

## ELECTION COMMISSION OF PAKISTAN



# ELECTION LAWS

(Volume I)

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**CONSTITUTIONAL PROVISIONS  
RELATING TO ELECTIONS**

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(1—2)

**EXTRACT FROM THE CONSTITUTIONAL PROVISIONS  
RELATING TO ELECTIONS**

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51. **National Assembly.**— <sup>1</sup>[(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.

(1A) The seats in the National Assembly referred to in clause (1), except as provided in clause (2A), are allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital as under:—

	<u>General Seats</u>	<u>Women</u>	<u>Total</u>
Balochistan	14	3	17
The North-West Frontier Province	35	8	43
The Punjab	148	35	183
Sindh	61	14	75
The Federally Administered Tribal Areas	12	—	12
The Federal Capital	2	—	2
<b>Total</b>	<b>272</b>	<b>60</b>	<b>332]</b>

(2) A person shall be entitled to vote if—

- (a) he is a citizen of Pakistan;
- (b) he is not less than <sup>2</sup>[eighteen] years of age;
- (c) his name appears on the electoral roll; and
- (d) he is not declared by a competent court to be of unsound mind <sup>3</sup>[ . ]

<sup>4</sup>\* \* \* \* \*

<sup>5</sup>[(2A) In addition to the number of seats referred to in clause (1A), there shall be, in the National Assembly, ten seats reserved for non-Muslims.]

(3) The seats in the National Assembly shall be allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital on the basis of population in accordance with the last preceding census officially published.

<sup>1</sup> Subs. by the Legal Framework Order, 2002 (C. E's. O. No. 24 of 2002), Art. 3 and Sch., for cl. (1), which was previously amended by P. O. No. 14 of 1985, Art. 2 and Sch., for "two hundred."

<sup>2</sup> Subs. *ibid.*, for "twenty one" which was previously amended by P. O. No. 14 of 1985, Art. 2 and Sch.,

<sup>3</sup> Subs. by P.O. No. 14 of 1985, Art. 2 and Sch., for colon.

<sup>4</sup> Proviso omitted *ibid.*,

<sup>5</sup> Subs. by C. E's O. No. 24 of 2002, Art. 3 and Sch., for cl. (2A), which was previously amended by Act 71 of 1975 s. 5 (*w.e.f.* the 21st November, 1975).

<sup>1</sup>[(4) For the purpose of election to the National Assembly,—

- (a) the constituencies for the general seats shall be single member territorial constituencies and the members to fill such seats shall be elected by direct and free vote in accordance with law;
- (b) each Province shall be a single constituency for all seats reserved for women which are allocated to the respective Provinces under clause (1A);
- (c) the constituency for all seats reserved for non-Muslims shall be the whole country;
- (d) members to the seats reserved for women which are allocated to a Province under clause (1A) shall be elected in accordance with law through proportional representation system of political parties' lists of candidates on the basis of total number of general seats secured by each political party from the Province concerned in the National Assembly [ : ]<sup>2</sup>

<sup>3</sup>[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;]

- (e) members to the seats reserved for non-Muslims shall be elected in accordance with law 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 :

<sup>4</sup>[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.

59. **The Senate.**—<sup>5</sup>[(1) The Senate shall consist of one hundred members, of whom,—

- (a) fourteen shall be elected by the members of each Provincial Assembly;

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<sup>1</sup> Subs. by the Legal Framework Order, 2002 (C. E's O. No. 24 of 2002), Art. 3 and Sch., for cl. (4), which was previously amended by Act 18 of 1985, s. 3.

<sup>2</sup> Subs. by the Legal Framework Order, 2002 (C. E's O. No. 24 of 2002), Art. 3 and Sch., for the semi-colon, which was further amended by C. E's O. No. 29 of 2002, Art. 2.

<sup>3</sup> Proviso inserted *ibid.*,

<sup>4</sup> Subs. *ibid.*, for the original proviso.

<sup>5</sup> Subs. by C.E's O. No. 24 of 2002, Art. 3 and Sch., for cl. (1) which was previously amended by various enactments.

- (b) eight shall be elected <sup>1</sup>\* \* \* from the Federally administered Tribal Areas, in such manner as the President may, by Order, prescribe;
- (c) two on general seats, and one woman and one technocrat including *aalim* shall be elected from the Federal Capital in such manner as the President may, by Order, prescribe;
- (d) four women shall be elected by the members of each Provincial Assembly;
- (e) four technocrats including ulema shall be elected by the members of each Provincial Assembly.]

(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.

<sup>2</sup>[(3) The Senate shall not be subject to dissolution but the term of its members, who shall retire as follows, shall be six years:—

- <sup>3</sup>[(a) of the members referred to in paragraph (a) 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;
- (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;
- <sup>4</sup>[(c) of the members referred to in paragraph (c) of the aforesaid clause,—
  - (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
  - (ii) one elected on the seat reserved for technocrat shall retire after first three years and the one elected on the seat reserved for woman shall retire after the expiration of the next three years;]

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<sup>1</sup> The words “by direct and free vote” omitted and shall be deemed to have always been so omitted by the Legal Framework Order, 2002 (C. E’s. O. No. 24 of 2002), Art. 3 and Sch., which was amended by C. E’s. O. No. 32 of 2002, Art. 2.

<sup>2</sup> Subs. by P. O. No. 14 of 1985, Art. 2 and Sch. for cl. (3).

<sup>3</sup> Subs. by the Constitution (Eighth Amdt.) Act, 1985 (18 of 1985), s. 6, for paragraphs (a), (b) and (c).

<sup>4</sup> Subs. by C. E’s O. No. 24 of 2002, Art. 3 and Sch., for paragraph (c).

- <sup>1</sup>[(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
- (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.]]

Provided that the term of office of a person elected <sup>2</sup>\* \* to fill a casual vacancy shall be the unexpired term of the member whose vacancy he has filled.]

2\* \* \* \* \*

<sup>3</sup>[62. **Qualifications for membership of Majlis-e-Shoora (Parliament).**—A person shall not be qualified to be elected or chosen as a member of Majlis-e-Shoora (Parliament) unless—

- (a) he is a citizen of Pakistan;
- <sup>4</sup>[(b) he is, in the case of the National Assembly, not less than twenty-five years of age and is enrolled as a voter in any electoral roll in—
- (i) any part of Pakistan, for election to a general seat or a seat reserved for non-Muslims; and
- (ii) any area in a Province from which he seeks membership for election to a seat reserved for women.]
- (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;
- (d) he is of good character and is not commonly known as one who violates Islamic Injunctions;
- (e) he has adequate knowledge of Islamic teachings and practices obligatory duties prescribed by Islam as well as abstains from major sins;

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<sup>1</sup> Subs. by the Legal Framework Order, 2002, (C. E's. O. No. 24 of 2002) Art. 3 and Sch., for paragraph (d).

<sup>2</sup> The words "or chosen" and cl. (4) omitted by the Constitution (Eight Amdt.) Act, 1985 (18 of 1985), s. 6.

<sup>3</sup> Subs. by P. O. No. 14 of 1985, Art., 2 and Sch., for Arts. 62 and 63.

<sup>4</sup> Subs. by the Legal Framework Order, 2002 (C. E's. O. No. 24 of 2002), Art. 3 and Sch., for cl. (b).



- (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;
- (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 paragraphs (d) and (e) shall not apply to a person who is a non-Muslim, but such a person shall have good moral reputation; and

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

**63. Disqualifications for membership of Majlis-e-Shoora (Parliament).—**(1) A person shall be disqualified from being elected or chosen as, and from being, a member of the Majlis-e-Shoora (Parliament), 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
- <sup>1</sup>[(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 or 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 has been convicted under section 7 of the political Parties Act, 1962 (III of 1962), unless a period of five years has elapsed from the date of such conviction; or
- (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 :

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<sup>1</sup> Subs. by the Legal Framework Order, 2002 (C. E's O. No. 24 of 2002), Art. 3 and Sch., for paragraphs (h). (i) and (j).

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 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.

- (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
- <sup>1</sup>[(p) 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

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<sup>1</sup> Subs. by the Legal Framework Order, 2002 (C. E’s O. No. 24 of 2002), Art. 3 and Sch., for paragraph (p).

- (q) 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
- (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 filling his nomination papers <sup>1</sup>[; or]]
- <sup>2</sup>[(s) 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.]

<sup>3</sup>(2) If any question arises whether a member of Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker or, as the case may be, the Chairman shall, within thirty days from raising of such question refer the question to the Chief Election Commissioner.]

<sup>4</sup>[(3) Where a question is referred to the Chief Election Commissioner under clause (2), he shall lay such question before the Election Commission which shall give its decision thereon not later than three months from its receipt by the Chief Election Commissioner.]

<sup>5</sup>[63A. **Disqualification on grounds of defection, etc.**—(1) If a member of a Parliamentary Party composed of a single political party in a House—

- (a) resigns from membership of his political party or joins another Parliamentary party; or
- (b) votes or abstains from voting in the House contrary to any direction issued by the Parliamentary Party to which he belongs, in relation to—
  - (i) election of the Prime Minister or the Chief Minister; or
  - (ii) a vote of confidence or a vote of no-confidence; or

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<sup>1</sup> Subs. by the Legal Framework Order, 2002 (C. E's, O. No. 24 of 2002), Art. 3 and Sch., for the full-stop, which was further amended by C. E's. O. No. 29 of 2002. Art. 2.

<sup>2</sup> New paragraph (s) added and shall be deemed always to have been so added *ibid.*,

<sup>3</sup> Subs. by C. E's. O. No. 24 of 2002, Art. 3 and Sch., for cl. (2).

<sup>4</sup> New cl. (3) added by the Legal Framework Order, 2002 (C. E's. O. No. 24 of 2002), Art. 3, and Sch.,

<sup>5</sup> Subs. *ibid.*, for Article 63A, which was previously amended by Act 24 of 1997 s. 2.

## (iii) a Money Bill;

he may be declared in writing by the Head of the Parliamentary party to have defected from the political party, and the Head of the Parliamentary Party may forward a copy of the declaration to the Presiding Officer, and shall similarly forward a copy thereof to the member concerned :

Provided that before making the declaration, the Head of the Parliamentary Party shall provide such member with an opportunity to show cause as to why such declaration may not be made against him.

(2) A member of a House shall be deemed to be a member of a Parliamentary Party if he, having been elected as a candidate or nominee of a political party which constitutes the Parliamentary Party in the House or, having been elected otherwise than as a candidate or nominee of a political party, has become a member of such Parliamentary Party after such election by means of a declaration in writing.

(3) Upon receipt of the declaration under clause (1), the Presiding Officer of the House shall within two days refer the declaration to the Chief Election Commissioner who shall lay the declaration before the Election Commission for its decision thereon confirming the declaration or otherwise within thirty days of its receipt by the Chief Election Commissioner.

(4) Where the Election Commission confirms the declaration, the member referred to in clause (1) shall cease to be a member of the House and his seat shall become vacant.

(5) Any party aggrieved by the decision of the Election Commission may, within thirty days, prefer an appeal to the Supreme Court which shall decide the matter within three months from the date of the filing of the appeal.

(6) Nothing contained in this Article shall apply to the Chairman or Speaker of a House.

(7) For the purpose of this Article,—

- (a) “House” means the National Assembly or the Senate, in relation to the Federation; and a Provincial Assembly in relation to the Province, as the case may be;
- (b) “Presiding Officer” means the Speaker of the National Assembly, the Chairman of the Senate or the Speaker of the Provincial Assembly, as the case may be.]

106. **Constitution of Provincial Assemblies.**—<sup>1</sup>[(1) Each Provincial Assembly shall consist of general seats and seats reserved for women and non-Muslims as specified herein below:—

	General seats	Women	Non-Muslims	Total
Baluchistan	51	11	3	65
The North-West Frontier Province	99	22	3	124
The Punjab	297	66	8	371
Sindh	130	29	9	168]

(2) A person shall be entitled to vote if—

- (a) he is a citizen of Pakistan;
- (b) he is not less than <sup>2</sup>[eighteen] years of age;
- (c) his name appears on the electoral roll for any area in the Province; and
- (d) he is not declared by a competent court to be of unsound mind <sup>3</sup>[.]

<sup>4</sup>\* \* \* \* \*

<sup>5</sup>[(3) For the purpose of election to a Provincial Assembly,—

- (a) the constituencies for the general seats shall be single member territorial constituencies and the members to fill such seats shall be elected by direct and free vote;
- (b) each Province shall be a single constituency for all seats reserved for women and non-Muslims allocated to the respective Province under clause (1);
- (c) the members to fill seats reserved for women and non-Muslims allocated to a Province under clause (1) shall be elected in accordance with law through proportional representation system of political parties,

<sup>1</sup> Subs. by the Legal Framework Order 2002 (C. E's. O. No. 24 of 2002), Art. 3 and Sch., for cl. (1).

<sup>2</sup> Subs. *ibid.*, for "twenty one" which was previously amended by P. O. No. 14 of 1985, Art. 2 and Sch., for "eighteen".

<sup>3</sup> Subs. by P. O. No. 14 of 1985, Art. 2 and Sch., for "colon".

<sup>4</sup> Proviso omitted *ibid.*,

<sup>5</sup> Subs. by C. E's. O. No. 24 of 2002, Art. 3 and Sch., for cl. (3), which was previously amended by P. O. No. 14 of 1985 Art. 2 and Sch., for cl. (3).

lists of candidates on the basis of the total number of general seats secured by each political party in the Provincial Assembly:

<sup>1</sup>[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.

<sup>2</sup>[\* \* \* \* \*]

<sup>3</sup>[113. **Qualifications and disqualifications for membership of Provincial Assembly.**—The qualifications and disqualifications for membership of the National Assembly set out in Article 62 and 63 shall also apply for membership of a Provincial Assembly as if reference therein to “National Assembly” were a reference to “Provincial Assembly”.]

213. **Chief Election Commissioner.**—(1) There shall be a Chief Election Commissioner (in this Part referred to as the Commissioner), who shall be appointed by the President <sup>4</sup>[in his discretion].

(2) 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 a High Court and is qualified under paragraph (a) of clause (2) of Article 177 to be appointed a Judge of the Supreme Court.

(3) The Commissioner shall have such powers and functions as are conferred on him by the Constitution and law.

214. **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 Third Schedule.

215. **Term of office of Commissioner.**—(1) The Commissioner shall, subject to this Article, hold office for a term of three years from the day he enters upon his office:

Provided that the National Assembly may by resolution extend the term of the Commissioner by a period not exceeding one year.

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<sup>1</sup> Subs. *ibid*, Act 3 and Sch., for the original proviso, which was further amended by CE’s Order No. 29 of 2002, Act. 2.

<sup>2</sup> Cls. (4), (5) and (6) omitted *ibid*, which was periously amended by various enactments.

<sup>3</sup> Subs. by P. O. No. 14 of 1985, Art. 2 and Sch., for Art. 113.

<sup>4</sup> Added by P. O. No. 14 of 1985, Art. 2 and Sch.,

(2) The Commissioner shall not be removed from office except in the manner prescribed in Article 209 for the removal from office of a Judge and, in the application of the Article for the purposes of this clause, any reference in that Article to a Judge shall be construed as a reference to the Commissioner.

(3) The Commissioner may, by writing under his hand addressed to the President, resign his office.

**216. Commissioner not to hold office of profit.**—(1) The Commissioner shall not—

- (a) hold any other office of profit in the service of Pakistan; or
- (b) occupy any other position carrying the right to remuneration for the rendering of services.

(2) A person who has held office as Commissioner shall not hold any office of profit in the service of Pakistan before the expiration of two years after he has ceased to hold that office:

Provided that—

- (a) this clause shall not be construed as preventing a person who was a Judge of the Supreme Court or of a High Court immediately before his appointment as Commissioner from resuming his duties as such Judge on the expiration of his term as Commissioner; and
- (b) a person who has held office as Commissioner may, with the concurrence of both Houses, be reappointed to that office before the expiration of two years after he has ceased to hold that office.

**217. Acting Commissioner.**—At any time when—

- (a) the office of Commissioner is vacant, or
- (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.

**218. Election Commission.**—<sup>1</sup>[(1) For the purpose of election to both Houses of Majlis-e-Shoora (Parliament), Provincial Assemblies and for election of such other public offices as may be specified by law or until such law is made by

<sup>1</sup> Subs. by the Legal Framework Order, 2002 (C. E's. O. No. 24 of 2002), Art. 3 and Sch., for cl. (1).



the Majlis-e-Shoora (Parliament) by Order of the President, a permanent Election Commission shall be constituted in accordance with this Article.]

(2) The Election Commission shall consist of—

- (a) the Commissioner who shall be Chairman of the Commission; and
- (b) <sup>1</sup>[Four] members, each of whom shall be a Judge of a High Court <sup>2</sup>[from each Province] <sup>3</sup>[and Islambad Capital Territory], appointed by the President after consultation with the Chief Justice of the High Court concerned and with the Commissioner.

