off and the candidate pays such loan or, as the case may be, taxes, government dues or utility charges or the written off loan on or before the last date fixed for disposal of appeals and satisfies the Member of the Election Commission that such payment has been made, his nomination shall be treated as having been accepted on that ground.</p> <p>(8) If the Member of the Election Commission referred to in sub-section (7), is, on the basis of information or material coming to his knowledge from any source, satisfied that a candidate whose nomination paper has been accepted is a defaulter of loans, taxes, government dues or utility charges or has had any loan written off or is subject to any other disqualification from being elected as a member of Senate, he may, on his own motion, call upon such candidate to show cause why his nomination should not be rejected, and if he is satisfied that the candidate is defaulter as aforesaid or has had a loan written off or is subject to any disqualification, he may reject his nomination paper.</p>	<p>subscribe to the nomination paper;</p> <p>(c) any provision of section 108 or section 109 has not been complied with or submits any false or incorrect declaration or statement in any material particular; or</p> <p>(d) the signature of the proposer or seconder is not genuine:</p> <p>Provided that—</p> <p>(i) the rejection of a nomination paper shall not invalidate the nomination of a candidate by any other valid nomination paper;</p> <p>(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</p> <p>(iii) the Returning Officer shall not inquire into the correctness or validity of any entry in the electoral roll.</p> <p>(4) The Returning Officer may, for the purpose of scrutiny, require any agency or authority to produce any document or record.</p> <p>(5) Notwithstanding anything contained in sub-section (3), where a candidate deposits any amount of loan, tax or utility charges payable by him before rejection of his nomination paper on the ground of default in payment of such loan, taxes or utility charges, such nomination paper shall not be rejected for default thereof.</p> <p>(6) 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 the rejection.</p> <p>(7) Where the nomination of a candidate has been rejected under this section by a Returning Officer, an appeal shall lie, within two days of the scrutiny day, to the Election Tribunal; and any order passed by the Election Tribunal on such appeal shall be final:</p> <p>Provided that where a nomination paper is rejected by the Returning Officer on the ground that the candidate is a defaulter of loan or taxes or government dues or utility charges or has had the loan written off and the candidate pays such loan or, as the case may be, taxes, government dues or utility charges or the written off loan on or before the last date fixed for disposal of appeals and satisfies the Election Tribunal that such payment has been made, his nomination shall be treated as having been accepted on that ground.</p> <p>(8) If the Election Tribunal is, on the basis of information or material coming to his knowledge from any source, satisfied that a candidate whose nomination paper has been accepted is a defaulter of loans, taxes, government dues or utility charges or has had any loan written off or is subject to any other disqualification from being elected as a member of Senate, he may, on his own motion, call upon such candidate to show cause why his nomination should not be rejected, and if he is satisfied that the candidate is defaulter as aforesaid or has had a loan written off or is subject to any disqualification, he may reject his nomination paper.</p>	<p>255</p> <p>256</p> <p>257</p> <p>258</p> <p>259</p> <p>260</p> <p>261</p> <p>262</p> <p>263</p> <p>264</p> <p>265</p> <p>267</p>
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<p>111. Publication of the list of candidates.—(1) The Returning Officer shall, after the scrutiny of nomination papers, prepare and publish in the prescribed manner a list of candidates who have been validly nominated.</p> <p>(2) In case an appeal against rejection of a nomination paper is accepted by the Election Commission, the list of validly nominated candidates shall be revised accordingly.</p>	<p>Publication of the list of candidates.—(1) The Returning Officer shall, after the scrutiny of nomination papers, prepare and publish in the prescribed manner a list of candidates who have been validly nominated.</p> <p>(2) In case an appeal against rejection of a nomination paper is accepted by the Election Tribunal, the list of validly nominated candidates shall be revised accordingly.</p>	<p>10.5</p>	<p>268</p> <p>269</p>
<p>121. 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.</p> <p>(2) On the completion of counting, the Returning Officer shall prepare and certify a return of the election and submit the same to the Commissioner in the prescribed manner.</p> <p>(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 132.</p>	<p>Proceedings at the close of poll.—(1) The Returning Officer shall count the votes immediately after the close of the poll by examining ballot papers one by one, calling out loud marking, and showing each ballot to election observers, contesting candidates, election agents and polling agents, as are present at the time of counting.</p> <p>(2) The Returning Officer shall place each ballot paper in a separate pile of a candidate or invalid ballots when counting the ballot papers.</p> <p>(3) A person present at the time of counting of the ballot papers, other than the Returning Officer or an official of the Election Commission, shall not touch the ballot papers.</p> <p>(4) On the completion of counting, the Returning Officer shall prepare and certify a return of the election and submit the same to the Election Commission in the prescribed manner.</p> <p>(5) Notwithstanding anything contained in this section, if more than hundred percent votes are cast at a polling station, the Returning Officer shall not prepare a return of the election and immediately report it to the Election Commission.</p> <p>(6) The Returning Officer shall, subject to receipt, provide a certified copy of the return of the election to the contesting candidates and any other person who is entitled to obtain copy of the return of the election.</p> <p>(7) If the Returning Officer, without any reasonable cause, fails to provide the certified copies under subsection (5), he shall be deemed to have committed gross misconduct and the Election Commission may take any disciplinary action against the Returning Officer.</p> <p>(8) The Returning Officer shall publish the return of the election by affixing a certified copy at the polling station for public inspection.</p> <p>(9) The Returning Officer shall recount the ballot papers and, on his failure, the Election Commission shall direct him to recount the ballot papers if—</p> <p>(a) there exist two or more returns of the election;</p> <p>(b) there is difference between the votes polled and ballot papers recovered from the ballot box;</p> <p>(c) any election observer present at the time of counting or an official posted at the polling station has reported in writing any illegality or substantial irregularity in counting or preparation of the return of the election; or</p> <p>(d) there exists an error apparent on the face of record in the return of the election.</p> <p>(10) Every returned candidate shall, within five days from the date of election, submit return of election expenses in accordance with the provisions of section 132.</p>	<p>9.1 9.3 9.5 9.7</p>	<p>270</p> <p>271</p> <p>272</p> <p>273</p> <p>274</p> <p>275</p> <p>276</p> <p>277</p> <p>278</p> <p>279</p> <p>280</p> <p>281</p> <p>282</p> <p>283</p>

<p>122. Declaration of result of election.—On receipt of the returns of the election under sub-section (3) of section 132, the Commissioner shall publish in the official Gazette the names of the returned candidates:</p> <p>Provided that the name of a candidate shall not be published who fails to submit the return of election expenses as required by sub-section (3) of section 132.</p>	<p>Declaration of result of election.— (1) The Election Commission shall, within forty eight hours of the close of the poll or immediately after receipt of the return of the election from the Returning Officer by public notice on its website, publish the name or names of the returned candidate or candidates and the return of the election.</p> <p>(2) On receipt of the returns of the election under sub-section (4) of section 121, the Election Commission shall publish in the official Gazette the names or names of the returned candidate or candidates.</p>	<p>9.4</p>	<p>284</p> <p>285</p>
<p>123. Yearly submission of statements of assets and liabilities.—(1) Every member shall, in the prescribed form, submit a statement of assets and liabilities of his own, his spouse and dependents annually to the Election Commission by the thirtieth day of September each year.</p> <p>(2) The statements of assets and liabilities submitted under sub-section (1) shall be published in the Official Gazette and copies thereof can be obtained on payment of prescribed fee.</p> <p>(3) The Election Commission shall, by the fifteenth day of October each year, notify the names of the members who fail to file statements of assets and liabilities within the period specified in sub-section (1) and, by an order, direct that such member shall cease to function till such statement is submitted.</p> <p>(4) Where a member submits the statement of assets and liabilities under sub-section (1) which is found to be false in material particulars, he may be proceeded against under this Act for committing the offence of corrupt practice.</p>	<p>[Omitted]</p>	<p>6.4</p>	<p>286</p> <p>287</p> <p>288</p> <p>289</p>
<p>CHAPTER VIII: ELECTION EXPENSES, QUALIFICATIONS AND DISQUALIFICATIONS</p>		<p>6.4</p>	<p>290</p>
	<p>Election expenses.— For the purpose of this Act, “election expenses” means any expenditure incurred after announcement of the date of an election till the end of the election day 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, or such other expenses as may be prescribed.</p>	<p>6.5</p> <p>6.6</p>	<p>291</p>
	<p>Restriction on election expenses.— (1) No person other than the candidate shall incur any election expenses of such candidate:</p> <p>Provided that where any person incurs any election expenses on behalf of such candidate, whether for stationery, postage, telegrams, advertisement, transport or for any other item whatsoever, such expenses shall be deemed to be the election expenses incurred by the candidate himself.</p> <p>(2) The Election Commission shall fix the maximum limit of election expenses of a contesting candidate in the code of conduct for contesting candidates.</p> <p>(3) 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 five hundred rupees.</p>	<p>6.7</p>	<p>292</p> <p>293</p> <p>294</p> <p>295</p>

	<p>Financial officer and audit of election expenses.— (1) Every political party and every contesting candidate shall appoint a financial officer to maintain the accounts of election expenses and prepare reports of such expenses.</p> <p>(2) Every political party shall and a contesting candidate, who is directed by the Election Commission, shall appoint a chartered accountant or a firm of chartered accountants for audit of the accounts of election expenses.</p>	<p>6.2 6.3</p>	<p>296</p> <p>297</p>
	<p>Classification of expenditures.— A political party shall, in such manner and in such form as may be prescribed or specified by the Election Commission, separate and classify its expenditures into following categories:</p> <p>(a) general administrative expenses;</p> <p>(b) operational expenses; and</p> <p>(c) election expenses.</p>	<p>6.8</p>	<p>298</p> <p>299</p> <p>300</p> <p>301</p>
	<p>Report of expenses.— (1) A political party shall submit to the Election Commission an annual report of general administrative and operational expenses incurred outside an election period and, within this report, note all sources of funds for such expenses and assets and liabilities of the political party.</p> <p>(2) A political party shall submit to the Election Commission a post-election report of election expenses incurred on behalf of or in support of candidates nominated by the party or in opposition to candidates not nominated by the party or to promote the party to the public during the election period and, within this report, note the sources of funds for such expenditures.</p> <p>(3) A report referred to in this section shall be accompanied by a certificate signed by the leader of the political party stating that—</p> <p>(a) no funds from any source prohibited under this Act were received by the political party;</p> <p>(b) the report contains an accurate financial position of the political party; and</p> <p>(c) the report is audited by a chartered accountant or a firm of chartered accountants.</p>	<p>6.4 6.9 6.10</p>	<p>302</p> <p>303</p> <p>304</p> <p>305</p> <p>306</p> <p>307</p>
	<p>Return of election expenses.—(1) Every contesting candidate, other than the returned candidate, shall submit the return of his election expenses within thirty days of the publication of the name of the returned candidate.</p> <p>(2) A returned candidate of an Assembly shall, within ten days from the date of election, and a returned candidate of the Senate shall, within five days from the date of election, submit return of his election expenses.</p> <p>(3) The return of election expenses of a contesting candidate and the returned candidate shall be submitted to the Returning Officer in the prescribed form containing—</p> <p>(a) a statement of all payments made by him together with all bills and receipts;</p> <p>(b) a statement of all disputed claims;</p> <p>(c) a statement of all unpaid claims, if any; and</p> <p>(d) a statement of all moneys, securities or equivalent of money received from or spent by any</p>	<p>6.1 6.4</p>	<p>308</p> <p>309</p> <p>310</p> <p>311</p> <p>312</p> <p>313</p> <p>314</p>

	<p>person for the benefit of the candidate, specifying the name of every such person.</p> <p>(4) The Returning Officer shall immediately after the receipt of the return of election expenses transmit a copy of the return to the Election Commission.</p> <p>(5) The returns submitted under sub-section (3) shall be accompanied by an affidavit of the candidate in the prescribed form.</p>		315
	<p>Yearly submission of statements of assets and liabilities.— (1) Every member shall, on a prescribed form, submit a statement of assets and liabilities of his own, his spouse and dependents annually to the Election Commission by the thirtieth day of September each year.</p> <p>(2) The Election Commission shall by notification in the official Gazette and on its website, publish the statements of assets and liabilities submitted by a member.</p> <p>(3) The Commissioner shall, by the fifteenth day of October each year, notify the names of the members who fail to file statements of assets and liabilities within the period specified in sub-section (1) and by an order, direct that such member shall cease to function till such statement is submitted.</p>	6.11 6.12	317
	<p>Inspection of returns.—(1) The returns and documents submitted under section 132 shall be kept by the Returning Officer in his office or at such other convenient place as he may think fit and shall, during one year from the date of their receipt by him, be open to inspection by any person on payment of the prescribed fee.</p> <p>(2) The Returning Officer shall, on an application made in this behalf and payment of the prescribed fee, give any person copies of any return or document kept under sub-section (1).</p>	6.4	318 319
	<p>Election Commission to decide about the expenses and assets.—(1) The Election Commission may audit the return of election expenses, reports of the political parties regarding expenses and statements of assets and liabilities submitted under the Act.</p> <p>(2) The Election Commission may, on its own motion or on the application of a person, investigate any alleged illegality, irregularity, misrepresentation or fraud in a return of election expenses, report of a political party or a statement of assets and liabilities submitted under the Act.</p> <p>(3) If the Election Commission, after affording an opportunity of hearing to a political party, a member or a contesting candidate, is satisfied that the political party, member or contesting candidate has violated any provision of the chapter, it may initiate prosecution against the person responsible for violation or impose fine on such person which may extend to five hundred thousand rupees.</p> <p>(4) The Election Commission shall not order prosecution of a person or impose fine on a person without affording the person an opportunity of hearing and recording reasons in writing.</p> <p>(5) Where a person submits a return, report, an affidavit or a statement under this chapter or with the nomination forms which is found to be false in material particulars, he may, in addition to any other penalty, be proceeded against under this Act for committing the offence of corrupt practice.</p>	2.10 6.1	320 321
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<p>130. Election expenses.— For the purpose of this Act, “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 65 or section 109.</p>	<p>[Omitted]</p>	<p>6.4</p>	<p>327</p>
<p>131. Restriction on election expenses.— (1) No person other than the candidate shall incur any election expenses of such candidate:</p> <p>Provided that where any person incurs any election expenses on behalf of such candidate, whether for stationery, postage, telegrams, advertisement, transport or for any other item whatsoever, such expenses shall be deemed to be the election expenses incurred by the candidate himself.</p> <p>(2) The election expenses of a contesting candidate shall not exceed, in the case of an election to a seat in the Senate or National Assembly, one million and five hundred thousand rupees and, in the case of an election to a seat in a Provincial Assembly, one million rupees.</p> <p>(3) 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 five hundred rupees.</p>	<p>[Omitted]</p>	<p>6.4</p>	<p>328 329 330 331</p>
<p>132. Return of election expenses.—(1) Every contesting candidate, other than the returned candidate, shall submit the return of his election expenses within thirty days of the publication of the name of the returned candidate.</p> <p>(2) The return of election expenses of the returned candidate referred to in Chapters VI and VII, and of every contesting candidate referred to in sub-section (1) shall be submitted to the Returning Officer in the prescribed form containing—</p> <p>(a) a statement of all payments made by him together with all bills and receipts;</p> <p>(b) a statement of all disputed claims;</p> <p>(c) a statement of all unpaid claims, if any; and</p> <p>(d) a statement of all moneys, securities or equivalent of money received from, or spent, by any person for the benefit of the candidate, specifying the name of every such person.</p> <p>(3) The returns submitted under sub-section (2) shall be accompanied by an affidavit of the candidate in the prescribed form.</p>	<p>[Omitted]</p>	<p>6.4</p>	<p>332 333 334 335 336 337 338</p>
<p>133. Inspection of returns.—(1) The returns and documents submitted under section 131 shall be kept by the Returning Officer in his office or at such other convenient place as he may think fit and shall, during one year from the date of their receipt by him, be open to inspection by any person on payment of the prescribed fee.</p> <p>(2) The Returning Officer shall, on an application made in this behalf and payment of the prescribed fee, give any person copies of any return or document kept under sub-section (1).</p>	<p>[Omitted]</p>	<p>6.4</p>	<p>339 340</p>