(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.

**219. Duties of Commissioner.**—The Commissioner shall be charged with the duty of—

- (a) preparing electoral rolls for election to the National Assembly and the Provincial Assemblies, and revising such rolls annually;
- (b) organizing and conducting election to the Senate or to fill casual vacancies in a House or a Provincial Assembly; and
- (c) appointing Election Tribunals.

**220. 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.

**223. Bar against duple membership.**—(1) No person shall, at the same time, be a member of—

- (a) both Houses; or
- (b) a House and a Provincial Assembly; or
- (c) the Assemblies of two or more Provinces; or

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<sup>1</sup> Subs. by the President's Order No. 5 of 2007, dated 20-11-2007.

<sup>2</sup> Ins. *ibid.*,

<sup>3</sup> Inserted *vide* President's Order No. 5 of 2007, dated 20-11-2007.

(d) a House or a Provincial Assembly in respect of more than one seat.

(2) Nothing in clause (1) shall prevent a person from being a candidate for two or more seats at the same time, whether in the same body or in different bodies, but if he is elected to more than one seat he shall, within a period of thirty days after the declaration of the result for the last such seat, resign all but one of his seats, and if he does not so resign, all the seats to which he has been elected shall become vacant at the expiration of the said period of thirty days except the seat to which he has been elected last or, if he has been elected to more than one seat on the same day, the seat for election to which his nomination was filed last.

*Explanation.*—In this clause, “body” means either House or a Provincial Assembly.

(3) A person to whom clause (2) applies shall not take a seat in either House or the Provincial Assembly to which he has been elected until he has resigned all but one of his seats.

(4) Subject to clause (2) if a member of either House or of a Provincial Assembly becomes a candidate for a second seat which, in accordance with clause (1), he may not hold concurrently with his first seat, then his first seat shall become vacant as soon as he is elected to the second seat.

**224. Time of Election and bye-election.**—(1) A general election to the National Assembly or a Provincial Assembly shall be held within a period of sixty days immediately <sup>1</sup>[following] the day on which the term of the Assembly is due to expire, unless the Assembly has been sooner dissolved, and the results of the election shall be declared not later than fourteen days before that day <sup>2</sup>[ : ]

<sup>3</sup>[Provided that on dissolution of an Assembly on completion of its term, the President, in his discretion, or, as the case may be, the Governor, in his discretion but with the previous approval of the President, shall appoint a care-taker Cabinet.]

(2) When the National Assembly or a Provincial Assembly is dissolved, a general election to the Assembly shall be held within a period of ninety days after the dissolution, and the results of the election shall be declared not later than fourteen days after the conclusion of the polls.

(3) An election to fill the seats in the Senate which are to become vacant on the expiration of the term of the members of the Senate shall be held not earlier

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<sup>1</sup> Subs. by the Legal Framework Order, 2002 (C. E's. O. No. 24 of 2002), Art. 3 and Sch., for “Preceding”.

<sup>2</sup> Subs. *ibid.*, for full stop.

<sup>3</sup> Proviso added *ibid.*,

<sup>4</sup> Ins. *ibid.*,

<sup>5</sup> New Cls. (6) and (7) added by the Legal Framework Order, 2002 (C. E's. O. No. 24 of 2002), Art. 3 and Sch.,

than thirty days immediately preceding the day on which the vacancies are due to occur.

(4) When, except by dissolution of the National Assembly or a Provincial Assembly, a <sup>1</sup>[general] seat in any such Assembly has become vacant not later than one hundred and twenty days before the term of that Assembly is due to expire, an election to fill the seat shall be held within sixty days from the occurrence of the vacancy.

(5) When a seat in the Senate has become vacant, an election to fill the seat shall be held within thirty days from the occurrence of the vacancy.

<sup>2</sup>[(6) When 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 by the next person in order of precedence from the party list of the candidates submitted to the Election Commission for the last general election by the political party whose member has vacated such seat.

(7) When a care-taker Cabinet is appointed, on dissolution of the National Assembly under Article 58 or a Provincial Assembly under Article 112, or on dissolution of any such Assembly on completion of its term, the Prime Minister or, as the case may be, the Chief Minister of the care-taker Cabinet shall not be eligible to contest the immediately following election of such Assembly.]

**225. Election dispute.**—No election to a House or a Provincial Assembly shall be called in question except by an election petition presented to such tribunal and in such manner as may be determined by Act of <sup>3</sup>[Majlis-e-Shoora (Parliament).]

**226. Elections to be by secret ballot.**—All elections under the Constitution <sup>4</sup>\* \* shall be by secret ballot.

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<sup>1</sup> Ins. *ibid.*,

<sup>2</sup> New Cls. (6) and (7) added by the Legal Framework Order, 2002 (C. E's. O. No. 24 of 2002), Art. 3 and Sch.,

<sup>3</sup> See footnote 3 on page 5, *supra*.

<sup>4</sup> Certain words omitted by the Constitution (Third Amdt.) Order, 1985 (P. O. No. 24 of 1985), Art. 5.



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**SECOND SCHEDULE  
TO  
THE CONSTITUTION**

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(21—22)



## **SECOND SCHEDULE**

### **[Article 41(3)]**

#### **ELECTION OF PRESIDENT**

1. The Chief Election Commissioner shall hold and conduct election to the office of President, and shall be the Returning Officer for such election.

2. The Chief Election Commissioner shall appoint Presiding Officers to preside at the meeting of the members of Majlis-e-Shoora (Parliament) and at the meetings of the members of the Provincial Assemblies.

3. The Chief Election Commissioner shall by public notification fix the time and place for depositing nomination papers, holding a scrutiny, making withdrawals, if any, and holding the poll, if necessary.

4. At any time before noon on the day fixed for nomination any member of the Majlis-e-Shoora (Parliament) or of a Provincial Assembly may nominate for election as President a person qualified for election as President by delivering to the Presiding Officer a nomination paper, signed by himself as proposer and by another member of the Majlis-e-Shoora (Parliament) or, as the case may be Assembly as seconder, together with a statement signed by the person nominated that he consents to the nomination:

Provided that no person shall subscribe, whether as proposer or as seconder, more than one nomination paper at any one election.

5. The scrutiny shall be held by the Chief Election Commissioner at the time and place fixed by him, and if after scrutiny only one person remains validly nominated, the Chief Election Commissioner shall declare that person to be elected, or if more than one person remains validly nominated, he shall announce, by public notification, the names of the persons validly nominated, to be hereinafter called the candidates.

6. A candidate may withdraw his candidature at any time before noon on the day fixed for this purpose by delivering a notice in writing under his hand to the Presiding Officer with whom his nomination paper has been deposited, and a candidate who has given a notice of withdrawal of his candidature under this paragraph shall not be allowed to cancel that notice.

7. If all but one of the candidates have withdrawn, that one shall be declared by the Chief Election Commissioner to be elected.

8. If there is no withdrawal, or if, after withdrawals have taken place, two or more candidates are left, the Chief Election Commissioner shall announce by public notification the names of the candidates, and their proposers and seconders, and shall proceed to hold a poll by secret ballot in accordance with the provisions of the succeeding paragraphs.

9. If a candidate whose nomination has been found to be in order dies after the time fixed for nomination, and a report of his death is received by the Presiding Officer before the commencement of the poll, the Presiding Officer shall, upon, being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Chief Election Commissioner, and all proceedings with reference to the election shall be commenced a new in all respects as if for a new election:

Provided that no further nomination shall be necessary in the case of a candidate whose nomination was valid at the time of the countermanding of the poll:

Provided further that no person who has under paragraph 6 of this Schedule given notice of withdrawal of his candidature before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

10. The poll shall be taken at the meetings of Majlis-e-Shoora (Parliament) and of each Provincial Assembly, and the respective Presiding Officers shall conduct the poll with the assistance of such officers as they may, with the approval of the Chief Election Commissioner, respectively appoint.

11. A ballot paper shall be issued to every member of Majlis-e-Shoora (Parliament), and of each Provincial Assembly, who presents himself for voting at the meeting of the members of the Majlis-e-Shoora (Parliament) or, as the case may be, of the Provincial Assembly of which he is a member (hereinafter referred to as a person voting), and he shall exercise his vote personally by marking the paper in accordance with the provisions of the succeeding paragraphs.

12. The poll shall be by secret ballot by means of ballot papers containing the names of all the candidates in alphabetical order who have not withdrawn, and a person voting shall vote by placing a mark against the name of the person for whom he wishes to vote.

13. Ballot papers shall be issued from a book of ballot papers with counterfoils, each counterfoil being numbered; and when a ballot paper is issued to a person voting his name shall be entered on the counterfoil, and the ballot paper shall be authenticated by the initials of the Presiding Officer.



14. A ballot paper having been marked by the person voting shall be deposited by that person in a ballot box to be placed in front of the Presiding Officer.

15. If a ballot paper is spoiled by a person voting he may return it to the Presiding Officer, who shall issue a second ballot paper, canceling the first ballot paper and marking the cancellation on the appropriate counterfoil.

16. A ballot paper shall be invalid if:—

- (i) there is upon it any name, word or mark, by which the person voting may be identified; or
- (ii) it does not contain the initials of the Presiding Officer; or
- (iii) it does not contain a mark; or
- (iv) a mark is placed against the names of two or more candidates; or
- (v) there is any uncertainty as to the identity of the candidate against whose name the mark is placed.

17. After the close of the poll each Presiding Officer shall, in the presence of such of the candidates or their authorized representatives as may desire to be present, open and empty the ballot boxes and examine the ballot papers therein, rejecting any which are invalid, count the number of votes recorded for each candidate on the valid ballot papers, and communicate the number of the votes so recorded to the Chief Election Commissioner.

18. (1) The Chief Election Commissioner shall determine the result of the election in the following manner, namely:

- (a) the number of votes cast in the Majlis-e-Shoora (Parliament) in favor of each candidate shall be counted;
- (b) the number of votes cast in a Provincial Assembly in favor of each candidate shall be multiplied by the total number of seats in the Provincial Assembly for the time being having the smallest number of seats and divided by the total number of seats in the Provincial Assembly in which the votes have been cast; and
- (c) the number of votes calculated in the manner referred to in clause (b) shall be added to the number of votes counted under clause (a).

*Explanation.*—In this paragraph, “total number of seats” includes seats reserved for non-Muslims and women.

(2) A fraction shall be rounded off to the nearest whole.

19. The candidate who has obtained the largest number of votes compiled in the manner specified in paragraph 18 shall be declared by the Chief Election Commissioner to be elected.

20. Where at any poll any two or more candidates obtain an equal number of votes, the selection of the candidate to be elected shall be by drawing of lots.

21. When, after any poll, the counting of the votes has been completed, and the result of the voting determined, the Chief Election Commissioner shall forthwith announce the result to those present, and shall report the result to the Federal Government, who shall forthwith cause the result to be declared by a public notification.

22. The Chief Election Commissioner may, by public notification, with the approval of the President, make rules for carrying out the purposes of this Schedule.

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**THE ELECTION COMMISSION ORDER, 2002**

**(CHIEF EXECUTIVE'S ORDER NO. 1 OF 2002)**

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(27-28)



## THE ELECTION COMMISSION ORDER, 2002

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## THE ELECTION COMMISSION ORDER, 2002

(CHIEF EXECUTIVE'S ORDER NO. 1 OF 2002)

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 :—

1. **Short title and commencement.**—(1) This Order may be called the Election Commission Order, 2002.

(2) It shall come into force at once.

2. **Chief Election Commissioner.**—(1) There shall be a Chief Election Commissioner, hereinafter referred to as the Commissioner, who shall be appointed by the President, in his discretion, for a term of three years.

(2) As provided in clause (2) of Article 213 of the Constitution of the Islamic Republic of Pakistan, 1973, 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.

(3) The Commissioner shall have such powers and functions as are conferred on him by this Order and the law.

(4) The Commissioner may, by writing under his hand addressed to the President, resign his office.

3. **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.

4. **Acting Commissioner.**—At any time when—

- (a) the office of Commissioner is vacant, or
- (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.

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.

(2) The Election Commission shall consist of—

- (a) The Commissioner, who shall be Chairman of the Commission ; and
- (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.

(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.

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.

(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.

7. **Duties of Commissioner.**—The Commissioner shall be charged with the duty of—

- (a) organizing and conducting election to fill casual vacancies in the National Assembly, the Senate or a Provincial Assembly ; and
- (b) appointing Election Tribunals.

<sup>1</sup>[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.

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<sup>1</sup>Inserted vide C.E.O. No. 8 of 2002, dt. 27-2-2002.



(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.

(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.

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.]

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.

(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.

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.

<sup>1</sup>[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.

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<sup>1</sup>Inserted *vide* C.E.O. No. 8 of 2002, dt. 27-2-2002.

(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.

9B. *Directions of Commission in certain matters.*—Anything required to be done for carrying out the purposes 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.

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.

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.

9E. *Power to make rules.*—The Commissioner may, with the approval of the President, make rules for carrying out the purposes of this Order.

9F. *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.]

10. **Repeal.**—The Extension in the term of Chief Election Commissioner Order, 2000 (Chief Executive's Order No. 9 of 2000), is hereby repealed.

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## THE SCHEDULE

[See Article 3]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

*(In the name of Allah, the most Beneficent, the most Merciful)*

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.

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.

[May Allah Almighty help and guide me (A'meen)]

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**THE CONDUCT OF GENERAL ELECTIONS ORDER, 2002**  
**(CHIEF EXECUTIVE'S ORDER NO. 7 OF 2002)**

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**THE CONDUCT OF GENERAL ELECTIONS ORDER, 2002**

(CHIEF EXECUTIVE'S ORDER NO. 7 OF 2002)

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## THE CONDUCT OF GENERAL ELECTIONS ORDER, 2002

(CHIEF EXECUTIVE'S ORDER NO. 7 OF 2002)

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;

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;

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:—

1. **Short title, extent and commencement.**—(1) This Order may be called the Conduct of General Elections Order, 2002.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(a) “Chief Election Commissioner” means the Chief Election Commissioner appointed under the Election Commission Order, 2002 (Chief Executive’s Order 1 of 2002);

(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; <sup>1</sup>[\*]

(c) “prescribed” means prescribed by rules made under this Order <sup>2</sup>[; and]

<sup>2</sup>[(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

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<sup>1</sup> Omitted, *vide* C.E.O. No. 21 of 2002, dt. 31-7-2002.

<sup>2</sup> Added *ibid*.

statutory body, as well as at least twenty years of experience, including a record of achievement at the national or international level.]

3. **Order to override other laws.**—The provisions of this Order shall have effect notwithstanding anything contained in the Constitution or in any other law for the time being in force relating to the forthcoming elections to the <sup>1</sup>[Senate] National Assembly and the Provincial Assemblies.

4. **Conduct of General Elections.**—Subject to the Election Commission Order, 2002 (C.E.'s Order No. 1 of 2002) and notwithstanding anything to the contrary contained in the Constitution, the Electoral Rolls Act, 1974 (XXI of 1974), the Delimitation of Constituencies Act, 1974 (XXXIV of 1974), <sup>1</sup>[the Senate (Election) Act, 1975 (LI of 1975)], the Representation of the People Act, 1976 (LXXXV of 1976) and the Houses of Parliament and Provincial Assemblies (Elections) Order, 1977 (PPO No. 5 of 1977), or any other law for the time being in force, the Chief Election Commissioner or, as the case may be, the Election Commission shall take such steps and measures, including preparation of electoral rolls and delimitation of the constituencies, and adopt such procedure, do such acts, pass such orders, issue such directions and take all such ancillary, incidental and consequential steps as may be deemed necessary for effectively carrying out the elections for the members of the <sup>1</sup>[Senate] National Assembly and Provincial Assemblies in October, 2002.

<sup>2</sup>[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.

(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:—

	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

<sup>1</sup> Added *vide* CEO No. 21 of 2002, dt. 31-7-2002.

<sup>2</sup> Substituted *ibid*.

(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.

- (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 clause (2):

<sup>1</sup>[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 with in three days of the publication in the official Gazette of the names of the returned candidates.]

- (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 clause (2) 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 <sup>2</sup>[from the province concerned] in the National Assembly;
- (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:

<sup>1</sup>[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 with in three days of the publication in the official Gazette of the names of the returned candidates.]

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<sup>1</sup> Inserted *vide* ECO No. 30 of 2002, dt, 17-10-02.

<sup>2</sup> Inserted *vide* ECO No. 23 of 2002, dt, 21-08-02.

<sup>1</sup>[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
Sindh	130	29	9	168
Total :	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 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:

<sup>2</sup>[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.]

<sup>3</sup>[(e) *Omitted.*]

**7. System of elections.**—The elections for the members of the National Assembly and the Provincial Assemblies shall be held on the basis of joint electorate.