<p>134. Qualifications and disqualifications.—(1) A person shall not be qualified to be elected or chosen as a member of an Assembly or Senate unless—</p> <p>(a) he is a citizen of Pakistan;</p> <p>(b) he is, in the case of National Assembly, not less than twenty-five years of age and is enrolled as a voter in any electoral roll in:</p> <p>(i) any part of Pakistan, for election to a general seat or a seat reserved for a non-Muslims; and</p> <p>(ii) any area in a Province from which she seeks membership for election to a seat reserved for women;</p> <p>(c) he is, in the case of Senate, not less than thirty years of age and is enrolled as a voter in any area in a Province or the Federal Capital or the Federally Administered Tribal Areas, from where he seeks membership;</p> <p>(d) he is, in the case of Provincial Assembly, not less than twenty-five years of age and is enrolled as a voter in any electoral roll in any area in a Province from where he seeks membership for that Assembly;</p> <p>(e) he is of good character and is not commonly known as one who violates Islamic Injunctions;</p> <p>(f) he has adequate knowledge of Islamic teachings and practices obligatory duties prescribed by Islam as well as abstains from major sins;</p> <p>(g) he is sagacious, righteous and non-profligate, honest and ameen, there being no declaration to the contrary by a court;</p> <p>(h) he has not, after the establishment of Pakistan, worked against the integrity of the country or opposed the ideology of Pakistan.</p> <p>(2) The qualifications specified in clauses (d) and (e) of sub-section (1) shall not apply to a person who is a non-Muslim, but such a person shall have good moral reputation.</p> <p>(3) A person shall be disqualified from being elected or chosen as, and from being, a member of an Assembly or Senate, if—</p> <p>(a) he is of unsound mind and has been so declared by a competent court; or</p> <p>(b) he is an undischarged insolvent; or</p> <p>(c) he ceases to be a citizen of Pakistan, or acquires the citizenship of a foreign State; or</p> <p>(d) he holds an office of profit in the service of Pakistan other than an office declared by law not to disqualify its holder; or</p> <p>(e) he is in the service of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest; or</p> <p>(f) being a citizen of Pakistan by virtue of section 14B of the Pakistan Citizenship Act, 1951 (II of 1951), he is for the time being disqualified under</p>	<p>Qualifications and disqualifications.—(1) A person shall not be qualified to be elected or chosen as a member of an Assembly unless—</p> <p>(a) he is a citizen of Pakistan;</p> <p>(b) he is, in the case of National Assembly, not less than twenty-five years of age and is enrolled as a voter in any electoral roll in:</p> <p>(i) any part of Pakistan, for election to a general seat or a seat reserved for a non-Muslims; and</p> <p>(ii) any area in a Province from which she seeks membership for election to a seat reserved for women;</p> <p>(c) he is, in the case of Senate, not less than thirty years of age and is enrolled as a voter in any area in a Province or the Federal Capital or the Federally Administered Tribal Areas, from where he seeks membership;</p> <p>(d) he is, in the case of Provincial Assembly, not less than twenty-five years of age and is enrolled as a voter in any electoral roll in any area in a Province from where he seeks membership for that Assembly;</p> <p>(e) he is of good character and is not commonly known as one who violates Islamic Injunctions;</p> <p>(f) he has adequate knowledge of Islamic teachings and practices obligatory duties prescribed by Islam as well as abstains from major sins;</p> <p>(g) he is sagacious, righteous and non-profligate, honest and ameen, there being no declaration to the contrary by a court;</p> <p>(h) he has not, after the establishment of Pakistan, worked against the integrity of the country or opposed the ideology of Pakistan.</p> <p>(2) The qualifications specified in clauses (d) and (e) of sub-section (1) shall not apply to a person who is a non-Muslim, but such a person shall have good moral reputation.</p> <p>(3) A person shall be disqualified from being elected or chosen as, and from being, a member of an Assembly or Senate, if—</p> <p>(a) he is of unsound mind and has been so declared by a competent court; or</p> <p>(b) he is an undischarged insolvent; or</p> <p>(c) he ceases to be a citizen of Pakistan, or acquires the citizenship of a foreign State; or</p> <p>(d) he holds an office of profit in the service of Pakistan other than an office declared by law not to disqualify its holder; or</p> <p>(e) he is in the service of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest; or</p> <p>(f) being a citizen of Pakistan by virtue of section 14B of the Pakistan Citizenship Act, 1951 (II of 1951), he is for the time being disqualified under</p>	<p>2.10</p>	<p>341</p> <p>342</p> <p>343</p> <p>344</p> <p>345</p> <p>346</p> <p>347</p> <p>348</p> <p>349</p> <p>350</p> <p>351</p> <p>352</p> <p>353</p> <p>354</p> <p>355</p> <p>356</p> <p>357</p> <p>358</p> <p>359</p>
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<p>any law in force in Azad Jammu and Kashmir from being elected as a member of the Legislative Assembly of Azad Jammu and Kashmir; or</p> <p>(g) he has been convicted by a court for propagating any opinion, or acting in any manner, prejudicial to the Ideology of Pakistan, or the sovereignty, integrity or security of Pakistan, or the integrity or independence of the judiciary of Pakistan, or which defames or brings into ridicule the judiciary or the Armed Forces of Pakistan, unless a period of five years has elapsed since his release; or</p>	<p>any law in force in Azad Jammu and Kashmir from being elected as a member of the Legislative Assembly of Azad Jammu and Kashmir; or</p> <p>(g) he has been convicted by a court for propagating any opinion, or acting in any manner, prejudicial to the Ideology of Pakistan, or the sovereignty, integrity or security of Pakistan, or the integrity or independence of the judiciary of Pakistan, or which defames or brings into ridicule the judiciary or the Armed Forces of Pakistan, unless a period of five years has elapsed since this release; or</p>	<p>360</p>
<p>(h) he has been, on conviction for any offence involving moral turpitude, sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his release; or</p>	<p>(h) he has been, on conviction for any offence involving moral turpitude, sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his release; or</p>	<p>361</p>
<p>(i) he has been dismissed from the service of Pakistan or service of a corporation or office set up or, controlled, by the Federal Government, Provincial Government or a local government on the ground of misconduct, unless a period of five years has elapsed since his dismissal; or</p>	<p>(i) he has been dismissed from the service of Pakistan or service of a corporation or office set up or, controlled, by the Federal Government, Provincial Government or a local government on the ground of misconduct, unless a period of five years has elapsed since his dismissal; or</p>	<p>362</p>
<p>(j) he has been removed or compulsorily retired from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a local government on the ground of misconduct, unless a period of three years has elapsed since his removal or compulsory retirement; or</p>	<p>(j) he has been removed or compulsorily retired from the service of Pakistan or service of a corporation or office set up or controlled by the Federal Government, Provincial Government or a local government on the ground of misconduct, unless a period of three years has elapsed since his removal or compulsory retirement; or</p>	<p>363</p>
<p>(k) he has been in the service of Pakistan or of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest, unless a period of two years has elapsed since he ceased to be in such service; or</p>	<p>(k) he has been in the service of Pakistan or of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest, unless a period of two years has elapsed since he ceased to be in such service; or</p>	<p>364</p>
<p>(l) he, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account or as a member of a Hindu undivided family, has any share or interest in a contract, not being a contract between a cooperative society and Government, for the supply of goods to, or for the execution of any contract or for the performance of any service undertaken by, Government:</p>	<p>(l) he, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account or as a member of a Hindu undivided family, has any share or interest in a contract, not being a contract between a cooperative society and Government, for the supply of goods to, or for the execution of any contract or for the performance of any service undertaken by, Government:</p>	<p>365</p>
<p>Provided that the disqualification under this clause shall not apply to a person—</p>	<p>Provided that the disqualification under this clause shall not apply to a person—</p>	<p>366</p>
<p>(i) where the share or interest in the contract devolves on him by inheritance or succession or as a legatee, executor or administrator, until the expiration of six months after it has so devolved on him;</p>	<p>(i) where the share or interest in the contract devolves on him by inheritance or succession or as a legatee, executor or administrator, until the expiration of six months after it has so devolved on him;</p>	<p>367</p>
<p>(ii) where the contract has been entered into by or on behalf of a public company as defined in the Companies Ordinance, 1984 (XLVII of 1984), of which he is a shareholder but is not a director holding an office of profit under the company; or</p>	<p>(ii) where the contract has been entered into by or on behalf of a public company as defined in the Companies Ordinance, 1984 (XLVII of 1984), of which he is a shareholder but is not a director holding an office of profit under the company; or</p>	<p>368</p>
<p>(iii) where he is a member of a Hindu undivided family and the contract has been entered into by any other member of that family in the course of carrying on a separate business in which he has no share or interest; or</p>	<p>(iii) where he is a member of a Hindu undivided family and the contract has been entered into by any other member of that family in the course of carrying on a separate business in which he has no share or interest; or</p>	<p>369</p>
<p><i>Explanation.</i>—In this section “goods ” does not include agricultural produce or commodity grown or produced by him or such goods as he is, under</p>	<p><i>Explanation.</i>—In this section “goods ” does not include agricultural produce or commodity grown or produced by him or such goods as he is, under</p>	<p>370</p>