<sup>1</sup> Inserted *vide* CEO No. 21 of 2002, dt. 31-07-2002.

<sup>2</sup> Inserted *vide* CEO No. 30 of 2002, dt. 17-10-2002.

<sup>3</sup> Omitted *ibid.*

<sup>1</sup>[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 <sup>2</sup>[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:

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.]

<sup>3</sup>[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 Quadiani Group or the Lahori Group (who call themselves 'Ahmadis' or by any other name) or a person who does not believe in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him), the last of the prophets or claimed or claims to be a Prophet, in any sense of the word or of any description whatsoever, after Muhammad (peace be upon him) or recognizes such a claimant as a Prophet or religious reformer shall remain the same as provided in the Constitution of the Islamic Republic of Pakistan, 1973.

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 *ex-parte* order may be passed against him.]

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<sup>1</sup> Inserted *vide* CEO No. 14 of 2002, dt. 14-5-2002.

<sup>2</sup> Inserted *vide* CEO No. 21 of 2002, dt. 31-7-2002.

<sup>3</sup> Inserted *vide* CEO No. 15 of 2002, dt. 17-6-2002.

### حلف نامہ و اقرار نامہ

میں حلفیہ اقرار کرتا/کرتی ہوں کہ میں خاتم النبیین حضرت محمد ﷺ 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 ﷺ 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 لاهوری گروپ سے تعلق رکھتا/رکھتی ہوں یا خود کو احمدی کہتا/کہتی ہوں۔

8. **Laws relating to election etc. to apply.**—Notwithstanding anything contained in the Constitution, the Electoral Rolls Act, 1974 (XXI of 1974), the Delimitation of Constituencies Act, 1974 (XXXIV of 1974) <sup>1</sup>[the Senate (Election) Act, 1975 (LI of 1975),] and the Representation of the People Act, 1976 (LXXXV of 1976) and any rules made thereunder, for the time being in force, shall, in so far as they are not inconsistent with any provision of this Order, apply to the preparation and revision of electoral rolls, the delimitation of constituencies, the choosing of a member from the Federal Capital, the appointment of election tribunals and the conduct of elections to the National Assembly and the Provincial Assemblies.

<sup>1</sup>[8A. **Educational qualification for a member of Majlis-e-Shoora (Parliament) and a Provincial Assembly.**—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 a member of Majlis-e-Shoora (Parliament) or a Provincial Assembly unless he is at least a graduate possessing a bachelor degree in any discipline or any degree recognized as equivalent by the University Grants Commission under the University Grants Commission Act, 1974 (XXIII of 1974)] <sup>2</sup>[or any other law for the time being in force.]

<sup>2</sup>[8B. **Number of seats in Senate.**—(1) The Senate shall consist of one hundred members of whom—

- (a) fourteen shall be elected by the members of each Provincial Assembly;

<sup>1</sup> Inserted vide CEO No. 21 of 2002, dt. 31-7-2002.

<sup>2</sup> Inserted vide CEO No. 17 of 2002, dt. 24-6-2002.

- (b) <sup>1</sup>[Eight shall be elected from the Federally Administered Tribal Areas, in such manner as the President may, by Order, prescribe.]
- (c) two on general seats, one woman and one technocrat or *aalim* 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);
- (d) four women shall be elected by the members of each Provincial Assembly; and
- (e) four shall be elected by the members of each Provincial Assembly to represent technocrats and *ulema*.

*Explanation.*—For the purpose of this Article, the term “technocrats” defined in clause (d) of Article 2 shall include *ulema*.

(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.

(3) The Senate shall not be subject to dissolution but the term of its members, who shall retire as follows, shall be six years—

- (a) of the members referred to in paragraph (a) 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;
- (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;
- (c) of the members referred to in paragraph (c) of the aforesaid clause,—
  - (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
  - (ii) one elected on the seat reserved for technocrat or, as the case may be, *aalim* 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

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<sup>1</sup> Substituted *vide* CEO No. 38 of 2002 dt., 20-11-2002.

- (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
- (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:

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.

**8C.** <sup>1</sup>[\* \* \*]

**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—

- (a) he is a citizen of Pakistan;
- (b) he is, in the case of National Assembly, not less than twenty-five years and is enrolled as a voter in—
  - (i) any electoral roll for election to a general seat; or a seat reserved for non-Muslims; and
  - (ii) any area in a Province from where he seeks membership for election to a seat reserved for women;
- (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;
- (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;
- (e) he is of good character and is not commonly known as one who violates Islamic Injunctions;

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<sup>1</sup> Omitted *vide* CEO No. 38 of 2002 dt., 20-11-2002.



- (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 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 <sup>1</sup>[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, 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

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<sup>1</sup> Substituted *vide* ECO Order No. 35 of 02, dt, 6-11-02.

- (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
- (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.

**8E. Objection against candidature.**—Notwithstanding anything contained to the contrary in any law for the time being in force, any person or authority may object to the candidature of a person who has submitted nomination papers or whose name has been included in the party list submitted by a political party for election to a seat in the Majlis-e-Shoora (Parliament) or a Provincial Assembly, before the Returning Officer within the period specified by the Election Commission for the scrutiny of nomination papers of candidates contesting elections for membership of Majlis-e-Shoora (Parliament) and Provincial Assemblies.

<sup>1</sup>[**8EE. Nomination papers for election.**—Notwithstanding anything contained in any other law for the time being in force, every nomination paper for the membership of Majlis-e-Shoora (Parliament) and a Provincial Assembly, 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].

**8F. 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 candidate submitted to the Election Commission under clause (1).

(4) Every candidate contesting election on a seat reserved for women or non-Muslims shall, alongwith 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

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<sup>1</sup> Inserted *vide* CES Order No. 31 of 02, dt., 19-10-02.

- (c) the fee required under any law for the time being in force for filing nomination papers.

**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.]

**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.

**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.

(2) For the purpose of bringing the provisions of the Constitution and of any of the laws relating to elections to the <sup>1</sup>[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.

(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.

<sup>2</sup>[11. **Repeal.**—The Houses of Parliament and Provincial Assemblies (Elections) Order, 1977 (PPO No. 5 of 1977), is hereby repealed.]

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<sup>1</sup> Inserted *vide* CEO No. 21 of 2002, dt. 31-7-2002.

<sup>2</sup> Added *ibid*.



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**THE POLITICAL PARTIES ORDER, 2002**  
**(CHIEF EXECUTIVE'S ORDER NO. 18 OF 2002)**

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**THE POLITICAL PARTIES ORDER, 2002**

(CHIEF EXECUTIVE'S ORDER NO. 18 OF 2002)

**ARRANGEMENT OF SECTIONS**

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## THE POLITICAL PARTIES ORDER, 2002

(CHIEF EXECUTIVE’S ORDER NO. 18 OF 2002)

WHEREAS it is intended to create a political environment conducive to the promotion of a federal <sup>1</sup>[ ] 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 :—

### CHAPTER-I

#### PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Order may be called the Political Parties Order, 2002.

(2) It extends to the whole of Pakistan <sup>2</sup>[except the Federally Administered Tribal Areas].

(3) It shall come into force at once.

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 ;

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<sup>1</sup>Omitted *vide* C.E.O. No. 20 of 2002, dt. 22-7-2002.

<sup>2</sup> Added *vide* CEO No. 28 of 2002, dt.,5-10-02.

- (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.

## CHAPTER-II

### FORMATION OF POLITICAL PARTIES

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.

(2) A political party shall have a distinct identity of its structures at the national, provincial and local levels, wherever applicable.

(3) Every political party shall have a distinct name.

(4) Notwithstanding anything contained in sub-section (1), a political party shall not—

- (a) propagate any opinion, or act in a manner prejudicial to the fundamental principles enshrined in the Constitution of the Islamic Republic of Pakistan; or
- (b) undermine the sovereignty or integrity of Pakistan, public order or public morality or indulge in terrorism; or
- (c) promote sectarian, regional or provincial hatred or, animosity; or

- (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
- (e) impart any military or para-military training to its members or other persons; or
- (f) be formed, organise, set-up or convened as a foreign-aided political party.

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*,—

- (a) the aims and objectives of the party;
- (b) organisational structure of the party at the Federal, Provincial and local levels, whichever applicable;
- (c) criteria of membership of the party;
- (d) membership fee, to be paid by the members;
- (e) qualifications and tenure of the party leader and other office-bearers of the party;
- (f) criteria for receipt and collection of funds for the party; and
- (g) procedure for—
  - (i) election of party leader and other office-bearers at the Federal, Provincial and local levels, wherever applicable;
  - (ii) selection or nomination of party candidates for election to public offices and legislative bodies;
  - (iii) resolution of disputes between members and party, including issues relating to suspension and expulsion of members; and

- (iv) method and manner of amendments in the constitution of the party.

(2) Every political party shall provide a copy of its constitution to the Election Commission.

(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.

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:

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:

<sup>1</sup>[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.]

(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.

(3) A person shall not be a member of more than one political party at a time.

(4) A member of a political party shall have the right of access to the records of the political party.

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<sup>1</sup>Added vide C.E.O. No. 20 of 2002, dt. 22-7-2002.

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.

(2) The contribution made by members or supporters of any party shall be duly recorded by the political parties.

(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.

(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.

*Explanation.*—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.

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:

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.

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.

<sup>1</sup>[9. \* \* \* \* \*

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.

(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.

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<sup>1</sup>Omitted vide Act No. III of 2004, dt. 31-7-2004.

(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.

**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:

Provided that a period, not exceeding four years, shall intervene between any two elections.

(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.

(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.

**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.

(2) The certificate referred to in clause (1) shall contain information in respect of —

- (a) the date of the last intra-party elections;
- (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;
- (c) the election results, including the total number of votes cast and the number of votes secured by each contestant for all of its party offices; and
- (d) copy of the party's notifications declaring the results of the election.

(3) The Election Commission shall publish for public information the certificate including details of elections referred to in clause (2).



**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—

- (a) annual income and expenses;
- (b) sources of its funds; and
- (c) assets and liabilities.

(2) The statement referred to in clause (1), shall be accompanied by a certificate signed by the party leader stating that—

- (a) no funds from any source prohibited under this Order were received by the party; and
- (b) the statement contains an accurate financial position of the party.

**14. Eligibility of party to obtain election symbol.**—(1) Notwithstanding anything contained in 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:

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.

(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.

### CHAPTER-III

#### DISSOLUTION OF POLITICAL PARTIES

**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.

(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.

(3) Where the Supreme Court upholds the declaration made against a political party under clause (1), such party shall stand dissolved forthwith.

**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.

(2) A person becoming disqualified from being a member of the Majlis-e-Shoora (Parliament) or 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.

(3) The order of members of a political party becoming disqualified from being members of Majlis-e-Shoora (Parliament) or the Provincial Assembly on its dissolution shall be notified in the official Gazette.

## CHAPTER-IV

### MISCELLANEOUS

**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.

(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.

(3) A party not complying with the provisions of clause (1) and (2) shall not be allotted election symbol for the general elections, 2002.

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.

19. **Rules.**—The Election Commission may, with approval of the <sup>1</sup>[President], make rules for carrying out the purposes of this Order.

20. **Repeal.**—The Political Parties Act, 1962 (III of 1962), is hereby repealed.

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<sup>1</sup>Substituted *vide* C.E.O. No. 20 of 2002, dt. 22-7-2002.



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**THE POLITICAL PARTIES RULES, 2002**

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(69—70)



## THE POLITICAL PARTIES RULES, 2002

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**THE POLITICAL PARTIES RULES, 2002**

**ELECTION COMMISSION OF PAKISTAN**

NOTIFICATION

*Islamabad, the 23rd July, 2002*

**S.R.O. 456(I)/2002.**—In exercise of the powers conferred by Article 19 of the Political Parties Order, 2002 (Chief Executive's Order No.18 of 2002), the Election Commission, with the approval of the President, is pleased to make the following rules:—

1. **Short title and commencement.**—(1) These rules may be called the Political Parties Rules, 2002.

(2) They shall come into force at once.

2. **Definitions.**—(1) In these rules, unless there is anything repugnant in the subject or context,—

- (a) "Article" means an article of the Order;
- (b) "Form" means a form appended to these rules;
- (c) "Order" means the Political Parties Order, 2002 (Chief Executive's Order No. 18 of 2002); and
- (d) "Party Leader" means the head of a political party duly elected in accordance with the constitution of the political party and the provisions of the Order by whatever name designated.

(2) The words and expressions used but not defined herein shall have the meanings as assigned to them in the Order.

3. **Political parties to provide printed copy of constitution.**—Every political party—

- (a) within ten days of its formation; or
- (b) which is already in existence, within ten days of the publication of these rules in the official Gazette,

shall provide to the Election Commission a printed copy of its constitution along with a certificate duly attested by the Party Leader that its constitution is in conformity with the requirements of the Order.

4. **Submission of statement of accounts.**— Every political party shall maintain its accounts in the manner set-out in Form-I indicating its income and expenditure, sources of funds, assets and liabilities and shall, within sixty days from the close of each financial year (July—June), submit to the Election Commission a consolidated statement of accounts of the party audited by a Chartered Accountant, accompanied by a certificate, duly signed by the Party Leader to the effect that no funds from any source prohibited under the Order were received by the party and that the statement contains an accurate financial position of the party.

5. **Financial transactions within a party.**— All financial transactions within a party shall be entered in the statement of accounts submitted under rule 4.

6. **Confiscation of prohibited funds.**— Where the Election Commission decides that the contributions or donations, as the case may be, accepted by the political parties are prohibited under clause (3) of Article 6, it shall, subject to notice to the political party concerned and after giving an opportunity of being heard, direct the same to be confiscated in favour of the State to be deposited in Government Treasury or sub-Treasury in the following head of the account:—

“3000000-Deposits and Reserves-B-Not Bearing interest-  
3500000-Departmental and Judicial Deposits-3501000-Civil  
Deposits-3501010-Deposits in connection with Elections”.

7. **Submission of certificate to the Election Commission regarding intra-party elections.**—(1) The Party Leader of each political party under his signatures shall, within seven days of the completion of intra-party elections, submit a certificate to the Election Commission in Form-II specifying that the intra-party elections have been held in accordance with the constitution of the party and the provisions of the Order.

(2) The Election Commission shall, after satisfying itself that the certificate fulfils the requirements of Articles 11 and 12 of the Order, publish the certificate including the details of election in the official Gazette.

8. **Intra-party elections for the forthcoming general elections 2002.**—Every political party, desirous of taking part in general elections 2002, shall complete its intra-party elections by the 5th August, 2002 and submit within seven days of intra-party elections, a certificate set-out in Form-III that the aforesaid elections have been held in accordance with constitution of such party and the Order.

9. **Intra-party elections held before commencement of the Order.—**

Where a political party has, before the commencement of the Order, completed intra-party elections, it shall, within seven days of the publication of these rules in the official Gazette, submit to the Election Commission a certificate specified in Form-IV to the effect that the intra-party elections were held, as far as possible, in accordance with the requirements of Article 11.

10. **Scrutiny of political parties' constitution and information, etc.—**

Where the Election Commission is of the opinion that the constitution, other documents and information submitted by a political party is not in conformity with the Order, it shall return the same to the concerned political party for re-submission in accordance with the provisions of the Order.

11. **Mode of submission of documents.**—The constitution, certificates, documents, etc., to be submitted to the Election Commission, as required under the Order shall be delivered through an office bearer of the party, duly authorised by the Party Leader and shall not be entertained through post, fax, courier service or any other mode.

12. **General.**—The Election Commission may, from time to time, prescribe such proformae as it may deem necessary for carrying out the purposes of the Order.

13. **Repeal.**—The Political Parties Rules, 1986 are hereby repealed.

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FORM-I

Statement of accounts in respect of \_\_\_\_\_ (name of political party)

Financial year \_\_\_\_\_

Sl. No.	Opening balance/ Funds/ amounts in balance at the commencement of financial year (July—June)	Total income/ receipts for the year	Total expenses for the year	Net Balance on the close of the year	Sources of funds with details	* Total value of assets on the close of year	* Total liabilities on the close of year	Name of Bankers	Remarks/ additional information if so desired
1	2	3	4	5	6	7	8	9	10

It is certified that—

- (i) no funds from any source prohibited under the Political Parties Order, 2002 were received by the party;
- (ii) statement contains an accurate financial position; and
- (iii) the information is correct to the best of my knowledge and belief.

\* Details/documents be annexed.

Name, signature and seal of the Party Leader

**Form-II**  
[See rule 7(1)]

**CERTIFICATE REGARDING INTRA-PARTY ELECTIONS**

I ..... Party Leader (specify designation)  
(Name)  
..... do hereby certify that the intra-party elections have  
(Name of the political party)  
been held in accordance with the constitution of the party and the Political Parties  
Order, 2002 (CE's Order No. 18 of 2002) and furnish the following information and  
documents annexed hereto in respect of—

- (i) the date of the last intra-party elections;
- (ii) the names, designations and addresses of the Party Leader and all  
other office-bearers elected at the Federal, Provincial and local levels,  
wherever applicable;
- (iii) the election results, including the total number of votes cast and the  
number of votes secured by each contestant for all of its party offices;  
and
- (iv) copy of the party's notifications declaring the results of the election.

2. It is hereby certified that the information furnished along with this  
certificate is correct and nothing has been concealed therefrom.

Name, signature and seal of the Party Leader .....

Dated: .....

**Form-III**  
[See rule 8]

**CERTIFICATE REGARDING INTRA-PARTY ELECTIONS**  
**FOR GENERAL ELECTIONS, 2002**

I .....Party Leader (specify designation)  
(Name)

..... do hereby certify that the said political party is  
(Name of Political party)

desirous of taking part in General Elections, 2002 and further certify that intra-party elections have been held by or before the 5th of August, 2002, in accordance with the constitution of the Party and the Political Parties Order, 2002 (CE's Order No. 18 of 2002) and furnish the following information and documents annexed hereto in respect of—

- (i) the date of the last intra-party elections;
- (ii) the names, designations and addresses of the Party Leader and all other office-bearers elected at the Federal, Provincial and local levels, wherever applicable;
- (iii) the election results, including the total number of votes cast and the number of votes secured by each contestant for all of its party offices; and
- (iv) copy of the party's notifications declaring the results of the election.

2. It is hereby certified that the information furnished along with this certificate is correct and nothing has been concealed therefrom.

Name, signature and seal of the Party Leader .....

Dated: .....

**Form-IV**  
[See rule 9]

**CERTIFICATE REGARDING INTRA-PARTY ELECTIONS HELD  
BEFORE THE COMMENCEMENT OF POLITICAL PARTIES  
ORDER, 2002**

I .....Party Leader (specify designation)  
(Name)

..... do hereby certify that the intra-party  
(Name of political party)

elections in the aforesaid party have been held, before the commencement of the Political Parties Order, 2002 (CE's Order No. 18 of 2002), as far as possible, in accordance with requirements of Article 11 of the Order and the party constitution and furnish the following information and documents annexed hereto in respect of—

- (i) the date of the last intra-party elections;
- (ii) the names, designations and addresses of the Party Leader and all other office-bearers elected at the Federal, Provincial and local levels, wherever applicable;
- (iii) the election results, including the total number of votes cast and the number of votes secured by each contestant for all of its party offices; and
- (iv) copy of the party's notifications declaring the results of the election.

2. It is hereby certified that the information furnished along with this certificate is correct and nothing has been concealed therefrom.

Name, signature and seal of the Party Leader .....

Dated: .....





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**THE ALLOCATION OF SYMBOLS ORDER, 2002**

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## THE ALLOCATION OF SYMBOLS ORDER, 2002

### Arrangement of Paras

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**THE ALLOCATION OF SYMBOLS ORDER, 2002****ELECTION COMMISSION OF PAKISTAN****NOTIFICATION**

*Islamabad, the 5th August, 2002*

**S.R.O. 491 (I)/2002.**—WHEREAS, clause (a) of sub-section (1) of section 21 of the Representation of the People Act, 1976 provides that the Returning Officer shall allocate one of the prescribed symbols to each contesting candidate, subject to any direction of the Election Commission;

AND WHEREAS, Articles 14 and 17 of the ‘Political Parties Order, 2002 (Chief Executive’s Order No. 18 of 2002) provide for allocation of symbols to political parties by the Election Commission subject to the conditions laid therein;

AND WHEREAS, it is the duty of Election Commission to organize and conduct the forthcoming elections and to make such arrangements as are necessary to ensure that the elections are conducted honestly, justly, fairly and in accordance with law and the corrupt practices are guarded against.

AND WHEREAS, it is expedient, in the interest of fairness of elections, to provide for the allotment of symbols;

NOW, THEREFORE, in exercise of the powers conferred under Article 218 of the Constitution of the Islamic Republic of Pakistan, Article 7A of the Election Commission Order, 2002 section 21 of the Representation of the People Act, 1976 and all other powers enabling it in that behalf, the Election Commission is pleased to make the following Order for the forthcoming general elections.

1. **Short title, extent and commencement.**—(1) This Order may be called the Allocation of Symbols Order, 2002.

(2) It shall come into force at once and applies for the forthcoming general elections.

(3) It extends to the whole of Pakistan.

2. **Definitions** .—(a) “political party” means an association of citizens or a combination or groups of such association 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.

(b) The other definitions appearing in the Representation of the People Act, 1976, the rules framed there under, the Political Parties Order, 2002, the rules framed there under and the Election Commission Order, 2002 shall be applicable for the purpose of this Order.

3. **Allotment of symbols .—**(1) In every constituency where election is contested, a symbol shall be allotted to a contesting candidate in accordance with the provisions of this Order and different symbols shall be allocated to different candidates at an election in the same constituency.

(2) No symbol shall be allocated to any candidate outside the list of symbols prescribed under sub-rule (1) of rule 9 of the Representation of the People (Conduct of Election) Rules, 1977.

4. **Classification of symbols .—**For the purpose of this Order, symbols are classified as under:—

- (a) Symbols reserved for political parties; and
- (b) Symbols other than the reserved symbols

5. **Application for symbol—**Subject to fulfillment of the provisions of Political Parties Order, 2002 and the rules framed there under, a political party shall make an application to the Election Commission for allocation of a symbol of its choice within the period specified by the Commission in its press release, and it shall contain, —

- (a) the list of symbols applied for in order of preference;
- (b) symbol or symbols if any allocated to the political party during the previous general elections;
- (c) every such application shall be signed by the Party *Leader*, by whatever name designated;
- (d) address of the head office of the political party;
- (e) the name of its President, Secretary-General and other office-bearers of the Central Executive committee;
- (f) the numerical strength of its members;
- (g) copy of election Manifesto/copy of the Constitution of the Political Party (to be attached);

- (h) whether the party was represented by a member or members in the National Assembly or a Provincial Assembly in the past, if so, the name and other particulars of such member;
- (i) whether the political party has conducted the *intra-party* elections as required under Article 12 of the Political Parties Order, 2002; and
- (j) such other particulars or information from the party as the Commission may deem necessary.

6. **Principles of allocation of symbols.**—(a) A symbol shall be allocated to a political party if it complies with the provisions of this Order and clauses (1) and (2) of Article 17 of the Political Parties Order, 2002 for the General Elections, 2002;

(b) a candidate set-up by a political party at an election in any constituency shall be allotted the symbol reserved for that political party and no other symbol; and

(c) symbol reserved for a political party by the Commission shall not be allocated to any candidate in any constituency other than the candidate nominated by that political party.

7. **Symbol disputed by parties or group of parties.**—(1) If a political party, satisfies the requirements under para 5, it may be allotted a symbol for all its candidates if it sends their list to the Election Commission in time provided in the press release :

Provided that a political party shall have preference for allocation of a symbol if such a symbol was allocated to it before entering into an alliance with other parties in an earlier election.

(2) In case the same symbol was allotted to a combination of political parties at the last election and component parties apply for the same symbol for forthcoming elections, the allotment of that symbol to any one political party will be decided by drawing of lots.

8. **Allocation of symbol to an independent candidate .**—A candidate not nominated by any political party (hereinafter called “Independent” candidate) shall choose and shall be allotted one of the symbols not reserved for a political party in the following manner:—

- (a) where a symbol has been chosen by only one candidate, the Returning Officer shall allot that symbol to that candidate and to no one else;

- (b) if a symbol is chosen by two candidates and one of them has previously been a member of Parliament or a Provincial Assembly, such symbol shall be allotted by the Returning Officer to the former member of the Parliament or the Provincial Assembly;
  - (c) if more than one independent candidates has chosen the same symbol, the Returning Officer shall allot the symbol to such candidate according to his preference indicated therefor at the time of scrutiny of nomination papers.
  - (d) if more than one candidates has given preference for the same symbol, the Returning Officer shall allot symbol by drawing of lots.
9. **Repeal.**—The Allocation of Symbols Order, 1993 is hereby repealed.

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**THE NATIONAL ASSEMBLY AND PROVINCIAL ASSEMBLIES  
ALLOCATION OF RESERVED SEATS FOR WOMEN AND  
NON-MUSLIMS (PROCEDURE) RULES, 2002**

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**THE NATIONAL ASSEMBLY AND PROVINCIAL ASSEMBLIES  
ALLOCATION OF RESERVED SEATS FOR WOMEN AND  
NON-MUSLIMS (PROCEDURE) RULES, 2002**

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**THE NATIONAL ASSEMBLY AND PROVINCIAL ASSEMBLIES  
ALLOCATION OF RESERVED SEATS FOR WOMEN AND  
NON-MUSLIMS (PROCEDURE) RULES, 2002**

1. **Short title and commencement.**—(1) These Rules may be called the National Assembly and Provincial Assemblies Allocation of Reserved Seats of Women and Non-Muslims (Procedure) Rules, 2002.

(2) They shall come into force at once.

2. **Definitions.**—(1) In these rules unless there is anything repugnant in the subject or context,—

- (a) “Act” means the Representation of the People Act, 1976 (LXXXV of 1976);
- (b) “Commission” means the Election Commission of Pakistan constituted under Article 5 of the Election Commission Order, 2002 (Chief Executive Order No. 1 of 2002); and
- (c) “Order” means the Conduct of General Elections Order, 2002 (C.E’s Order No. 7 of 2002).

(2) The words and expressions used but not herein defined shall have the meanings assigned to them in the Act.

3. **Election for reserved seats for women and non-Muslims.**—(1) Elections to the reserved seats for women and non-Muslims in the National Assembly and Provincial Assemblies shall be held on the basis of proportional representation system of political parties’ lists of candidates in accordance with the provisions of these rules, the Order and the Act.

(2) The members to fill seats reserved for women in the National Assembly allocated to a Province shall be elected through proportional representation system of political parties’ lists of candidates submitted to the Election Commission on the basis of total number of general seats won by each political party from the Province concerned in the National Assembly.

(3) The members to fill seats reserved for women allocated to a Province 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.

(4) The members to fill seats reserved for non-Muslims in the National Assembly and the Provincial Assemblies 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 on as the case may be, in the Provincial Assembly.

(5) For the purpose of this rule the expression "total number of general seats won by 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:

Provided that the independent candidate applies to the leader of political party for joining his party and the leader of political party forthwith informs the Election Commission of his joining through a letter to be delivered to the Election Commission.

**4. Commission to declare seats won by each Political party.—**(1) The Commission shall, by notification in the official Gazette declare the total number of reserved seats won by each political party in the National Assembly and the Provincial Assemblies respectively.

(2) The per centum share of each political party shall be worked out with reference to total number of general seats in the National Assembly or as the case may be the respective Provincial Assembly.

(3) In calculating the number of seats, the highest fraction shall be taken as one seat till the allocation of total reserved seats in the concerned Assembly is completed.

(4) The seats reserved for non-Muslims and women shall be divided amongst political parties on the basis of their per centum share as worked out in sub-rule (2) and in order of priority of the names of candidates mentioned in the party list:

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

*Explanation.*— For the purpose of this rule the expression "political party" means a political party to which a symbol has been allocated by the Commission.

**5. Procedure where a nominee of political party is elected on more than one general seats, etc.—**(1) If a contesting candidate, being nominee of a political party has been elected on more than one general seats, whether in the same different Assemblies, all the seats won by him shall be counted for

the purpose of calculation of general seats won by that party in the National or the Provincial Assembly, as the case may be.

(2) The seats won by independent candidates and the seats referred to in sub-rule (1) shall be excluded from the total number of general seats in the National Assembly for the purpose of determination of share of each political party:

Provided that if an independent candidate duly joins a political party under sub-rule (5) of rule 3, he shall not be excluded for the purpose of calculation of total number of general seats of such political party.

6. **Declaration of result by the Commission.**—(1) The Commission shall calculate the total number of seats won by each political party separately in the National Assembly and each Provincial Assembly in the manner specified in rule 4 and shall then ascertain the proportion of each political party of the seats reserved for women and non-Muslims.

(2) On the basis of the calculations done under sub-rule (1), the Commission shall ascertain the number of seats to which each political party is entitled.

(3) The Commission shall then declare elected to the National Assembly or, as the case may be, the Provincial Assembly such number of candidates belonging to each political party, in order of priority in which their names appear in the lists provided by a political party as is equal to the number of seats to which that party is entitled under sub-rule (2).

[No. F. 12(15)/2002-PA.]

Sd/-  
 SAEED ULLAH JAN,  
*Secretary*  
*Parliamentary Affairs Division*  
*Government of Pakistan*  
*Islamabad.*





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**PROCEDURE FOR TRIAL OF ELECTION PETITIONS**  
**RELATING TO GENERAL ELECTIONS**

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(97—98)



## ELECTION COMMISSION OF PAKISTAN

## NOTIFICATION

*Islamabad, the 16th March, 1985*

**No. F. 1 (7)/85-Coord.**—In pursuance of the powers conferred by subsection (1) of section 62 of the Representation of the People Act, 1976, the Election Commission is pleased to lay down the following procedure for trial of election petition:—

- (1) Every election petition shall be filed with the Secretary, Election Commission of Pakistan, Islamabad, in triplicate and shall be accompanied by all such documents and affidavits of the witnesses as are desired to be produced by the petitioner alongwith the receipt indicating that the copies of the petition and the attached documents and the affidavits annexed to the petition have been supplied to the respondent.
- (2) Every election petition shall be processed by the Secretary, Election Commission. In case the petition is not in accordance with the procedure laid down herein it shall not be entertained and the petitioner shall be informed accordingly. <sup>1</sup>[\* \* \*].

Notice of the date published through the press, radio and television shall be deemed to be a valid notice and no personal notice shall be necessary unless the tribunal feels necessary to do so.

- (3) The respondent shall upon the receipt of notice of the petition from the petitioner within seven days file his written statement together with all documents relied upon by him and the affidavits of the witnesses as are desired to be produced in defence.
- (4) The petitioner shall make available for cross-examination all witnesses whose affidavits are filed with the petition for cross-examination on the first date of hearing before the tribunal <sup>2</sup>[and the trial of election petitions shall proceed on day to day basis.]
- (5) Where any party desires to summon any official witness he shall file with the petition a list of such witnesses justifying his production and also mention the documents, if any, which are required to be proved through such witness.
- (6) No witness whose name is not mentioned in the petition shall be summoned or examined unless required by the tribunal.

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<sup>1</sup> Omitted *vide* Notification No. F. 1 (7)/85-Cord. dated 29-4-1989.

<sup>2</sup> Added *vide* Notification of even number dated 18-10-1992.

- (7) Where the election petition claims as relief a declaration that the election of the returned candidate is void on the ground that the returned candidate was not, on the nomination day, qualified for, or was disqualified from, being elected as a member, the tribunal may decide the question of such qualification or disqualification as a preliminary issue.
- (8) The tribunal may make a memorandum of the evidence of each witness as his examination proceeds unless it considers that there is special reason for taking down the evidence of any witness in full.
- (9) The tribunal may refuse to examine a witness if it considers that his evidence is not material or that he has been called on a frivolous or vexatious ground for the purpose of delaying the proceedings or defeating the ends of justice.
- (10) The tribunal may, pending the final disposal of the petition, grant such interim relief as it may deem fit.

By Order of the Election Commission.

Sd/-  
M. M. KAZIM,  
*Secretary.*

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**THE PRESIDENTIAL ELECTION  
RULES, 1988**

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(101—102)



**THE PRESIDENTIAL ELECTION RULES, 1988****ARRANGEMENT OF RULES**

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## THE PRESIDENTIAL ELECTION RULES, 1988

1. **Short title and commencement.**—(1) These rules may be called the Presidential Election Rules, 1988.

(2) They shall come into force at once.

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

- (a) “Article” means Article of the Constitution;
- (b) “Commissioner” means the Chief Election Commissioner appointed under the Constitution and includes a person acting as Chief Election Commissioner under Article 217;
- (c) “Form” means a form appended to these rules.
- (d) “Presiding Officer” means an officer appointed to conduct the poll under paragraph 2 of the Second Schedule to the Constitution;
- (e) “Published” with its grammatical variations, includes exhibition at a place accessible to the public;
- (f) “Returning Officer” means the Commissioner;
- (g) “Schedule” means the Second Schedule to the Constitution;
- (h) “validly nominated candidate” means a candidate whose nomination has been accepted and who has not withdrawn his candidature;
- (i) “voter” means a person who is a member of a House of Parliament or of a Provincial Assembly.

3. **Nomination Paper.**—(1) The nomination paper by which a proposal can be made under paragraph 4 of the Schedule shall be in Form 1.