any directive of Government or any law for the time being in force, under a duty or obligation to supply;	any directive of Government or any law for the time being in force, under a duty or obligation to supply;	
(m) he holds any office of profit in the service of Pakistan other than the following offices, namely:—	(m) he holds any office of profit in the service of Pakistan other than the following offices, namely:—	371
(i) an office which is not whole time office remunerated either by salary or by fee;	(i) an office which is not whole time office remunerated either by salary or by fee;	372
(ii) the office of Lumbardar, whether called by this or any other title;	(ii) the office of Lumbardar, whether called by this or any other title;	373
(iii) the Qaumi Razakars;	(iii) the Qaumi Razakars;	374
(iv) any office the holder whereof, by virtue of such office, is liable to be called up for military training or military service under any law providing for the constitution or raising of a Force; or	(iv) any office the holder whereof, by virtue of such office, is liable to be called up for military training or military service under any law providing for the constitution or raising of a Force; or	375
(n) being a managing agent, manager or secretary of, or holding any other office carrying the right to remuneration in, any company or corporation (other than a cooperative society) in the capital of which the Government has not less than twenty-five percent share or which is managed by the Government, he does not, after his election as a member but within thirty days of his making oath as such, make a declaration in writing to the Election Commission that he is such managing agent, manager or secretary, or holds such office, unless a period of five years has elapsed since his failure to do so; or	(n) being a managing agent, manager or secretary of, or holding any other office carrying the right to remuneration in, any company or corporation (other than a cooperative society) in the capital of which the Government has not less than twenty-five percent share or which is managed by the Government, he does not, after his election as a member but within thirty days of his making oath as such, make a declaration in writing to the Election Commission that he is such managing agent, manager or secretary, or holds such office, unless a period of five years has elapsed since his failure to do so; or	376
(o) he has obtained a loan for an amount of two million rupees or more, from any bank, financial institution, cooperative society or cooperative body in his own name or in the name of his spouse or any of his dependents, which remains unpaid for more than one year from the due date, or has got such loan written off; or	(o) he has obtained a loan for an amount of two million rupees or more, from any bank, financial institution, cooperative society or cooperative body in his own name or in the name of his spouse or any of his dependents, which remains unpaid for more than one year from the due date, or has got such loan written off; or	377
(p) he or his spouse or any of his dependents has defaulted in payment of government dues and utility expenses, including telephone, electricity, gas and water charges of an amount in excess of ten thousand rupees, for over six months, at the time of filing his nomination papers.	(r) he or his spouse or any of his dependents has defaulted in payment of government dues and utility expenses, including telephone, electricity, gas and water charges in excess of ten thousand rupees, for over six months, at the time of filing his nomination papers.	378
<i>Explanation.</i> —In this section, service of Pakistan has the same meaning as in Article 260.	<i>Explanation.</i> —In this section, service of Pakistan has the same meaning as in Article 260.	379
(4) If any question arises whether a member of an Assembly or Senate has become disqualified from being a member, the Speaker or, as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission.	(4) If any question arises whether a member of the Majlis-e-Shoura (Parliament) or an Assembly has become disqualified from being a member, the Speaker or, as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and he fails to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission.	380
(5) The Election Commission shall decide the question within ninety days from its receipt or deemed to have been received and if it is of the opinion that the member has become disqualified, he shall cease to be a member and his seat shall become vacant.	(5) The Election Commission shall decide the question within ninety days from its receipt or deemed to have been received and if it is of the opinion that the member has become disqualified, he shall cease to be a member and his seat shall become vacant.	381
(6) The Election Commission shall provide an opportunity of hearing to the member and record reasons in writing for the decision under sub-section (5).	(6) The Election Commission shall provide an opportunity of hearing to the member and record reasons in writing for the decision under sub-section (5).	382

CHAPTER IX: ELECTION DISPUTES	383
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	<p>Election Commission to resolve disputes.—(1) Save as otherwise provided in this Act, any person aggrieved by any act or omission of a candidate, election or polling agent of a candidate, an election official or a public servant may, within fifteen days of the act or omission, file a complaint to the Election Commission.</p> <p>(2) The complaint may relate to an act or omission relating to an election and shall include the complaint during campaign period, election day and post election period of an election.</p> <p>(3) Subject to this Act, the Election Commission may:</p> <p style="padding-left: 20px;">(a) pass such order or issue such direction on the complaint as it deems necessary; or</p> <p style="padding-left: 20px;">(b) with or without an inquiry, send the complaint to an appropriate forum for deciding the complaint in accordance with the law.</p> <p>(4) The Election Commission shall, within sixty days, dispose of the complaint.</p> <p>(5) The Election Commission shall provide an opportunity of hearing to the person against whom the complaint is filed and shall record reasons in writing for the decision.</p>	<p>2.10 10.1 10.9</p>	<p>384</p> <p>385</p> <p>386</p> <p>387</p> <p>388</p> <p>389</p> <p>390</p>
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	<p>Appeal against decision of Election Commission.—(1) Save as provided otherwise in this Act, any person aggrieved by a final decision of the Election Commission may, within fifteen days of the final decision, prefer an appeal against the decision to the Election Tribunal.</p> <p>(2) The appeal shall be in the form of a memorandum which shall state the grounds for such appeal and shall be accompanied by as many copies thereof as the number of contesting candidates at the election.</p> <p>(3) The Chairperson of the Election Tribunals shall receive the appeal and decide it himself or refer the appeal for decision to an Election Tribunal.</p> <p>(4) The Chairperson of the Election Tribunals or the Election Tribunal shall finally decide the appeal within ninety days from the date of receipt of the appeal by the Chairperson of the Election Tribunals.</p>	<p>10.3 10.9</p>	<p>391</p> <p>392</p> <p>393</p> <p>394</p>
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<p>141. Appeal against count.—(1) A contesting candidate who is aggrieved by any proceedings under section 121 relating to the count in an election to the Senate may prefer an appeal challenging the count to the Election Commission.</p> <p>(2) An appeal under sub-section (1) may be made 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 under section 121.</p> <p>(3) The appeal shall be addressed to the Election Commission and shall be filed with the Secretary, Election Commission.</p> <p>(4) The appeal shall be in the form of a memorandum which shall state the grounds for such appeal and shall be accompanied by as many copies thereof as the number of contesting candidates at an election.</p>	<p>Appeal against count or recount.—(1) A contesting candidate who is aggrieved by an order or proceedings relating to the count or recount by a Returning Officer under this Act may, within fifteen days of the order or proceedings, prefer an appeal to the Election Commission.</p> <p>(2) An appeal under sub-section (1) may be made by the candidate in person, or through a person authorized in writing by the candidate in this behalf.</p> <p>(3) The appeal shall be addressed to the Election Commission and shall be filed with the Secretary, Election Commission.</p> <p>(4) The appeal shall be in the form of a memorandum which shall state the grounds for such appeal and shall be accompanied by as many copies thereof as the number of contesting candidates at an election.</p>	<p>2.10 10.9</p>	<p>395</p> <p>396</p> <p>397</p> <p>398</p>
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<p>(5) The Election Commission may, after giving the parties concerned an opportunity of being heard,—</p> <p>(a) dismiss the appeal; or</p> <p>(b) if it does not dismiss the appeal, 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.</p> <p>(6) The decision of the Election Commission on appeal under sub-section (5) shall be final.</p>	<p>(5) The Election Commission may, after giving the parties concerned an opportunity of being heard,—</p> <p>(a) dismiss the appeal; or</p> <p>(b) if it does not dismiss the appeal, determine the result of the election on the count or recount of valid votes as corrected, after adjudicating upon the invalid votes, if any, and make such consequential order as may be necessary.</p> <p>(6) The Election Commission shall dispose of the appeal within sixty days after providing an opportunity of hearing to the person against whom the complaint is filed and shall record reasons in writing for the decision.</p>		<p>399</p> <p>400</p> <p>401</p> <p>402</p>
<p>143. Election petition.—(1) No election shall be called in question except by an election petition made by a candidate for that election (hereafter in this Chapter referred to as the petitioner).</p> <p>(2) An election petition shall be presented to the Election Commission 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 Election Commission, under the prescribed head of account, as security for the costs of the petition, a sum of one thousand rupees.</p>	<p>Election petition.—(1) No election shall be called in question except by an election petition made by a candidate, a voter or any other interested person (hereafter in this Chapter referred to as the petitioner).</p> <p>(2) An election petition shall be presented to the Election Commission 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 Election Commission, under the prescribed head of account, as security for the costs of the petition, a sum of one thousand rupees.</p>	<p>10.7</p>	<p>403</p> <p>404</p>
<p>148. Appointment of Election Tribunal.—(1) For the trial of election petitions under this Act, the Commissioner shall appoint as many Election Tribunals as may be necessary.</p> <p>(2) An Election Tribunal shall consist of a person who has been, or is, or, at the time of his retirement as a District and Sessions Judge, was qualified to be, a Judge of a High Court.</p>	<p>Appointment of Chairperson and Election Tribunals.—(1) The Election Commission shall appoint as many Election Tribunals as may be necessary for the purposes of this Act for a term of five years.</p> <p>(2) An Election Tribunal shall consist of a person who has been a District and Sessions Judge or is qualified to be a Judge of a High Court or a person who is holder of a master's degree and has not less than ten years experience of election related matters.</p> <p>(3) The Election Commission shall appoint a Chairperson of the Election Tribunals for a term of five years who is a person qualified to be appointed as an Election Tribunal.</p> <p>(4) The Chairperson of the Election Tribunals or an Election Tribunal shall not be removed from office during the term of his office except in manner provided in the Constitution for the removal of a judge of a High Court.</p> <p>(5) The Chairperson of the Election Tribunals and an Election Tribunal shall be entitled to the same pay, allowances and other terms and conditions of service as are admissible to a Chief Justice and a judge of a High Court, respectively.</p> <p>(6) Except otherwise provided in this Act, the Chairperson of the Election Tribunals shall be deemed to be an Election Tribunal.</p>	<p>10.4</p>	<p>405</p> <p>406</p> <p>407</p> <p>408</p> <p>409</p> <p>410</p>
<p>149. Power to transfer petition.—The Election Commission, either of its own motion or on an application made in this behalf by any of the parties, may, at any stage, transfer an election petition from one Election Tribunal to another Election Tribunal and the Election Tribunal to which the election petition is so transferred—</p> <p>(a) shall proceed with the trial of the petition from the stage from which it is transferred; and</p>	<p>Power to transfer petition or appeal.—The Chairperson of the Election Tribunals, either of his own motion or on an application made in this behalf by any of the parties, may, at any stage, transfer an election petition or an appeal from one Election Tribunal to another Election Tribunal and the Election Tribunal to which the election petition or an appeal is so transferred—</p> <p>(a) shall proceed with the trial of the petition from the stage from which it is transferred or decide the appeal; and</p>	<p>10.3</p>	<p>411</p> <p>412</p>