(2) Every nomination paper shall be accompanied by an attested copy of the extract from the electoral roll in which the person nominated is enrolled as a voter and attested copies of the identity cards of the proposer and the seconder issued by the Senate Secretariat, National Assembly Secretariat or, as the case may be, Provincial Assemblies Secretariats.

4. **Procedure on receipt of nomination.**—(1) Every nomination paper shall be delivered by the candidate, his proposer or seconder or an agent authorised in this behalf in writing by the candidate, to the Presiding Officer, who shall assign each nomination paper a serial number and acknowledge the receipt of the nomination paper in writing specifying the date and time of its receipt.

(2) The Presiding Officer shall endorse on the nomination paper the name of the person presenting it and the date and time of its receipt.

(3) The Presiding Officer shall inform the person presenting the nomination paper of the date, time and place fixed for the scrutiny of nomination papers and endorse the same in the acknowledgement receipt referred to in sub-rule (1).

(4) The Presiding Officer shall cause to be affixed at some conspicuous place in his office a notice of every nomination paper received by him containing the particulars of the candidate and the names of the proposer and seconder as shown in the nomination paper.

(5) The Presiding Officer shall forward all the nomination papers received by him to the Returning Officer so as to reach him before the time fixed for the scrutiny of nomination papers.

5. **Scrutiny.**—(1) The Returning Officer shall give reasonable opportunity to each candidate, his proposer or seconder or his authorised agent for examining the nomination papers forwarded to him under paragraph 4 of the Schedule.

(2) The Returning Officer shall, in the presence of persons attending the scrutiny under paragraph 5 of the Schedule, examine the nomination papers and decide any objection raised by any such person to any nomination.

(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—

- <sup>1</sup>[(a) the candidate is not qualified under the Constitution to be elected as President;]
- (b) the proposer or the seconder is not a voter;
- (c) the signature of the proposer or the seconder is not genuine;
- (d) the nomination was not filed before noon on the date fixed for the nomination of candidates;

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<sup>1</sup>Substituted *vide* ECP Notification No. S.R.O. 913(I)/2007, dated 10th September, 2007.

- (e) any provision of rule 3 or sub-rule (1) of rule 4 has not been complied with; or
- (f) the same proposer or the seconder has subscribed to more than one nomination paper;

Provided that—

- (i) the rejection of a nomination paper shall not invalidate the nomination of a candidate by any other valid nomination paper;
- (ii) the Returning Officer shall not reject a nomination paper on the ground of any defect which is not of a substantial nature, and may allow such defect to be remedied forthwith; and
- (iii) the Returning Officer shall not enquire into the correctness or validity of any entry in the electoral roll, certified copy of which accompanies the nomination, or in the list of voters.

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

(5) The decision of the Returning Officer accepting or rejecting a nomination paper shall be final.

(6) The Returning Officer shall draw up a list of candidates whose nominations have been accepted and publish it in Form II.

6. **Withdrawal and retirement.**—(1) A candidate who has been validly nominated may withdraw his candidature by a notice in writing in Form III duly signed by him and delivered to the Returning Officer or, in his absence, to the Officer of the Election Commission designated by him at any time before noon on the last day fixed for the purpose by the Returning Officer.

(2) After the Returning Officer has satisfied himself that the signature on the notice of withdrawal is that of the candidate concerned, he shall cause a copy of the notice to be affixed at some conspicuous place in his office.

(3) A candidate may retire from contesting election by a notice in writing signed by him and delivered to the Returning Officer on any day not later than three days before the polling day either by himself in person or by an authorized agent appointed by the candidate in writing in this behalf.

(4) The Returning Officer shall, upon receiving of notice of retirement under sub-rule (3), 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.

(5) A person who gives notice of withdrawal under sub-rule (1) or for retirement from contesting election under sub-rule (3), shall not be allowed to cancel or withdraw such notice.

7. **List of validly nominated candidates.**—(1) Immediately after the expiry of the period fixed for withdrawals, the Returning Officer shall, by notification in the official Gazette, publish in Form IV the names of validly nominated candidates who have not withdrawn their candidature.

(2) The names in the list of validly nominated candidates shall be written in Urdu and shall be drawn up in alphabetical order in accordance with that language.

8. **Uncontested election.**—(1) When, as a result of scrutiny under rule 5 or as a result of withdrawal under rule 6, only one validly nominated candidate is left, the Returning Officer shall declare by public notice such candidate to be elected to the office of the President.

(2) The Returning Officer shall submit to the Federal Government a return of election for notification in the official Gazette.

9. **Fixing place and time of polling.**—If there are two or more validly nominated candidates who have not withdrawn, the Returning Officer shall—

- (a) inform the Speaker of the National Assembly and of each Provincial Assembly of the place, date, time and hours fixed for the poll; and
- (b) the Speaker shall summon Parliament to meet in a joint sitting, and the Speaker of a Provincial Assembly shall summon the Provincial Assembly to meet, at the place and time and on the date fixed for the purpose of taking the poll.

10. **Appointment of Presiding and Polling Officers.**—(1) The Returning Officer shall appoint a Presiding Officer to conduct the poll with the assistance of such officers as he may, with the approval of the Returning Officer appoint.

(2) The Presiding Officer shall conduct the poll in accordance with these rules and be responsible for maintaining order during the poll.

(3) The Returning Officer may, at any time during the poll, for reasons to be recorded in writing, suspend the Presiding Officer or any other officer and appoint another person to be the Presiding Officer or, as the case may be, other officer.

11. **Ballot Paper.**—(1) The Returning Officer shall supply sufficient number of ballot papers to the Presiding Officers.

(2) The names of the validly nominated candidates shall be printed on the ballot papers in Urdu in the alphabetical order in accordance with that language.

12. **Ballot Boxes.**—The Returning Officer shall provide the Presiding Officers with such number of ballot boxes approved by him as may be necessary.

13. **List of voters.**—(1) The Returning Officer shall provide the Presiding Officers with a list of voters entitled to vote at the poll.

(2) The list of voters shall be arranged in the alphabetical order showing separately the names of the members of the National Assembly and the Senate or, in the case of a Provincial Assembly, of that Assembly.

14. **Identity cards.**—(1) Every voter shall carry with him his identity card issued by the National Assembly Secretariat or, as the case may be, the Senate Secretariat or the Secretariat of the Provincial Assembly.

(2) Before receiving a ballot paper to cast his vote, a voter shall, if required for the purpose of proving his identity, produce his identity card before the Presiding Officer.

15. **Appointment of an agent.**—(1) A validly nominated candidate may, before the commencement of the poll, appoint not more than one agent for observing the poll and the count, and given notice thereof in writing to the Presiding Officer.

(2) The appointment of an agent under sub-rule (1) may at any time be revoked by the validly nominated candidate, and when it is so revoked, or the agent dies, such candidate may appoint another person to be an agent and given notice thereof in terms of sub-rule (1).

16. **Absence of candidate, etc., not to invalidate acts, etc.**—Where any act or thing is required or authorised to be done in the presence of a candidate or an 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.

17. **Adjourned poll.**—(1) If, at any time, the poll is interrupted or obstructed for reasons beyond the control of the Presiding Officer, he shall stop the poll and inform the Returning Officer that he has done so.

(2) Where a poll is stopped under sub-rule (1), the Returning Officer shall—

- (a) as soon as may be, appoint a day for a fresh poll; and
- (b) fix the place at which and the hours during which such fresh poll shall be taken.

(3) All voters shall be allowed to vote at the fresh poll under sub-rule (2) and no vote cast at the poll stopped under sub-rule (1) shall be counted.

18. **Admission to the place of poll.**—The Presiding Officer shall, subject to such instructions as the Returning Officer may give in this behalf, regulate the number of persons other than voters to be admitted to the place of poll and exclude therefrom all other persons except—

- (a) the polling officers or any other person on duty in connection with the poll;
- (b) the contesting candidates and one representative authorised in writing by each such candidate; and
- (c) such other persons as may generally or specifically be permitted by the Returning Officer.

19. **Maintenance of order.**—(1) Any person who fails to obey any lawful orders of the Presiding Officer may immediately, by order of the Presiding Officer, be removed from the place of the poll and the person so removed shall not, without the permission of the Presiding Officer, re-enter such place.

(2) The powers under sub-rule (1) shall not be so exercised as to deprive a voter otherwise entitled to vote of an opportunity to vote.

20. **Procedure before commencement of the poll.**—(1) Immediately before the commencement of the poll, the Presiding Officer shall—

- (a) ensure that the ballot box to be used is empty;
- (b) show the empty ballot box to such contesting candidates or their agents as may be present;

- (c) after the ballot box has been shown to be empty, close and seal it so that its slit is open; and
- (d) place the ballot box within his sight for the purpose of poll.

(2) If one ballot box is full or cannot further be used for receiving ballot papers, the Presiding Officer shall seal the ballot box and use another ballot box in the manner laid down in sub-rule (1).

(3) The Presiding Officer shall make arrangements so that every voter may be able to mark his ballot paper in secret before the same is folded and inserted in the ballot box.

**21. Voting procedure.**—(1) As soon as the poll commences, the Presiding Officer shall regulate the entry of voters in the alphabetical order of their names as entered in the lists of voters so that, at a time, only one voter enters the place reserved for marking ballot papers.

(2) When a voter presents himself to vote, the Presiding Officer shall, after satisfying himself as to the identity of the voter, give him a ballot paper.

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

- (a) a mark shall be placed on the list of voters against the name of the voter to indicate that the ballot paper has been issued to him;
- (b) the ballot paper shall, on its back, be stamped with the official mark and initialed by the Presiding Officer;
- (c) the voter shall put his signature or thumb impression on the counterfoil of the ballot paper; and
- (d) the voter shall, if so requested by any contesting candidate or his agent, show to him the official mark on the back of the ballot paper.

(4) The voter on receiving the ballot paper shall—

- (a) forthwith proceed to the place reserved for marking ballot papers;
- (b) secretly put on the ballot paper against the name of the contesting candidate of his choice one cross-mark and no other mark, with a copying pencil to be provided by the Presiding Officer and not with any other marking aid ; and

(c) after he has put the mark, fold the ballot paper and insert it in the ballot box without undue delay.

**22. Voting by incapacitated voters.**—(1) 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, in case the disability is such that the voter cannot mark the ballot paper himself, the person accompanying the voter may mark the ballot paper as indicated by the latter:

Provided that the person allowed to accompany the voter shall not himself be a candidate or an agent of a candidate.

(2) If the ballot paper is to be marked by the companion, the Presiding Officer shall make it clear to him that he must mark the ballot paper for the candidate of the voter's choice and that he must maintain the secrecy of voting by not divulging to anyone the voter's choice of candidate.

(3) The Presiding Officer or a polling officer shall in no case mark the ballot paper on behalf of a blind or otherwise incapacitated voter.

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

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

**24. Voting after close of poll.**—No voter shall be given any ballot paper or be permitted to vote after the hours fixed for the close of poll, except the voters who at that hour are present within the building or room where the poll takes place and have not voted but are waiting to vote, including those who were called upon earlier to vote according to their turn by the Presiding Officer but were not present.

**25. Procedure on the close of the poll.**—(1) Immediately after the close of the poll, the Presiding Officer shall, in the presence of such of the contesting candidates or their authorised representatives as may be present,—

- (i) open the used ballot box *or* ballot boxes and count the ballot papers taken out therefrom;



- (ii) after counting the total number of ballot papers, proceed to separate the ballot papers, which are invalid under paragraph 16 of the Schedule from the other ballot papers;
- (iii) after excluding the invalid ballot papers under clause (ii), separate the ballot papers cast in favour of each contesting candidate and count such ballot papers in favour of each candidate, separately;
- (iv) put the invalid ballot papers in a separate packet and so also the valid ballot papers cast in favour of each contesting candidate;
- (v) record on each such packet a certificate of the number of ballot papers put in it and indicate the nature of the contents thereof, specifying except in case of the packet containing invalid ballot papers, the name of the contesting candidate concerned; and
- (vi) put the packets mentioned in clause (iv) in a principal packet and seal it.

**26. Completion of statements of the count and other packets.—**

(1) The Presiding Officer shall prepare in Form V a statement of the result of the count and send it forthwith to the Returning Officer.

(2) The Presiding Officer shall seal into separate packets

- (i) the un-issued ballot papers with the counterfoils;
- (ii) the spoilt ballot papers;
- (iii) the marked copies of the lists of voters;
- (iv) the counterfoils of the issued ballot papers; and
- (v) such other papers as the Presiding Officer may direct.

(3) The Presiding Officer shall immediately after the count under rule 25 prepare in Form VI a ballot paper account showing:—

- (a) the number of ballot papers entrusted to him;
- (b) the number of ballot papers taken out of the ballot box and counted;
- (c) the number of issued ballot papers and spoilt ballot papers; and
- (d) the number of invalid ballot papers.

(4) The Presiding Officer shall, if so requested by any contesting candidate or his agent, give him a certified copy of the statement of the count or the ballot paper account.

(5) The Presiding Officer shall obtain on each statement and packet prepared under this rule the signatures of such of the contesting candidates or their agents as are present and desire to sign it.

(6) The Presiding Officer shall, immediately after the close of the proceedings under this rule, cause the statement's, packets, ballot paper account and all the other connected documents to be sent to the Returning Officer.

27. **Stray ballot paper.**—Any ballot paper which has been issued to a voter and has not been inserted by him into the ballot box and is found outside the ballot box or elsewhere shall be cancelled and accounted for as a spoilt ballot paper.

28. **Count by the Returning Officer.**—(1) Immediately after the receipt of documents relating to the poll sent to him under sub-rule (6) of rule 26, the Returning Officer shall open the packets received by him in the presence of such of the contesting candidates or their representatives as may be present.

(2) The Returning Officer shall count the votes recorded for each candidate, excluding from the count the ballot papers which are invalid under paragraph 16 of the Schedule.

(3) The Returning Officer shall determine the result of the election in the manner laid down in paragraph 18 of the Schedule.

29. **Return of election.**—After the result has been determined under sub-rule (3) of rule 28, the Returning Officer shall declare the candidate who has obtained the largest number of votes to be elected to the office of President and shall submit a return of election in Form VII to the Federal Government.

30. **Drawing of lots.**—Where there is equality of votes amongst two or more candidates, the selection of the candidate to be elected shall be by drawing of lots.

31. **Powers to issue instruction, etc.**—Save as otherwise provided, the Commissioner may issue such instructions and exercise such powers as may, in his opinion, be necessary for ensuring that the election is conducted honestly, justly and fairly and in accordance with the provisions of the Constitution and these rules.

32. **Direction by the Commissioner in certain matters.**—Subject to the provisions of the Constitution, anything required to be done under these rules for which no provision or no sufficient provision exists shall be done by such authority and in such manner as the Commissioner may direct.

**<sup>1</sup>FORM I**

(See rule 3)

**NOMINATION FOR ELECTION TO THE OFFICE OF PRESIDENT OF THE  
ISLAMIC REPUBLIC OF PAKISTAN**

(To be filled in by the proposer)

I hereby nominate..... as a candidate for election  
to the office of President of the Islamic Republic of Pakistan.

- (a) Full name and address of the proposer.....
- \* (b) Returned to the National Assembly/Provincial Assembly from.....  
..... Constituency.

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Returned to the Senate from..... Province/Federally  
Administered Tribal Areas/Federal Capital.

- (c) Name of candidate's father/husband.....
- (d) Full postal address of the candidate.....

(2) I certify that the candidate is duly qualified to be elected to the office of  
President of Pakistan and that he has consented to this nomination.

Date.....

*Signature of proposer*

(To be filled in by the seconder)

I hereby second the nomination of the above-mentioned candidate.

- (a) Full name and address of the seconder.....
- \* (b) Returned to the National Assembly/Provincial Assembly .....  
from..... Constituency.

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Returned to the Senate from..... Province/Federally  
Administered Tribal Areas/Federal Capital.

Date.....

*Signature of seconder*

(Statement by the person nominated as required by paragraph 4 of the Second  
Schedule to the Constitution)

I,..... son/daughter/wife of..... registered as  
a voter at Serial No..... in the electoral roll for..... electoral area in  
..... Tehsil in ..... District do hereby consent to the above nomination  
and affirm that I am duly qualified to be elected to the office of President of Pakistan.

Date.....

*Signature of the person nominated*

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<sup>1</sup> Substituted *vide* ECP Notification No. S.R.O. 913(I)/2007, dated 10th September, 2007.

(To be filled in by the Presiding Officer)

Serial number of nomination paper.....

This nomination paper was delivered to me at my office at.....(hours)  
on ..... (date) by ..... being the \*candidate/  
proposer/seconder/agent authorised in writing in this behalf by the candidate.

Place.....

Date.....

Presiding Officer.

(Decision of Returning Officer accepting or rejecting the nomination paper on  
the day fixed for scrutiny)

I have examined this nomination paper in accordance with the provisions of the  
Second Schedule to the Constitution and decide that the nomination paper be accepted/  
rejected. (In case of rejection, state brief reasons)

Date.....

Returning Officer

## RECEIPT

Serial Number of nomination paper.....

The nomination paper of ..... a candidate for election to the  
office of President of Pakistan was delivered to me at my office at.....(hours)  
on .....(date) by ..... being the \*candidate/  
proposer/seconder/agent authorised in writing in this behalf by the candidate.

All nomination papers will be taken up for scrutiny at.....(hours)  
on ..... (date) at ..... place.

Place.....

Date.....

Presiding Officer

\*Strike off inappropriate alternatives.].

**FORM II**

[See rule 5(6)]

**LIST OF CANDIDATES WHOSE NOMINATIONS ACCEPTED**

(Election to the office of President of the Islamic Republic of Pakistan)

S. No.	Name of Candidate	Name of *Father/Husband	Address
1	2	3	4

*Place*.....*Date*.....*Returning Officer.*

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\*Strike off inappropriate alternative.

**FORM III**

[See rule 6(1)]

**NOTICE OF WITHDRAWAL**

To

The Returning Officer for  
Election to the Office of President of Pakistan.

I, ..... son/daughter/wife of.....  
.....a candidate at the  
above-mentioned election do hereby give notice that I withdraw my candidature.

*Place*.....

*Signature of candidate.*

*Date*.....

**FORM IV**

[See rule 7(1)]

**LIST OF VALIDLY NOMINATED CANDIDATES FOR ELECTION TO  
THE OFFICE OF PRESIDENT OF THE ISLAMIC REPUBLIC OF  
PAKISTAN REQUIRED TO BE NOTIFIED *VIDE* PARAGRAPH 8 OF  
THE SECOND SCHEDULE TO THE CONSTITUTION**

S. No.	Name of Candidates in Urdu duly arranged in alphabetical order in that language	Name of * Father/Husband	Name of Proposers and Seconders	Address
1	2	3	4	5

The poll will be taken between the ..... (hours) on.....  
..... (date) at ..... (place).

*Place*.....

*Date*.....

*Returning Officer.*

---

\*Strike off inappropriate alternative.

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**FORM V**

[See rule 26(1)]

**RESULT OF COUNT BY PRESIDING OFFICER AS REQUIRED TO BE  
PREPARED UNDER PARAGRAPH 17 OF THE SECOND SCHEDULE  
TO THE CONSTITUTION**

Sl. No.	Name of candidate	Number of valid votes polled	Remarks
1	2	3	4

Total number of valid votes polled .....

Total number of invalid votes .....

*Place*.....

*Date*.....

*Presiding Officer.*



**FORM VI**

[See rule 26(3)]

**BALLOT PAPER ACCOUNT**

Election to the office of President of the Islamic Republic of Pakistan.

- |  |  |
|--|--|
| 1. Ballot papers received from the Returning Officer.                              | From Sl. No..... to.....<br>Total..... |
| 2. Total number of ballot papers taken out of the ballot box or boxes and counted. | .....                                  |
| 3. Total number of ballot papers spoilt and cancelled.                             | .....                                  |
| 4. Total number of ballot papers under items 2 & 3.                                | .....                                  |
| 5. Number of un-issued ballot papers.  | From Sl. No..... to.....<br>Total..... |
| 6. Total number of item Nos. 4 & 5.  | .....                                  |

*Place*.....*Date*.....*Signature of the Presiding Officer.*


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*Note.*— Figures given against item No. 6 should be equal to the figures given against item No. 1.

FORM VII

(See rule 29)

RETURN OF ELECTION TO THE OFFICE OF PRESIDENT OF THE ISLAMIC REPUBLIC OF PAKISTAN REQUIRED TO BE SUBMITTED BY THE  
RETURNING OFFICER TO THE FEDERAL GOVERNMENT

Sl. No.	Name of the House/ Provincial Assembly	Total votes polled	Invalid votes	Total valid votes polled	Number of votes cast in favour of								Total votes calculated in accordance with paragraph 18 of the Second Schedule
					Candidate 'A'		Candidate 'B'		Candidate 'C'		Candidate 'D'		
					Valid	Calculated	Valid	Calculated	Valid	Calculated	Valid	Calculated	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1. The National Assembly.													
2. The Senate.													
3. The Provincial Assembly, Punjab													
4. The Provincial Assembly, Sindh.													
5. The Provincial Assembly, N.W.F.P.													
6. The Provincial Assembly, Balochistan.													
Total :													

I declare that Mr./Mrs./Miss..... son/wife/daughter of.....  
.....of .....(address) has been duly elected.

Place.....

Date.....

Returning Officer.

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**THE REPRESENTATION OF THE PEOPLE ACT, 1976**  
**(ACT No. LXXXV OF 1976)**

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**THE REPRESENTATION OF THE PEOPLE ACT, 1976**

(ACT No. LXXXV OF 1976)

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**THE REPRESENTATION OF THE PEOPLE ACT, 1976**

**(ACT NO. LXXXV OF 1976)**

An Act to provide for the conduct of elections to the National Assembly and the Provincial Assemblies.

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.

**CHAPTER I**

**PRELIMINARY**

1. **Short title, extent, application and commencement.**—(1) This Act may be called the Representation of the People Act, 1976.

(2) It extends to the whole of Pakistan.

(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.

(4) It shall come into force at once.

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);
- (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 this Act;
- (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;
- (xi) “election petition” means an election petition made under section 52;
- (xii) “elector”, in relation to a constituency, means a person who is enrolled on the electoral roll for any electoral area in that constituency;
- (xiii) “electoral roll” means an electoral roll prepared, revised or corrected under the Electoral Rolls Act, 1974 (XXI of 1974);
- (xiv) “member” means member of an Assembly;
- (xv) “nomination day” means the day appointed under section 11 for the nomination of candidates;
- (xvi) “polling agent” means a polling agent appointed under section 23;
- (xvii) “polling day” means the day on which poll is taken for an election;
- (xviii) “polling officer” means a polling officer appointed under section 9 for a polling station;

- (xix) “prescribed” means prescribed by rules made under this Act;
- (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;
- (xxi) “returned candidate” means a candidate who has been declared elected as a member under this Act;
- (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;
- (xxiii) “scrutiny day” means the day appointed under section 11 for the scrutiny of nomination papers ;
- (xxiv) “spoilt ballot paper” means a ballot paper which has been spoiled and is returned to the Presiding Officer under section 36;
- (xxv) “Tribunal” means an Election Tribunal appointed under section 57 for the trial of election petitions;
- (xxvi) “validly nominated candidate” means a candidate whose nomination has been accepted; and
- (xxvii) “withdrawal day” means a day appointed under section 11 on or before which candidature may be withdrawn.

## CHAPTER II

### ELECTION COMMISSION

3. **Procedure of the Commission.**—(1) Subject to the provisions of this section, the Commission shall regulate its procedure.

(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.

(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:

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.

4. **Delegation of powers, etc.**—The Commission may authorise 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.

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.

(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.

6. **Power to requisition property.**—The Provincial Government or an officer authorised 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 :

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.

(2) Any person authorised 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.

(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.

### CHAPTER III

#### APPOINTMENT OF RETURNING OFFICER, ETC.

7. **Appointment of <sup>1</sup>[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 <sup>2</sup>[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.

<sup>3</sup>[(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.]

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<sup>1</sup>Inserted *vide* Ordinance No. 11 of 1985, dated 12-1-1985.

<sup>2</sup>Substituted *ibid*.

<sup>3</sup>Added *ibid*.

<sup>1</sup>(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. **Polling stations.**—(1) The Returning Officer shall, before such time as the Commission may fix, submit to the <sup>2</sup>[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.

<sup>2</sup>[(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 station.]

(3) The Returning Officer shall establish in each constituency polling stations according to the final list published under sub-section(2).

<sup>3</sup>[(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.]

9. **Presiding Officers and Polling Officer.**—(1) A Returning Officer shall appoint for each polling station a Presiding Officer and such number of Assistant Presiding Officers and polling officers <sup>4</sup>[ from amongst the officers of the Federal

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<sup>1</sup> Added *vide* Act No. IX of 1991, dt. 18-6-1991.

<sup>2</sup> Substituted *vide* Ordinance No. 11 of 1985, dated 12-1-85.

<sup>3</sup> Substituted *vide* Ordinance No. XXXVI of 2002, dt. 31-7-2002.

<sup>4</sup> Inserted *ibid*.



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 :

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.

(2) A list of such Presiding Officers and polling officers shall be submitted to the <sup>1</sup>[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.

(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 :

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.

(4) The Returning Officer 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.

(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.

**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 the constituency.

(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.

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<sup>1</sup>Substituted *vide* Ordinance No. 11 of 1985, dated 12-1-85

## CHAPTER IV

## CONDUCT OF ELECTIONS

11. **Notification for election.**—<sup>1</sup>[(1) As soon as <sup>2</sup>[ 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 <sup>3</sup> [, 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—

- (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 public holiday;
- <sup>4</sup>[(b) the dates for the scrutiny of nominations, which shall be the <sup>5</sup>[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.]
- (c) <sup>6</sup>[\* \* \* \*]
- (d) the last date for filing of appeals against acceptance or rejection of nominations, which shall be the <sup>7</sup>[fourth] day following the <sup>8</sup>[last] date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday ;
- (e) the last date for decision of appeals, which shall be the <sup>7</sup>[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 ;
- <sup>9</sup>(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;]
- (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

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<sup>1</sup> Sub-sections (1) and (2) substituted *vide* Ordinance No. II of 1985, dated 12-1-85.

<sup>2</sup> Inserted *vide* Ordinance No. XXXVI of 2002, dt. 31-7-2002.

<sup>3</sup> Inserted *vide* Ordinance No. XXVIII of 2002, dt. 10-7-2002.

<sup>4</sup> Substituted *vide* Act No. IX of 1991, dt. 18-6-1991.

<sup>5</sup> Substituted *ibid*.

<sup>6</sup> Omitted *vide* Act No. IX of 1991, dt. 18-6-1991.

<sup>7</sup> Substituted *vide* Ordinance No. XXXVI of 2002, dt. 31-7-2002.

<sup>8</sup> Substituted *vide* Act No. IX of 1991, dt. 18-6-1991.

<sup>9</sup> Inserted *ibid*.

- (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.

(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 published at some prominent place or places within the constituency to which it relates.

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

<sup>1</sup>[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.]

12. **Nomination for election.**—<sup>2</sup>[(1) Any elector of a constituency may propose or second the name of any duly qualified person to be a member for that constituency.]

<sup>3</sup>[(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—

- (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;

<sup>4</sup>[(b) *Omitted.*

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<sup>1</sup>Inserted *vide* Ordinance No. LIV of 1979, dt. 7-10-79.

<sup>2</sup>Substituted *vide* Act No. IX of 1991, dt. 18-6-91.

<sup>3</sup>Substituted *vide* Ordinance No. XXXVI of 2002, dt. 31-7-2002.

<sup>4</sup>Omitted *vide* Ordinance No. XLV of 2002, dt. 22-8-2002.

- (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, alongwith 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.]

<sup>1</sup>[(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 papers.

(5) <sup>2</sup>[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 paper.

<sup>3</sup>[(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.]

13. **Deposits.**—(1) Subject to the provisions of sub-section (2), no nomination paper delivered under section 12 shall be accepted unless —

(a) a sum of rupees—

(i) <sup>4</sup>[four thousand] for election to a seat in the National Assembly; and

(ii) <sup>4</sup>[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

(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.

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<sup>1</sup>Substituted *vide* Ordinance No. LXXXIII of 2002, dt. 19-10-2002.

<sup>2</sup>Omitted *vide* Ordinance No. VIII of 1985, dt. 21-1-1985.

<sup>3</sup>Added *vide* Ordinance No. XXXVI of 2002, dt. 31-7-2002.

<sup>4</sup>Substituted *vide* Act No. IX of 1991, dt. 18-6-1991.

(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.

14. **Scrutiny.**—(1) The candidates, their election agents, <sup>1</sup>[the proposers and seconders and one other person authorised in this behalf by each candidate] <sup>2</sup>[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:

<sup>3</sup>[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.]

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

(3) The Returning Officer may, either of his own motion or upon any objection, <sup>4</sup>[either by an elector or] <sup>5</sup>[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—

- (a) the candidate is not qualified to be elected as a member;
- <sup>5</sup>[(b) the proposer or the seconder is not qualified to subscribe to the nomination paper;]
- (c) any provision of section 12 or section 13 has not been complied with <sup>3</sup>[ or submits any false or incorrect declaration or statement in any material particular] ; or
- <sup>5</sup>[(d) the signature of the proposer or the seconder is not genuine:]

Provided that:—

- (i) the rejection of a nomination paper shall not invalidate the nomination of a candidate by any other valid nomination paper;
- <sup>6</sup>[(1a) the Returning Officer may, for the purpose of scrutiny, require any agency or authority to produce any document or record;]

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<sup>1</sup>Substituted *vide* Act No. IX of 1991, dt. 18-6-1991.

<sup>2</sup>Inserted *vide* Ordinance No. XXXVI of 2002, dated 31-7-2002.

<sup>3</sup>Added *ibid*.

<sup>4</sup>Inserted *ibid*.

<sup>5</sup>Inserted *vide* Act No. IX of 1991, dt. 18-6-1991.

<sup>6</sup>Added *vide* Ordinance No. XXXVI of 2002, dt. 31-7-2002.

- (ii) the Returning Officer shall not reject a nomination paper on the ground of any defect which is not of a substantial nature and may allow any such defect to be remedied forthwith, including an error in regard to the name, serial number in the electoral roll or other particulars of the candidate or <sup>1</sup>[his proposer or seconder] so as to bring them in conformity with the corresponding entries in the electoral roll; and
- (iii) the Returning Officer shall not enquire into the correctness or validity of any entry in the electoral roll.

<sup>2</sup>[(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.]

<sup>3</sup>[(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.]

<sup>1</sup>[(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.]

<sup>2</sup>(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.]

(6) An appeal not disposed of within the period specified in sub-section (5) shall be deemed to have been rejected.

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<sup>1</sup>Substituted *vide* Act No. IX of 1991, dt. 18-6-1991.

<sup>2</sup>Inserted *vide* Ordinance No. XXXVI of 2002, dated 31-7-2002.

<sup>3</sup>Added *ibid*.

(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.

14A. <sup>1</sup>[\*\*\*]

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.

(2) In case an appeal against the decision of the Returning Officer is accepted by the <sup>2</sup>[Tribunal referred to in sub-section (5) of section 14] the Returning Officer shall revise the list of validly nominated candidates accordingly.

(3) The Returning Officer shall, on the <sup>2</sup>[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.

16. **Withdrawal.**—<sup>3</sup>(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.

*Explanation.*—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 1961).]

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

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

(4) The Returning Officer shall, <sup>3</sup>[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.

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<sup>1</sup>Omitted, *vide* Ordinance No. 11 of 1985, dated 12-1-85.

<sup>2</sup>Substituted *vide* Act No. IX of 1991, dated 18-6-1991.

<sup>3</sup>Substituted *vide* Ordinance No. 11 of 1985, dated 12-1-85.



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.

(2) No person who has given a notice of retirement under sub-section (1) shall be allowed to cancel the notice.

(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.

(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.

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.

(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:

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.

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 therefor he may postpone such proceedings.

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

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:

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.

(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).

(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).

<sup>1</sup>[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 party candidate from the constituency.]

21. **Contested election and allocation of symbols.**—<sup>2</sup>[(1) If there are more contesting candidates than one in respect of any constituency, the Returning Officer shall—

- (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;
- (b) publish in such manner as the Commission may direct the names of the contesting candidates arranged in the Urdu alphabetical order specifying against each the symbol allocated to him; and
- (c) give public notice of the poll:

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.]

(2) The Returning Officer shall arrange to exhibit prominently at each polling station the name of and symbol of each contesting candidate.

(3) <sup>3</sup>[\* \* \* \*

(4) ]

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<sup>1</sup>Inserted *vide* Ordinance No. XLV of 2002, dated 23-8-2002.

<sup>2</sup>Substituted *vide* Act No. IX of 1991, dt. 18-6-1991.

<sup>3</sup>Omitted *vide* Ordinance No. XLIX of 1984, dated 27-10-84

22. **Election Agent.**—(1) A candidate may appoint a person qualified to be elected as a member to be his election agent.

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

(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.

(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.

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.

Proviso <sup>1</sup>[\* \* \* \*]

(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.

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.

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:

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.

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<sup>1</sup>Omitted *vide* Act No. IX of 1991, dt. 18-6-1991.

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.

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—

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

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

(3) Where the Commission orders a fresh poll under sub-section (2), it shall, by notification in the official Gazette,—

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

(4) At a fresh poll taken under sub-section (3) at a polling station all 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.

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.

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

- (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
- (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.

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

- (a) in the case of a person referred to in clause (a) 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
- (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.

(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.