(b) may recall and examine any of the witnesses already examined.	(b) may recall and examine any of the witnesses already examined.		413
150. Place of trial. —The trial of an election petition shall be held at such place or places as the Election Tribunal may think fit.	Place of trial or hearing an appeal. —The trial of an election petition or hearing of an appeal by an Election Tribunal shall be held at such place or places as the Chairperson of the Election Tribunals may think fit.	10.3	414
151. Advocate-General to assist the Election Tribunal. —The Advocate-General for a Province shall, if an Election Tribunal so requires, assist the Election Tribunal at the hearing of an election petition in such manner as it may require.	Advocate-General to assist the Election Tribunal. —The Advocate-General for a Province shall, if an Election Tribunal so requires, assist the Election Tribunal at the hearing of an election petition or an appeal in such manner as it may require.	10.3	415
153. Procedure before Election Tribunal. —(1) Subject to the provisions of this Act and the rules, every election petition shall be tried in accordance with the procedure laid down by the Election Commission.	Procedure before Election Tribunal. —(1) Subject to the provisions of this Act and the rules, every election petition shall be tried and an appeal shall be heard and decided by providing an opportunity of hearing to the person against whom the petition or appeal is filed and shall record reasons in writing for the decision.	2.10 10.3 10.9	416
(2) Subject to the provisions of this Act, the Qanun-e-Shahadat Order, 1984 (P.O. No. X of 1984), shall apply for the trial of an election petition.	(2) At any time during the trial of an election petition or hearing of an appeal, the Election Tribunal may call upon a party to the petition or appeal to deposit such sum by way of security, cost or fine, as it may think fit.		417
(3) The Election Tribunal may, at any time, upon such terms and on payment of such fee as it may direct, allow a petition to be amended 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, so however that no new ground of challenge to the election is permitted to be raised.	(3) The Election Tribunal may forthwith decide the petition or appeal against party who has failed to deposit the security, cost or fine within the time allowed by the Election Tribunal.		418
(4) 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 143, as it may think fit.			419
155. Power of the Election Tribunal. —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 of Criminal Procedure, 1898 (Act V of 1898).	Power of the Election Tribunal. —The Election Tribunal shall have all the powers of a civil court trying a suit or hearing an appeal 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 of Criminal Procedure, 1898 (Act V of 1898).	10.3	420
157. Further provision relating to evidence. —(1) Notwithstanding anything to the contrary contained in any other law for the time being in force, no document shall be inadmissible in evidence at the trial of an election petition only on the ground that it is not duly stamped or registered.	Further provision relating to evidence. —(1) Notwithstanding anything to the contrary contained in any other law for the time being in force, no document shall be inadmissible in evidence at the trial of an election petition or hearing of an appeal only on the ground that it is not duly stamped or registered.	10.3	421
(2) No witness shall 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 no witness shall be required or permitted to state for whom he has voted at an election.	(2) No witness shall 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 or hearing of an appeal 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 no witness shall be required or permitted to state for whom he has voted at an election.		422
(3) A witness who answers truly all questions which he is required to answer shall be entitled to receive a certificate of indemnity from the Election Tribunal and an answer given by him to a question put by or before the Election 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.	(3) A witness who answers truly all questions which he is required to answer shall be entitled to receive a certificate of indemnity from the Election Tribunal and an answer given by him to a question put by or before the Election 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.		423
(4) A certificate of indemnity granted to any witness	(4) A certificate of indemnity granted to any witness		424

<p>under sub-section (3) 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 (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 for the time being in force.</p> <p>(5) The reasonable expenses incurred by any person in attending to give evidence may be allowed to him by the Election Tribunal and shall, unless the Election Tribunal otherwise directs, be deemed to be part of the costs.</p>	<p>under sub-section (3) 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 (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 for the time being in force.</p> <p>(5) The reasonable expenses incurred by any person in attending to give evidence may be allowed to him by the Election Tribunal and shall, unless the Election Tribunal otherwise directs, be deemed to be part of the costs.</p>		425
<p>159. Decision of the Election Tribunal.—(1) The Election Tribunal may, upon the conclusion of the trial of an election petition, make an order—</p> <p>(a) dismissing the petition;</p> <p>(b) declaring the election of the returned candidate to be void;</p> <p>(c) declaring the election of the returned candidate to be void and the petitioner or any other contesting candidate to have been duly elected; or</p> <p>(d) declaring the election as a whole to be void.</p> <p>(2) The Election Tribunal shall proceed with the trial of the election petition on day to day basis and the decision thereof shall be taken within four months from its receipt:</p> <p>Provided that 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 shall refer to the Election Commission that such candidate may be declared by the Election Commission to have ceased to perform the functions of his office either till the conclusion of the</p> <p>(3) Save as provided in sub-section (4), the decision of an Election Tribunal on an election petition shall be final.</p> <p>(4) Any person aggrieved by a decision of the Election Tribunal may, within thirty days of the announcement of the decision, appeal to the Supreme Court and the decision of the Supreme Court on such appeal shall be final.</p> <p><i>Explanation.</i>—In this sub-section, “decision of the Election Tribunal” shall not be deemed to include an order made by the Election Commission in the exercise of its powers under section 102.</p>	<p>Decision of the Election Tribunal.—(1) The Election Tribunal may, upon the conclusion of the trial of an election petition, make an order—</p> <p>(a) dismissing the petition;</p> <p>(b) declaring the election of the returned candidate to be void;</p> <p>(c) declaring the election of the returned candidate to be void and the petitioner or any other contesting candidate to have been duly elected; or</p> <p>(d) declaring the election as a whole to be void.</p> <p>(2) The Election Tribunal shall proceed with the trial of the election petition on day to day basis and the decision thereof shall be taken within four months from its receipt:</p> <p>Provided that 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 shall refer to the Election Commission that such candidate may be declared by the Election Commission to have ceased to perform the functions of his office either till the conclusion of the proceedings or for such period as the Election Commission may direct.</p> <p>(3) Omitted.</p> <p>(4) Omitted.</p>	10.6	426 427 428 429 430 431 432 433 434 435
	<p>Appeal against decision of Election Tribunal.— (1) Any person aggrieved by a final decision of the Election Tribunal may, within thirty days of the decision, appeal to the concerned High Court and, in case of the Federally Administered Tribal Areas, to the Supreme Court of Pakistan.</p> <p><i>Explanation.</i>—In this sub-section, “decision of the Election Tribunal” shall not be deemed to include an order made by the Election Commission in the exercise of its powers under section 102.</p> <p>(2) A Bench consisting of at least two judges of a High Court shall hear an appeal under this section.</p> <p>(3) The High Court or the Supreme Court shall decide the appeal within sixty days from the date of filing of the appeal.</p>	10.6 10.9	436