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

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

(2) The ballot boxes shall be of such material and design as may be approved by the Commission.

(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.

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

- (a) ensure that every ballot box to be used is empty;
- (b) show the empty ballot box to the contesting candidates and their election agents or polling agents whoever may be present, and record their statements in this behalf <sup>1</sup>[in the prescribed form] and obtain their signatures on them;
- (c) after the ballot box has been shown to be empty, close and seal it with his own seal and with the seal of such of the candidates, or their election agents or polling agents as may be present and may desire to put their own seals on it; and
- (d) place the ballot box so as to be conveniently accessible to the 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.

(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).

(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.

**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—

- (a) any person on duty in connection with the election;
- (b) the contesting candidates, their election agents and polling agents; and
- (c) such other persons as may be specifically permitted by the Returning Officer.

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<sup>1</sup>Substituted *vide* Ordinance No. L of 1979, dated 17-9-79

**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.

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

(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.

**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 <sup>1</sup>[and shall, for that purpose, require the elector to produce his identity card provided for in the National Registration Act, 1973 (LVI of 1973) <sup>2</sup>[or issued under the National Database and Registration Authority Ordinance, 2000 (VIII of 2000)].

(2) Before a ballot paper is issued to an elector—

(a) <sup>3</sup>[ \* \* \* ]

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

<sup>4</sup>(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;]

<sup>5</sup>[(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;]

(d) the ballot paper shall be stamped on its back with the official mark and <sup>6</sup>[signed] by the Presiding Officer; and

(e) the Presiding Officer shall record on the counterfoil of the ballot paper the number of the elector on the electoral roll <sup>2</sup>[the number of National Identity Card of the elector], stamp it with the official mark, <sup>6</sup>[sign it and obtain on] it the thumb impression of the elector.

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<sup>1</sup>Substituted *vide* Act No. IX of 1991, dated 18-6-1991.

<sup>2</sup>Added *vide* Ordinance No. XXXVI of 2002, dated 31-7-2002.

<sup>3</sup>Omitted *vide* Act No. IX of 1991, dated 18-6-1991.

<sup>4</sup>Substituted *vide* Ordinance No. L of 1979, dated 17-9-79.

<sup>5</sup>Inserted *vide* Ordinance No. 11 of 1985, dated 12-1-85.

<sup>6</sup>Substituted *ibid*.

(3) <sup>1</sup>[A ballot paper shall not be issued to a person who—

- (a) fails or refuses to produce his identity card <sup>2</sup>provided for in the National Registration Act, 1973 (LVI of 1973) <sup>2</sup>[ or issued under the National Database and Registration Authority Ordinance, 2000(VIII of 2000)];
- (b) <sup>3</sup> [ ]
- (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
- (d) refuses to receive the personal mark with indelible ink or who already bears such a mark or traces of such a mark.]

(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.

(5) On receiving the ballot paper, the elector shall—

- (a) forthwith proceed to the place reserved for marking the ballot paper;
- (b) put the prescribed mark on the ballot paper at any place within the space containing the name and symbol of the contesting candidate for whom he wishes to vote; and
- (c) after he has so marked the ballot paper, fold and insert it in the ballot box.

(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.

(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.

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<sup>1</sup>Substituted *vide* Act No. IX of 1991, dated 18-6-1991.

<sup>2</sup>Added *vide* Ordinance No. XXXVI of 2002, dated 31-7-2002.

<sup>3</sup>Omitted *ibid*.



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.

(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.

(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.

35. **Challenge of electors.**—(1) If, at the time a person applies for ballot paper for the purpose of voting, a candidate or his polling agent declares to the Presiding Officer that he has reasonable cause to believe that person has already voted 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.

(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.

(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.

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

(2) The Presiding Officer shall 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”.

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.

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.

(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.

(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.

(4) The Presiding Officer shall—

- (a) open the used ballot box or ballot boxes and count the entire lot of ballot papers taken out therefrom;
- (b) open the packet bearing the label “Challenged Ballot Papers” and count them;
- (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—
  - (i) no official mark and <sup>1</sup>[signature] of the Presiding Officer ;
  - (ii) any writing or any mark other than <sup>2</sup>[\* \* \*] the official mark, the signature of the Presiding Officer and the prescribed mark or to which a piece of paper or any other object of any kind has been attached ;
  - (iii) no prescribed mark to indicate the contesting candidate for whom the elector has voted; or

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<sup>1</sup>Substituted *vide* Ordinance 11 of 1985, dated 12-1-85.

<sup>2</sup>Omitted *vide* Act No. IX of 1991, dt. 18-6-1991.

- (iv) any mark from which it is not clear for whom the elector has voted:

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.

- (5) The Presiding Officer may recount the votes—

- (a) of his own motion if he considers it necessary; or
  - (b) upon the request of a contesting candidate or an election agent present if, in his opinion, the request is not unreasonable.

(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.

(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.

(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.

(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.

(10) The Presiding Officer shall also prepare in the prescribed form a ballot paper account showing separately—

- (a) the number of ballot papers entrusted to him;
  - (b) the number of un-issued ballot papers;
  - (c) the number of ballot papers taken out of the ballot box or boxes and counted;

- (d) the number of tendered ballot papers;
- (e) the number of challenged ballot papers; and
- (f) the number of spoilt ballot papers.

(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<sup>1</sup> [and obtain a receipt for such copy.]

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

- (a) the un-issued ballot papers;
- (b) the spoilt ballot papers;
- (c) the tendered ballot papers;
- (d) the challenged ballot papers;
- (e) the marked copies of the electoral rolls;
- (f) the counterfoils of used ballot papers;
- (g) the tendered votes list;
- (h) the challenged votes list; and
- (i) such other papers as the Returning Officer may direct.

(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.

(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.

(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.

**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

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<sup>1</sup> Added *vide* Ordinance No. L of 1979, dated 17-9-79.

prescribed manner the results of the count furnished by the Presiding Officers, including therein the postal ballots received by him before the time aforesaid.

(2) The consolidation proceedings shall be held without any avoidable delay as soon as possible after the polling day.

(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.

(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.

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

(6) The Returning Officer may recount the ballot papers—

- (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
- (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.

<sup>1</sup>[(7) After consolidation of results the Returning Officer shall give to such contesting candidates and their election agents as are present during the consolidation proceedings, a copy of the result of the count notified to the Commission immediately against proper receipt and shall also post a copy thereof to the other candidates and election agents.]

**40. Rcsealing of packets and supply of copies.**—The Returning Officer shall—

- (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

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<sup>1</sup>Added *vide* National Reconciliation Ordinance, 2007.

- (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.

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.

(2) The lot shall be drawn in the presence of such of the contesting candidates and their election agents as may be present.

(3) The Returning Officer or the Commission, as the case may be, shall keep, 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.

42. **Declaration of results.**—(1) The Returning Officer shall, after obtaining the result of the count under section 39 or of the drawal 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.

(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 drawal of lots under section 41.

(3) The Returning Officer shall, immediately after the count, submit to the Commission a copy of the consolidated statement in the prescribed form.

<sup>1</sup>[(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].

(4) The Commission shall publish in the official Gazette the name of the returned candidate.

<sup>2</sup>[Provided that the result of a returned candidate shall not be published who fails to submit the return of expenses specified in subsection (3A)].

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<sup>1</sup>Inserted *vide* Ordinance No. XXXVI of 2002, dated 31-7-2002.

<sup>2</sup>Added *vide* Ordinance No. XXXVI of 2002, dated 31-7-2002.

<sup>1</sup>[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.

(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.

(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.

(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.]

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 :

<sup>2</sup>[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.]

(2) A deposit which is not required to be returned under sub-section (1) shall be forfeited to the Federal Government.

44. **Documents to be sent to, and retained by, the Commission.**—  
The Returning Officer shall forward to the Commission—

- (a) the packets containing the ballot papers each of which shall be sealed with the seal of the Presiding Officer, or, if opened by the Returning Officer, with the seal of the Returning Officer;
- (b) the packets containing the counterfoils of issued ballot papers;
- (c) the packets containing the marked copies of the electoral rolls;
- (d) the packets containing the ballot paper account;

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<sup>1</sup>Inserted *vide* Ordinance No. XXXVI of 2002, dated 31-7-2002.

<sup>2</sup>Added *vide* Act No. IX of 1991, dated 18-6-1991.

- (e) the packets containing the tendered ballot papers, the challenged ballot papers, the tendered votes list and the challenged votes list; and
- (f) such other papers as the Commission may direct.

(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.

(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.

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 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.

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.

(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 :

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.

(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.

(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 elector 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.



(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.

## <sup>1</sup>[CHAPTER V-A

### ELECTION TO RESERVED SEATS

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, alongwith 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.]

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<sup>1</sup>Substituted *vide* Ordinance No. XXXVI of 2002, dt. 31-7-2002.

## CHAPTER VI

## ELECTION EXPENSES

<sup>1</sup>[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.

49. **Restriction on election expenses.**—(1) No person other than the candidate shall incur any election expenses of such candidate:

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.

(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.

(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.

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.

(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—

- (a) a statement of all payments made by him together with all bills and receipts;
- (b) a statement of all disputed claims;
- (c) a statement of all unpaid claims, if any; and

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<sup>1</sup>Added *vide* Ordinance No. XXXVI of 2002, dated 31-7-2002.

- (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.

(3) The returns submitted under sub-section (2) shall be accompanied by an affidavit of the candidate in the prescribed form.

**51 Inspection of returns, etc.**—(1) The returns and documents submitted under section 50 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.

(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)].

## CHAPTER VII

### ELECTION DISPUTES

**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).

(2) An election petition shall be presented to the Commissioner within <sup>1</sup>[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.

**53. Presentation of petition.**—(1) An election petition shall be presented by a petitioner and shall be deemed to have been presented—

- (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,—
  - (i) by the petitioner; or
  - (ii) by a person authorised in writing in this behalf by the petitioner; or
- (b) when delivered by registered post to the Secretary to the Commission or to such other officer as aforesaid.

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<sup>1</sup>Substituted *vide* Ordinance No. XVIII of 1985, dated 10-3-85

(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.

**54. Parties to the petition.**—The petitioner shall join as respondents to his election petition—

- (a) all contesting candidates; and
- (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.

*Explanation.*—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.

**55. Contents of petition.**—(1) Every election petition shall contain—

- (a) A precise statement of the material facts on which the petitioner relies;
- (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
- (c) the relief claimed by the petitioner.

(2) A petitioner may claim as relief any of the following declarations, namely:—

- (a) that the election of the returned candidate is void;
- (b) that the election of the returned candidate is void and that the petitioner or some other person has been duly elected; or
- (c) that the election as a whole is void.

(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.

**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.

(2) If an election petition is not dismissed under sub-section (1), the Commissioner shall refer it for trial to a Tribunal.

**57. Appointment of Tribunal.**—(1) For the trial of election petitions under this Act, the Commissioner shall appoint as many Election Tribunals as may be necessary.

(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.

**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—

- (a) shall proceed with the trial of the petition from the stage from which it is transferred; and
- (b) may, if it thinks fit, recall and examine any of the witnesses already examined.

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

**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.

**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:

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

**62. Procedure before Tribunal.**—<sup>1</sup>[(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.]

(2) Subject to the provisions of this Act, the Evidence Act, 1872 (I of 1872), shall apply for the trial of an election petition.

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<sup>1</sup>Substituted *vide* Ordinance No. XVIII of 1985, dated 10-3-85

(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.

(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.

**63. Dismissal of petition during trial.**—The Tribunal shall dismiss an election petition, if—

- (a) the provisions of section 54 or section 55 have not been complied with; or
- (b) if the petitioner fails to make the further deposit required under subsection (4) of section 62.

**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 <sup>1</sup>[476,] 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

**65. 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.

(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.

(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.

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<sup>1</sup>Inserted *vide* Ordinance No. XXIV of 1985, dated 17-3-85.

(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 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.

(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.

**66. 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:

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 intention so to do and has also deposited the security referred to in section 52.

(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.

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

- (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.

<sup>1</sup>[(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 :

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<sup>1</sup>Added *vide* Ordinance No. XXXVI of 2002, dated 31-7-2002.

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 shall refer to the Commissioner that such candidate may be declared by the Commission 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.]

(2) Save as provided in sub-section (3), the decision of a Tribunal on an election petition shall be final.

<sup>1</sup>[(3) Any person aggrieved by a decision of the 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.

*Explanation.*—In this sub-section, “decision of the Tribunal” shall not be deemed to include an order made by the Commission in the exercise of its powers under section <sup>2</sup>[103AA.]]

**68. 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—

- (a) the nomination of the returned candidate was invalid; or
- (b) the returned candidate was not, on the nomination day, qualified for, or was disqualified from, being elected as a member; or
- (c) the election of the returned candidate has been procured or induced by any corrupt or illegal practice; or
- (d) a corrupt or illegal practice has been committed by the returned candidate or his election agent or by any other person with the connivance of the candidate or his election agent.

(2) The election of a returned candidate shall not be declared void on the ground—

- (a) that any corrupt or illegal practice has been committed, if the 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

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<sup>1</sup>Substituted *vide* Ordinance No. XVI of 1977, dated 30-3-1977.

<sup>2</sup>Substituted *vide* Act No. IX of 1991, dated 18-6-1991.



- (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.

**69. 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.

**70. 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—

- (a) the failure of any person to comply with the provisions of the Act or the rules; or
- (b) the prevalence of extensive corrupt or illegal practice at the election.

**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.

(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:

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.

**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.

(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.

73. **Withdrawal of petition.**—(1) An election petition may be withdrawn—

- (a) before the Tribunal has been appointed, by leave of the Commissioner; and
- (b) after a Tribunal has been appointed, by leave by the Tribunal.

(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.

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.

(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.

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*.

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.

<sup>1</sup>[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

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<sup>1</sup>Added *vide* Ordinance No. XXXVI of 2002, dated 31-7-2002.

candidate may have incurred under this Act or under any other law for the time being in force, make an order—

- (a) declaring the election of the returned candidate to be void ; and
- (b) declaring any other contesting candidate to have been duly elected.

(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.

(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.]

**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.

(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.

(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 the residue thereof, as the case may be, shall, upon application in writing therefor by the person who made the deposit or by his legal representative, be returned by the Tribunal to the person making the application.

(4) Any order for costs may be enforced upon application in writing made to the principal civil court of original jurisdiction of the district in which the person from whom the costs are to be recovered resides or owns property, or of the district in which the constituency, or any part of the constituency, to which the disputed election relates is situate, as if such order were a decree passed by that court:

Provided that no proceeding shall be brought under this sub-section except in respect of costs which have not been recovered by an application under sub-section (2).

## CHAPTER VIII

**OFFENCE, PENALTY AND PROCEDURE**

78. **Corrupt practice.**—A person is guilty of corrupt practice if he—

<sup>1</sup>[(1) .contravenes the provisions of section 49;]

(2) is guilty of bribery, personation or undue influence;

(3) makes or publishes a false statement <sup>2</sup>[or submits false or incorrect declaration in any particular material]—

(a) concerning the personal character of a candidate or any of his relation 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;

(b) relating to the symbol of a candidate whether or not such symbol has been allocated to such candidate; <sup>3</sup>[ ]

(c) regarding the withdrawal of a candidate; <sup>2</sup>[or]

<sup>2</sup>[(d) in respect of his educational qualifications, assets and liabilities, or any liability with regard to payment of loans or adherence to party affiliation specified in sub-section (2) of section 12.].

(4) calls upon or persuades any person to vote, or to refrain from voting, for any candidate on the ground that he belongs to a particular religion, province, community, race, caste, bradari, sect or tribe;

(5) knowingly, in order to support or oppose a candidate, lends, employs, hires, borrows or uses any vehicle or vessel for the purposes of conveying to or from the polling station any elector except himself and members of his immediate family; or

(6) causes or attempts to cause any person present and waiting to vote at the polling station to depart without voting.

79. **Bribery.**—A person is guilty of bribery, if he, directly or indirectly, by himself or by any other person on his behalf—

(1) receives or agrees to receive or contracts for any gratification for

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<sup>1</sup>Inserted *vide* Ordinance No. XXXVI of 2002, dated 31-7-2002.

<sup>2</sup>Added *ibid*.

<sup>3</sup>Omitted *ibid*.

voting or refraining from voting, or for being or refraining from being a candidate at, or for withdrawing from, an election;

- (2) gives, offers or promises any gratification to any person—
  - (a) for the purpose of inducing—
    - (i) a person to be, or to refrain from being, a candidate at an election;
    - (ii) an elector to vote, or refrain from voting, at an election; or
    - (iii) a candidate to withdraw from an election; or
  - (b) for the purpose of rewarding—
    - (i) a person for having been, or for having refrained from being, a candidate at an election;
    - (ii) an elector for having voted or refrained from voting at an election; or
    - (iii) a candidate for having withdrawn from an election.