<p>165. Withdrawal of petition.—(1) An election petition may be withdrawn—</p> <p>(a) before the Election Tribunal has been appointed, by leave of the Election Commission; and</p> <p>(b) after an Election Tribunal has been appointed, by leave of the Election Tribunal.</p> <p>(2) Where leave is granted by the Election Tribunal, the petitioner shall be ordered to pay the costs incurred by the respondents to the election petition or such portion thereof as the Election Tribunal may direct.</p>	<p>Withdrawal of petition or appeal.—(1) The petitioner or appellant may withdraw the election petition or the appeal with the leave of the Election Tribunal.</p> <p>(2) Where leave is granted by the Election Tribunal, the petitioner or the appellant shall be ordered to pay the costs incurred by the respondents to the election petition or the appeal, or such portion thereof as the Election Tribunal may direct.</p>	<p>10.3</p>	<p>437</p> <p>438</p> <p>439</p>
<p>166. 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.</p> <p>(2) Where a petition abates under sub-section (1) after an Election Tribunal has been appointed, notice of the abatement shall be given by the Election Tribunal to the Commissioner.</p>	<p>Abatement on death of petitioner or appellant.— An election petition or appeal shall abate on the death of a sole petitioner or appellant, or of the sole survivor of several petitioners or appellants.</p>	<p>10.3</p>	<p>440</p> <p>441</p>
<p>167. 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.</p>	<p>Death or withdrawal of respondent.—If, before the conclusion of the trial of an election petition or decision of an appeal, a respondent dies or gives notice in the prescribed form that he does not intend to contest the petition or the appeal, and no respondent remains to contest the petition or the appeal, 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.</p>	<p>10.3</p>	<p>442</p>
<p>168. Failure of petitioner to appear.—Where, at any stage of the trial of an election petition, no petitioner makes an appearance the Election Tribunal may dismiss the petition for default, and make such order as to costs as it may think fit.</p>	<p>Failure of petitioner or appellant to appear.—Where, at any stage of the trial of an election petition or hearing of an appeal, no petitioner or appellant makes an appearance the Election Tribunal may dismiss the petition or the appeal for default, and make such order as to costs as it may think fit.</p>	<p>10.3</p>	<p>443</p>
<p><u>CHAPTER X: OFFENCES AND PROCEDURES</u></p>		<p>444</p>	
<p>174. Penalty for adversely affecting the interests of candidate.— Whoever, as a proposer, or in a fictitious name as a proposer, willfully 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 nomination form which is not correct, or subscribes to a nomination form a signature which is not genuine, and thereby adversely affects the interests of any person as a candidate, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.</p>	<p>Penalty for adversely affecting the candidate.— Whoever, as a proposer, or in a fictitious name as a proposer, willfully 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 nomination form which is not correct, or subscribes to a nomination form a signature which is not genuine, and thereby adversely affects the interests of any person as a candidate, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred thousand rupees, or with both.</p>	<p>10.8</p>	<p>445</p>
<p>176. Penalty for corrupt practice.—Any person guilty of corrupt practice shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both.</p>	<p>Penalty for corrupt practice.—Any person guilty of corrupt practice shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five hundred thousand</p> <p>Penalty for double registration as voter.—If a person voluntarily registers as a voter for two or more times in the electoral rolls without applying for the removal of his name from the earlier voter list, he shall be liable to imprisonment for a term which may extend to three years, or fine which may extend to five hundred thousand</p>	<p>10.8</p> <p>7.6</p>	<p>446</p> <p>447</p>

	rupees, or both.		
177. Capturing of polling station.—Whoever—	Capturing of polling station.—A person who—	8.3 10.8	448
(a) seizes a polling station or a place fixed for the poll or makes polling authorities surrender the ballot papers or ballot box or both and doing of any other act which affects the orderly conduct of elections;	(a) seizes a polling station or a place fixed for the poll or makes polling authorities surrender the ballot papers or ballot box or both and doing of any other act which affects the orderly conduct of elections;		449
(b) takes possession of a polling station or a place fixed for the poll and allows his supporters to exercise their right to vote and prevent others from free exercise of their right to vote;	(b) takes possession of a polling station or a place fixed for the poll and allows his supporters to exercise their right to vote and prevent others from free exercise of their right to vote;		450
(c) coerces, intimidates or threatens directly any voter and prevents him from going to the polling station or a place fixed for the poll to cast his vote; or	(c) not being a police or security forces personnel, brings a firearm or any other weapon or explosive in or within one hundred yards radius of a polling station;		451
(d) being in the service of Government or corporations or institutions controlled by the Government of all or any of the aforesaid activities or aids or connives at, any such activity in the furtherance of the prospects of the election of a candidate;	(d) coerces, intimidates or threatens directly any voter and prevents him from going to the polling station or a place fixed for the poll to cast his vote; or		452
shall be guilty of an offence punishable with imprisonment for a term which shall not be less than three years and may extend to five years and with fine which shall not be less than fifty thousand rupees and may extend to one hundred thousand rupees or which both.	(e) being in the service of Government or corporations or institutions controlled by the Government of all or any of the aforesaid activities or aids or connives at, any such activity in the furtherance of the prospects of the election of a candidate;		453
	he shall be guilty of an offence punishable with imprisonment for a term which shall not be less than three years and may extend to five years and with fine which shall not be less than fifty thousand rupees and may extend to five hundred thousand rupees or which both.		454
178. Illegal practice.—(1) A person is guilty of illegal practice if he—	Illegal practice.—(1) A person is guilty of illegal practice if he—	10.8	455
(a) fails to comply with the provisions of section 131;	(a) fails to comply with the provisions of section 131;		456
(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;	(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;		457
(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;	(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;		458
(d) votes or applies for a ballot paper for voting more than once in the same polling station;	(d) votes or applies for a ballot paper for voting more than once in the same polling station;		459
(e) votes or applies for a ballot paper for voting in more than one polling station for the same election;	(e) votes or applies for a ballot paper for voting in more than one polling station for the same election;		460
(f) removes a ballot paper from a polling station during the poll; or	(f) removes a ballot paper from a polling station during the poll; or		461
(g) knowingly induces or procures any person to do any of the aforesaid acts.	(g) knowingly induces or procures any person to do any of the aforesaid acts.		462
(2) Any person guilty of illegal practice shall be punishable with imprisonment for a term which may extend to six months and fine which may extend to five thousand rupees.	(2) Any person guilty of illegal practice shall be punishable with imprisonment for a term which may extend to six months and fine which may extend to five hundred thousand rupees.		463
179. Prohibition of affixing hoardings.—(1) No person or a political party shall affix posters, hoardings or banners larger than the sizes prescribed by the Election Commission:	Prohibition of affixing hoardings.—(1) No person or a political party shall affix posters, hoardings or banners larger than the sizes prescribed by the Election Commission:	10.8	464

<p>Provided that such posters, hoardings or banners shall not be affixed nor parties flags shall be hoisted on any public property or at any public place, except with the permission in writing from, and on payment of such fee or charges as may be chargeable by, the concerned local government or authorities.</p> <p>(2) Wall-chalking as part of an election campaign is prohibited in all forms.</p> <p>(3) Loudspeakers shall not be used for election campaign except at the election meetings.</p> <p>(4) The Zila Nazim and the Returning Officer shall be responsible for the effective implementation of the provisions of this section.</p> <p>(5) The contravention of the provisions of sub-sections (1), (2) and (3) shall be punishable with imprisonment of a term not exceeding one year, or with fine, or with both.</p>	<p>Provided that such posters, hoardings or banners shall not be affixed nor parties flags shall be hoisted on any public property or at any public place, except with the permission in writing from, and on payment of such fee or charges as may be chargeable by, the concerned local government or authorities.</p> <p>(2) Wall-chalking as part of an election campaign is prohibited in all forms.</p> <p>(3) Loudspeakers shall not be used for election campaign except at the election meetings.</p> <p>(4) The Zila Nazim and the Returning Officer shall be responsible for the effective implementation of the provisions of this section.</p> <p>(5) The contravention of the provisions of sub-sections (1), (2) and (3) shall be punishable with imprisonment of a term not exceeding one year, or with fine which may extend to five hundred thousand rupees, or with both.</p>	<p>465</p> <p>466</p> <p>467</p> <p>468</p> <p>469</p>
<p>180. Prohibition of public meetings.— (1) No person shall convene, hold or attend any public meeting, and no person shall promote or join in any procession, within the area of any constituency during a period of forty-eight hours ending at midnight following the conclusion of the poll for any election in that constituency.</p> <p>(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with rigorous imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.</p>	<p>Prohibition of public meetings.— (1) No person shall convene, hold or attend any public meeting, and no person shall promote or join in any procession, within the area of any constituency during a period of forty-eight hours ending at midnight following the conclusion of the poll for any election in that constituency.</p> <p>(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with rigorous imprisonment for a term which may extend to six months, or with fine which may extend to one hundred thousand rupees, or with both.</p>	<p>10.8 470</p> <p>471</p>
<p>181. Prohibition of canvassing at polling station.—A person is guilty of an offence punishable with fine which may extend to one thousand rupees if he, within a radius of four hundred yards of the polling station, on the polling day—</p> <p>(a) canvasses for votes;</p> <p>(b) solicits the vote of any voter;</p> <p>(c) persuades any voter not to vote at the election or for a particular candidate; or</p> <p>(d) 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 yards of the polling station, any notice, sign, banner or flag designed to encourage the voters to vote or discourage the voters from voting, for any contesting candidate.</p>	<p>Prohibition of canvassing at polling station.—A person is guilty of an offence punishable with fine which may extend to one hundred thousand rupees if he, within a radius of four hundred yards of the polling station, on the polling day—</p> <p>(a) canvasses for votes;</p> <p>(b) solicits the vote of any voter;</p> <p>(c) persuades any voter not to vote at the election or for a particular candidate; or</p> <p>(d) 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 yards of the polling station, any notice, sign, banner or flag designed to encourage the voters to vote or discourage the voters from voting, for any contesting candidate.</p>	<p>10.8 472</p> <p>473</p> <p>474</p> <p>475</p> <p>476</p>
<p>182. Disorderly conduct near polling station.—A person is guilty of an offence punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both, if he, on the polling day—</p> <p>(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;</p> <p>(b) persistently shouts in such manner as to be audible within the polling station;</p> <p>(c) does any act which—</p> <p>(i) disturbs or causes annoyance to any voter visiting a polling station for the purpose of voting; or</p>	<p>Disorderly conduct near polling station.—A person is guilty of an offence punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred thousand rupees, or with both, if he, on the polling day—</p> <p>(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;</p> <p>(b) persistently shouts in such manner as to be audible within the polling station;</p> <p>(c) does any act which—</p> <p>(i) disturbs or causes annoyance to any voter visiting a polling station for the purpose of voting; or</p>	<p>10.8 477</p> <p>478</p> <p>479</p> <p>480</p> <p>481</p>

(ii) interferes with the performance of the duty of a Presiding Officer, Assistant Presiding Officer, polling officer or any person performing any duty at a polling station; or	(ii) interferes with the performance of the duty of a Presiding Officer, Assistant Presiding Officer, polling officer or any person performing any duty at a polling station; or		482
(d) abets the doing of any of the aforesaid acts.	(d) abets the doing of any of the aforesaid acts.		483
	Prohibition on carrying firearms. —If a person, not being a police officer or a member of a security force on duty, carries a firearm in or within a radius of four hundred yards of a polling station, he shall be liable to imprisonment for a term which may extend to three years, or fine which may extend to five hundred thousand rupees, or both.	8.3	484
183. Tampering with papers. —(1) Except as provided in sub-section (2), a person 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—	Tampering with papers. —(1) Except as provided in sub-section (2), a person 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 hundred thousand rupees, or with both, if he—	10.8	485
(a) intentionally defaces or destroys any nomination paper, ballot paper or official mark on a ballot paper;	(a) intentionally defaces or destroys any nomination paper, ballot paper or official mark on a ballot paper;		486
(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;	(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;		487
(c) without due authority,—	(c) without due authority,—		488
(i) supplies any ballot paper to any person;	(i) supplies any ballot paper to any person;		489
(ii) destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers in use for the purpose of election; or	(ii) destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers in use for the purpose of election; or		490
(iii) breaks any seal affixed in accordance with the provisions of this Act;	(iii) breaks any seal affixed in accordance with the provisions of this Act;		491
(d) forges any ballot paper or official mark; or	(d) forges any ballot paper or official mark; or		492
(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.	(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.		493
(2) A Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer or any other officer or clerk on duty in connection with the election who is guilty of an offence under sub-section (1), shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.	(2) A Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer or any other officer or clerk on duty in connection with the election who is guilty of an offence under sub-section (1), shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five hundred thousand rupees, or with both.		494
184. Interference with the secrecy of voting. —A person is guilty of an offence punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both if he—	Interference with the secrecy of voting. —A person is guilty of an offence 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 if he—	10.8	495
(a) interferes or attempts to interfere with a voter when he records his vote;	(a) interferes or attempts to interfere with a voter when he records his vote;		496
(b) in any manner obtains or attempts to obtain in a polling station information as to the candidate for whom a voter is about to vote or has voted; or	(b) in any manner obtains or attempts to obtain in a polling station information as to the candidate for whom a voter is about to vote or has voted; or		497
(c) communicates at any time any information obtained in a polling station as to the candidate for whom a voter is about to vote or has voted.	(c) communicates at any time any information obtained in a polling station as to the candidate for whom a voter is about to vote or has voted.		498

<p>185. Failure to maintain secrecy.—A Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer, or polling officer, or any candidate, election agent or polling agent 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—</p> <p>(a) fails to maintain or aid in maintaining the secrecy of voting;</p> <p>(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</p> <p>(c) communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.</p>	<p>Failure to maintain secrecy.— A Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer, or polling officer, or any candidate, election agent or polling agent 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 hundred thousand rupees, or with both, if he—</p> <p>(a) fails to maintain or aid in maintaining the secrecy of voting;</p> <p>(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</p> <p>(c) communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.</p>	<p>10.8</p>	<p>499</p> <p>500</p> <p>501</p> <p>502</p>
<p>186. Officials not to influence voters.—A Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer, polling officer or any other officer or clerk performing a duty in connection with an election, or any member of a police force, 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, in the conduct or management of an election or maintenance or order at a polling station,—</p> <p>(a) persuades any person to give his vote;</p> <p>(b) dissuades any person from giving his vote;</p> <p>(c) influences in any manner the voting of any person; or</p> <p>(d) does any other act calculated to influence the result of the election.</p>	<p>Officials not to influence voters.—A Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer, polling officer or any other officer or clerk performing a duty in connection with an election, or any member of a police force, is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred thousand rupees, or with both, if he, in the conduct or management of an election or maintenance or order at a polling station,—</p> <p>(a) persuades any person to give his vote;</p> <p>(b) dissuades any person from giving his vote;</p> <p>(c) influences in any manner the voting of any person; or</p> <p>(d) does any other act calculated to influence the result of the election.</p>	<p>10.8</p>	<p>503</p> <p>504</p> <p>505</p> <p>506</p> <p>507</p>
<p>187. Breaches of official duty in election.—A Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer or any other person employed by any such officer in connection with his official duties imposed by or under this Act, is guilty of an offence punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees or with both, if he, willfully and without reasonable cause, commits breach of any such official duty, by act or omission.</p>	<p>Breaches of official duty in election.—A Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer or any other person employed by any such officer in connection with his official duties imposed by or under this Act, is guilty of an offence 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, if he, willfully and without reasonable cause, commits breach of any such official duty, by act or omission.</p>	<p>10.8</p>	<p>508</p>
<p>188. Assistance by Government servant.—A person in the service of Pakistan is guilty of an offence punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both, if he misuses his official position in a manner calculated to influence the results of the election.</p>	<p>Assistance by Government servant.—A person in the service of Pakistan is guilty of an offence 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, if he misuses his official position in a manner calculated to influence the results of the election.</p>	<p>10.8</p>	<p>509</p>
<p>CHAPTER: ELECTION OBSERVERS</p>		<p>11.1</p>	<p>510</p>
	<p>Election observers.— Independent and neutral observation of elections by domestic and international election observers is an effective mechanism of accountability and transparency in the conduct of election and other processes of election.</p>	<p>11.1</p>	<p>511</p>

	Domestic observers.— (1) The Election Commission may, on application of a not for profit association, register the association as domestic election observer.	1.4 11.2 11.6	512
	(2) The Election Commission shall not register an association as domestic election observer if:		513
	(a) the association is profit making entity;		514
	(b) the association fails to provide a detailed list of its members;		515
	(c) a member of the association is a member of a political party;		516
	(d) a member of the association is a previous convict under any election related offence or an offence involving moral turpitude;		517
	(e) a member of the association is not a citizen of Pakistan; or		518
	(f) the association fails to submit an undertaking of each of its members that the member of the association shall abide by the provisions of the election laws, code of conduct for election observers and shall not interfere or disrupt any election process.		519
	(3) A domestic election observer shall provide details of any change in its membership along with all the requisite details about a new member and undertaking of the member under subsection (2).		520
	(4) The Election Commission may, following warning to rectify a violation within fifteen days, cancel registration of a domestic election observer if it is disqualified to be registered as domestic election observer or any of its members violate any provision of the undertaking or code of conduct.		521
(5) The Election Commission may, at any stage, review its decision made under this section, if it deems appropriate.		522	
(6) Any person, aggrieved by an order of the Election Commission under sub-section (5), may, within thirty days of the order, prefer an appeal against such order before the Election Tribunal.		523	

	International observers.— (1) Before any general or bye-election, the Election Commission may invite an international association to observe the conduct of election and other related election processes as an international election observer.	1.4 11.2 11.6	524
	(2) The Election Commission shall not invite an international association as international election observer if:		525
	(a) the association is not an internationally accepted election observation organization;		526
	(b) the association fails to provide a detailed list of its members who shall observe the election on behalf of the association (hereinafter mentioned as a member of association or international election observer);		527
	(c) a member of the association is a member of a political party of Pakistan;		528
	(d) the Federal Government, for reasons recorded in writing, requests the Election Commission not to		529

	<p>invite the international association;</p> <p>(e) a member of the association is a previous convict under any election related offence or an offence involving moral turpitude; and</p> <p>(f) the association fails to submit an undertaking of each of its members that the member of the association shall abide by the provisions of the election laws of Pakistan, code of conduct for election observers and shall not interfere or disrupt any election process.</p> <p>(3) The Election Commission may cancel an invitation to an international election observer if it is disqualified to be invited or any of its members violate any provision of the undertaking or code of conduct.</p> <p>(4) Any person, aggrieved by an order of the Election Commission under this section, may, within thirty days, prefer an appeal against such order to the Federal Government whose decision thereon shall be final.</p>		530
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	<p>Rights of election observers.— (1) Notwithstanding anything contained in this Act or any other law, a member of domestic or international election observer may observe conduct of election or any election process including right to attend meeting, except a meeting declared as confidential, of the Election Commission or its officials relating to election, access to polling stations, counting and recounting of ballot papers, tabulation and consolidation of results, process of declaration of polling stations and preparation of voter lists.</p> <p>(2) A domestic or international election observer may submit its report to the Election Commission containing identification and explanation of a problem and preferred solution of the problem relating to any election process.</p> <p>(3) A member of a domestic or international observer association may obtain copies of electoral rolls, notification of polling stations, statement of the count, ballot paper account consolidated statement, return of election or any other document on payment of the prescribed fee.</p>	9.3 11.3 11.4 11.5	534
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	<p>Code of conduct and identification.— (1) The Election Commission shall, in consultation with domestic and international election observers, issue a code of conduct for the members of these observers regulating their conduct while observing an election or any process of an election.</p> <p>(2) The Election Commission shall issue identification cards to the members of domestic and international election observers and the members shall prominently display such cards while performing their functions as election observers.</p>	1.3 1.4	537
	CHAPTER: BUDGET, ACCOUNTS AND AUDIT		
		2.3	538
	<p>Budget and accounts.— (1) The Federal Government shall annually provide funds to the Election Commission that are necessary for the performance of functions of the Election Commission.</p> <p>(2) The Election Commission shall approve its budget for each financial year starting from the 1st day of July and ending on 30th June of the succeeding year.</p>	2.3	539
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	(3) The Federal Government shall, on the recommendation of the Election Commission, provide supplementary grant to the Election Commission for the conduct of general election or bye-election.		541
	(4) The Election Commission may allow expenditures from its funds, create or abolish a post, and upgrade or downgrade a post.		542
	(5) The accounts of the Election Commission shall be maintained in such manner as may be prescribed.		543
	Audit. — (1) The Auditor General of Pakistan shall conduct the annual audit of the accounts of the Election Commission. (2) The Auditor General shall submit the audit report to the President of Pakistan who shall cause to lay it before the National Assembly.	2.3	544
	Reports to Majlis-e-Shoora (Parliament). — (1) The Election Commission shall, within ninety days of the end of a financial year, submit an annual report to the both Houses of Majlis-e-Shoora (Parliament). (2) The annual report shall contain details about all activities of the Election Commission during the immediately preceding financial year relating to internal audit and accounts reports, political parties, delimitation of constituencies, electoral rolls, polling stations, electoral staff, conduct of bye-election, enforcement of election laws, election disputes, problems in implementation of any election law and absence of any legal framework. (3) After every general election, the Election Commission shall, within ninety days of the election, submit a special report to the both Houses of Majlis-e-Shoora (Parliament) regarding the conduct of the general election along with the recommendations for improvements in the election laws. (4) Each House of Majlis-e-Shoora (Parliament) shall send a report of the Election Commission to any of its Committee for consideration and report within the time fixed by the House of Majlis-e-Shoora (Parliament). (5) The Committees may, with the approval of the Speaker of the National Assembly, jointly consider a report of the Election Commission and in such an eventuality, the Chairperson of the Committee of the National Assembly shall chair the joint meetings of the Committees while, in his absence, the Chairperson of the Senate Committee shall preside over the joint meeting of the Committees.	2.11	545 546 547 548 549
	Code of conduct for elections. —(1) The Election Commission shall, in consultation with the political parties, publish the code of conduct for the political parties and contesting candidates and in the like manner annually revise the code of conduct for its publication under sub-section (2). (2) Immediately after the appointment of a date for election, the Election Commission shall publish the revised code of conduct for the political parties and contesting candidates. (3) The Election Commission shall categorize various provisions of the code of conduct as offences punishable with fine or acts warranting warnings and advices by the Election Commission. (4) If violation of a provision of the code of conduct is	1.2 1.4 10.2	550 551 552 553

	not punishable under this Act, the Election Commission may prescribe punishment of imprisonment for such violation which may extend to fine which may extend to five hundred thousand rupees.		
	(5) The Election Commission shall publish the code of conduct, its categorization and punishment, if any, for violation of a provision of the code of conduct in the official Gazette and on its website.		554
	(6) The Election Commission shall constitute a complaints resolution committee for a constituency or a group of constituencies to receive and resolve complaint of any violation of the code of conduct by a political party or a contesting candidate.		555
	(7) If a political party or a contesting candidate fails to comply with any direction issued by the complaints resolution committee, the committee may refer the case to the Election Commission for appropriate action.		556
	(8) If the Election Commission, after affording an opportunity of hearing to a political party or a contesting candidate, is satisfied that the political party or contesting candidate has violated the code of conduct, it may take such action against the political party or contesting candidate as it deems appropriate including issuance of advices or warnings or imposition of fine which may extend to five hundred thousand rupees.		557
	(9) In this section 'complaints resolution committee' means a committee constituted by the Election Commission to perform functions under the section and consisting of at least three persons who are not members of any political party.		558

<u>CHAPTER XI: MISCELLANEOUS</u>			559
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202. Power of Election Commission to punish for contempt. —The Election Commission shall have the same power as the High Court has to punish any person for contempt of court and the Contempt of Court Act, 1976 (XLIV of 1976), shall have effect accordingly as if reference therein to a “court” and to a “judge” were a reference, respectively, to the “Election Commission” and the Commissioner or, as the case may be, a member of the Election Commission.	Power of Election Commission and Election Tribunal to punish for contempt. —The Election Commission or an Election Tribunal shall have the same power as the High Court has to punish any person for contempt of court and the Contempt of Court Act, 1976 (XLIV of 1976), shall have effect accordingly as if reference therein to a “court” and to a “judge” were a reference, respectively, to the “Election Commission” and the Commissioner or, as the case may be, a member of the Election Commission or an Election Tribunal.	10.3	560
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206. Rules. —(1) The Election Commission may, with approval of the President, make rules for carrying out the purposes of this Act.	Rules. —(1) Subject to sub-section (2), the Election Commission may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.	2.2 2.10	561
(2) Where a form has been prescribed for any of the purposes of this Act or the rules made thereunder, the Commissioner may, by notification in the official Gazette, make such modifications or additions in the form as may in his opinion be necessary.	(2) The Election Commission shall publish the legislative policy and draft rules on its website and in the official Gazette inviting objections and suggestions from the political parties and public within the stipulated time of not less than fifteen days, and after consideration of the objections and suggestions with reasons to be recorded in writing, the Election Commission may make rules under sub-section (1).		562
	(3) In this section, the term 'legislative policy' includes the explanation of the problem, alternate solutions, and cost benefit analyses and why one solution is preferred over the other solutions.		563

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