*Explanation.*—In this section, “gratification” includes a gratification in money or estimable in money and all forms of entertainment or employment.

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.

<sup>1</sup>[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.]

81. **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,

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<sup>1</sup>Inserted *vide* Ordinance No. VIII of 1985, dated 21-1-85.

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—

- (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.

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.

<sup>1</sup>[82A. **Capturing of polling station and polling booth, etc.**—  
Whoever—

- (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;
- (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;
- (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
- (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,

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 thousands rupees and may extend to one hundred thousand rupees or which both.]

83. **Illegal practice.**—(1) A person is guilty of illegal practice if he—

- <sup>2</sup>[(a) fails to comply with the provisions of section 50;]
- (b) obtains or procures or attempts to obtain or procure, the assistance of any person in the service of Pakistan to further or hinder the election of a candidate;
- (c) votes or applies for a ballot paper for voting at an election knowing that he is not qualified for, or is disqualified from, voting;
- (d) votes or applies for a ballot paper for voting more than once in the same polling station;

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<sup>1</sup>Added *vide* Ordinance No. XLV of 2002, dated 22-8-2002.

<sup>2</sup>Inserted *vide* Ordinance No. XXXVI of 2002, dated 31-7-2002.

- (e) votes or applies for a ballot paper for voting in more than one polling station for the same election;
- (f) removes a ballot paper from a polling station during the poll; or
- (g) knowingly induces or procures any person to do any of the aforesaid acts.

(2) Any person guilty of illegal practice shall be punishable with <sup>1</sup>[imprisonment for a term which may extend to six months and fine which may extend to five] thousand rupees.

<sup>2</sup>[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:

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.

- (2) Wall-chalking as part of an election campaign is prohibited in all forms.
- (3) Loudspeakers shall not be used for election campaign except at the election meetings.
- (4) The Zila Nazim and the Returning Officer shall be responsible for the effective implementation of the provisions of this section.
- (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.]

**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.

(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.

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<sup>1</sup> Substituted *vide* Ordinance No. XXXVI of 2002, dated 31-7-2002.

<sup>2</sup> Inserted *ibid*.



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—

- (1) canvasses for votes;
- (2) solicits the vote of any elector;
- (3) persuades any elector not to vote at the election or for a particular candidate; or
- (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.

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—

- (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;
- (2) persistently shouts in such manner as to be audible within the polling station;
- (3) does any act which—
  - (a) disturbs or causes annoyance to any elector visiting a polling station for the purpose of voting; or
  - (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
- (4) abets the doing of any of the aforesaid acts.

<sup>1</sup>[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

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<sup>1</sup>Substituted *vide* Ordinance No. XIV of 1985, dated 24-2-85.

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—

- (a) exercise the powers of a Magistrate of the first class under the said Code in respect of the offences punishable under section 80<sup>1</sup>[,section 82A]<sup>2</sup>[Section 83,] section 84, section 85, section 86 and section 87; and
- (b) take cognizance of any such offence under any of the clauses of subsection (1) of section 190 of the said Code;

and shall try any such offence in a summary way in accordance with the provisions of the said Code relating to summary trials.]

87. **Tampering with papers.**—(1) Except as provided in subsection (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—

- (a) intentionally defaces or destroys any nomination paper, ballot paper or official mark on a ballot paper;
- (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;
- (c) without due authority,—
  - (i) supplies any ballot paper to any person;
  - (ii) destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers in use for the purpose of election; or
  - (iii) breaks any seal affixed in accordance with the provisions of this Act;
- (d) forges any ballot paper or official mark; or
- (e) causes any delay or interruption in the beginning, conduct or completion of the procedure required to be immediately carried out on the close of the poll.

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<sup>1</sup> Inserted *vide* Ordinance No. XLV of 2002, dated 22-8-2002.

<sup>2</sup> Inserted *vide* Ordinance No. XXXVI of 2002, dated 31-7-2002.

(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.

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—

- (a) interferes or attempts to interfere with an elector when he records his vote;
- (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
- (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.

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—

- (a) fails to maintain or aid in maintaining the secrecy of voting;
- (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
- (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.

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 of order at a polling station,—

- (a) persuades any person to give his vote;
- (b) dissuades any person from giving his vote;
- (c) influences in any manner the voting of any person; or
- (d) does any other act calculated to influence the result of the election.

**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.

**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 year, 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.

**93. Certain Powers of a <sup>1</sup>[Police Officer].**—A Police Officer may—

- (a) arrest without warrant, notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V. of 1898), any person—
  - (i) who, commits personation or an offence under section 86 if the Presiding Officer directs him to so arrest such person;
  - (ii) who, being removed from the polling station by the Presiding Officer under section 32 commits any offence at the polling station.
- (b) remove any notice, sign, banner or flag used in contravention of section 85; and
- (c) seize any instrument or apparatus used in contravention of section 86 and take such steps, including use of force, as may be reasonable necessary for preventing such contravention.

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<sup>1</sup>Inserted *vide* Ordinance No. VIII of 1985, dated 21-1-85

94. **Certain offences cognizable.**—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under <sup>1</sup>[section 80A] or section 82 <sup>2</sup>[or section 82A] or section 85 or sub-section (1) of section 87 shall be cognizable offence.

<sup>3</sup>[(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.

(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.

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.]

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.

(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.

(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.

<sup>4</sup>[(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.]

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 fails to comply with the provisions of section 50.

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<sup>1</sup> Inserted *vide* Ordinance No. VIII of 1985, dated 21-1-1985.

<sup>2</sup> Inserted *vide* Ordinance No. XLV of 2002, dated 22-8-2002.

<sup>3</sup> Added *vide* Ordinance No. XXXVI of 2002, dated 31-7-2002.

<sup>4</sup> Added *vide* Act No. IX of 1991, dated 18-6-1991.

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.

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.

## CHAPTER IX

### DISQUALIFICATIONS

99. <sup>1</sup>**[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;
- <sup>2</sup>[(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 <sup>1</sup>[as a voter in any area in a Province from where he seeks membership for] that Assembly;
- <sup>3</sup>[(cc) he is at least a graduate, possesses a bachelor's degree in any discipline or any degree recognized as equivalent thereto by the University Grants Commission under the University Grants Commission Act, 1974 (XXIII of 1974), or any other law for the time being in force;]
- (d) he is of good character and is not commonly known as one who violates Islamic Injunctions ;

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<sup>1</sup> Substituted *vide* Act No. IX of 1991, dated 18-6-1991.

<sup>2</sup> Substituted *vide* Ordinance No. XXXVI of 2002, dated 31-7-2002.

<sup>3</sup> Inserted *ibid*.

- (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
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- <sup>1</sup>[(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

<sup>2</sup>[(m) Omitted].

- (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

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<sup>1</sup> Substituted *vide* Ordinance No. XXXVI of 2002, dated 31-7-2002.

<sup>2</sup> Omitted *vide* Ordinance No. CXXXII of 2002, dated 21-11-2002.



(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 Commission 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
- <sup>1</sup>[(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 I.*—In this sub-section, service of Pakistan has the same meaning as in Article 260.]

<sup>2</sup>[(2) Omitted].

100. **Disqualification on account of certain offences.**—<sup>3</sup>(1) where a person has been <sup>4</sup>[convicted for having exceeded the limit of election expenses laid down by section 49 or having failed to file the return of election expenses in accordance with section 50 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

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<sup>1</sup> Added *vide* Ordinance No. XXXVI of 2002, dated 31-7-2002.

<sup>2</sup> Omitted *vide* Ordinance No. CXXXII of 2002, dated 21-11-2002.

<sup>3</sup> Renumbered *vide* Ordinance No. LV of 1984, dated 5-12-84.

<sup>4</sup> Substituted *vide* Ordinance No. XXXVI of 2002, dated 31-7-2002.

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.

<sup>1</sup>[(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].

**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.

102. <sup>2</sup>[ ].

## CHAPTER X

### MISCELLANEOUS

**103. Commission to ensure fair election, etc.**—Save as otherwise provided, the Commission may—

- (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 malpractices, including coercion, intimidation and pressures, prevailing at the election:
- (b) review an order passed by an officer under this Act or the rules, including rejection of a ballot paper; and
- (c) issue such instructions 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.

<sup>3</sup>[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” <sup>4</sup>[and the Commissioner or, as the case may be, a] member of the Commission.]

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<sup>1</sup>Added *vide* Ordinance No. LV of 1984, dated 5-12-84.

<sup>2</sup>Omitted *vide* Act No. IX of 1991, dated 18-6-1991.

<sup>3</sup>Inserted *vide* Act No XVI of 1977. dated 9-5-77.

<sup>4</sup>Substituted *vide* Ordinance No. XLIX of 1984, dated 27-10-84.

<sup>1</sup>[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.

(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.

(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.]

<sup>2</sup>[103B.—[\* \* \* \* \*]]

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.

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.

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 there under.

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<sup>1</sup> Inserted *vide* Act No. IX of 1991, dated 18-6-1991.

<sup>2</sup> Omitted *vide* P.O. No. F. 24(8)/72-Pub, dated 12-5-77.

107. **Power to make rules.**—The Commission may with the approval of the President, make rules for carrying out the purposes of this Act.

108. **Bye-elections, etc.**—(1) When the seat of a member becomes vacant, the <sup>1</sup>[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 subsection <sup>1</sup>(1) of section 11, the days for the several stages of an election shall be such as may be specified in the aforesaid notification.

(2) For the purpose of holding an election to fill a casual vacancy in an Assembly, and, during the period when a Commission does not stand constituted for the purpose of section 107, reference in this Act to the Commission shall be construed as reference to the Commissioner.

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

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<sup>1</sup>Substituted *vide* Act No. IX of 1991, dated 18-6-1991.



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**THE REPRESENTATION OF THE PEOPLE  
(CONDUCT OF ELECTION) RULES. 1977**

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(123—124)





THE REPRESENTATION OF THE PEOPLE  
(CONDUCT OF ELECTION) RULES. 1977

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# THE REPRESENTATION OF THE PEOPLE (CONDUCT OF ELECTION) RULES, 1977

## CHAPTER I

### PRELIMINARY

1. **Short title and commencement.**—These rules may be called the Representation of the People (Conduct of Election) Rules, 1977.

(2) They shall come into force at once.

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

- (a) “Act” means the Representation of the People Act, 1976 (LXXXV of 1976);
- (b) “Article” means Article of the Constitution;
- (c) “Form” means a form appended to these rules and includes a translation thereof into any language as may be approved by the Commission;
- (d) “publish”, with its grammatical variations, includes exhibition at a place accessible to the public;
- (e) “section” means section of the Act; and
- (f) “[voter”, in relation to a seat reserved for women—
  - (i) in the National Assembly, means a member elected to a seat in that Assembly from the Province to which the seat relates;
  - (ii) in a Provincial Assembly, means a member elected to a seat in that Assembly;

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<sup>1</sup>Substituted *vide* E.C.P. Notification SRO No. 836 (I)/79, dated 19-9-79.

and, for the purpose of an election to fill a casual vacancy in a seat reserved for women in an Assembly, includes, in the case of the National Assembly a member elected to a seat reserved as aforesaid from the Province to which the seat the vacancy in which is to be filled relates and in the case of a Provincial Assembly, a member elected to a seat reserved in that Assembly for women.]

## CHAPTER II

### CONDUCT OF ELECTIONS TO THE MUSLIM SEATS

3. **Nomination paper.**—A nomination paper by which the proposal is made under section 12 shall be in Form <sup>1</sup>[for general seats, in Form 1A for the seats reserved for non-Muslims and in Form 1B for the seats reserved for women].

4. **Security deposits for nomination.**—(1) The Returning Officer shall maintain a register in Form II in which he shall enter the particulars of every cash deposit made to him under section 13 or of the bank draft accompanying a nomination paper.

(2) Receipt of a cash deposit or of a bank draft, as the case may be by the Returning Officer shall be acknowledged in Form III and the amount received in cash or through bank draft shall be deposited by him at a Government Treasury or Sub-Treasury.

(3) The Head of account for the purpose of deposit at a branch of the State Bank of Pakistan or the National Bank of Pakistan or at a Government Treasury or Sub-Treasury shall <sup>2</sup>[3000000-Deposits and Reserves-B-Not Bearing Interest-3500000-Departmental and Judicial Deposits-3501000-Civil Deposits-3501010-Deposits in connection with Elections.]

(4) The return of a deposit which is required to be refunded under sub-section (1) of section 43 shall be authorised under the seal and signature of the Returning Officer.

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<sup>1</sup> Added *vide* ECP Notification S.R.O. No. 513(I)/2002, dated 10-8-2002.

<sup>2</sup> Substituted *vide* ECP Notification S.R.O. No. 943(I)/89, dated 5-9-1990.

5. **Appeal against <sup>1</sup>[acceptance or] rejection of nomination by the Returning Officer.**—(I) An appeal under sub-section (5) of section 14 may be <sup>2</sup>[presented] by the candidate himself or by an elector who has filed an objection to the nomination of a candidate or by person authorised in this behalf in writing by the candidate or, as the case may be, such elector.

(2) The appeal shall be addressed to the Tribunal constituted for the constituency to which the nomination relates.

(3) An appeal shall be in the form of a memorandum which shall state the date of <sup>1</sup>[acceptance or] rejection of the nomination and the grounds of appeal and <sup>3</sup>[\*\*\*] shall be accompanied by a ceretified copy of the order <sup>3</sup>[accepting or] rejecting the nomination.

(4) The memorandum of appeal shall be submitted in <sup>4</sup>[quadruplicate].

(5) <sup>3</sup>[\* \* \*]

<sup>4</sup>[(6) If the appeal is allowed, the Returning Officer shall revise the list of validly nominated candidates accordingly.]

6. **List of validly nominated candidates.**—(1) The list of validly nominated candidates prepared under section 15 shall be drawn up in Form IV soon after the scrutiny of the nomination papers.

(2) The Returning Officer shall publish a copy of the list of validly nominated candidates at some conspicuous place in his office.

(3) In the case of acceptance of an appeal filed under sub-section (5) of section 14, the Returning Officer shall revise the list of validly nominated candidates in accordance with the decision <sup>5</sup>[in the appeal] and shall publish the list so revised at some conspicuous place in his office.

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<sup>1</sup>Substituted *vide* E.C.P. Notification No. S.R 0. 913(I)/88, dated 15-10-88.

<sup>2</sup>Substituted *vide* E.C.P. Notification No. F. 1(10)/84-Cord dated 20-1-85.

<sup>3</sup>Omitted *ibid*.

<sup>4</sup>Substituted *vide* E.C.P. Notification S R.O 943 (I)/90, dated 5-9-90.

<sup>5</sup>Substituted *vide* E.C.P. Notification No. F.1(10)/84-Cord, dated 20-1-1985.

(4) A copy of the list referred to in sub-rule (1) and also a copy of the list as revised, if any, under sub-rule (3) shall be furnished by the Returning Officer to the Provincial Election Commissioner of the Province concerned and to the Commission.

7. **List of contesting candidates.**—(1) The list of contesting candidates prepared under sub-section (4) of section 16 shall be drawn up in Form V.

(2) The names on the list shall be entered in Urdu, in the alphabetical order <sup>1</sup>[xxxx] indicating against the name of each contesting candidate the symbol allocated to him.

(3) The Returning Officer shall publish the list of contesting candidates at some conspicuous place in his office and furnish a copy thereof to the Provincial Election Commissioner of the Province concerned and the Commission and also to each of the contesting candidates.

8. **Declaration of results after scrutiny.**—The result of an uncontested election shall not be declared under sub-section (1) of section 20 unless the Returning Officer has ascertained in writing from the Commission that no appeal has been filed against the rejection of any nomination paper or that, if an appeal has been filed, no nomination rejected by the Returning Officer has been accepted on such appeal.

9. **Symbol.**—<sup>2</sup>(1) A candidate may be allocated under sub-section (1) of section 21 any one of the following symbols, namely:—

- |            |            |
|------------|------------|
| 1. Arrow   | 7. Bottle  |
| 2. Axe     | 8. Bowl    |
| 3. Bat     | 9. Bridge  |
| 4. Bell    | 10. Book   |
| 5. Bicycle | 11. Brush  |
| 6. Boat    | 12. Bucket |

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<sup>1</sup>Omitted *vide* E.C.P. Notification No. F. 1(10)/84-Cord., dated 20-1-85.

<sup>2</sup>Substituted *vide* E.C.P. Notification S.R.O. No. 751(I)/93, dated 30-8-1993

- |                     |                            |
|---------------------|----------------------------|
| 13. Bulb            | 44. Inkpot with pen        |
| 14. Bunch of Grapes | 45. Iron                   |
| 15. Bus             | 46. Jug                    |
| 16. Butterfly       | 47. Kite                   |
| 17. Candle          | 48. Knife                  |
| 18. Car             | 49. Trowel (Krandi)        |
| 19. Cap             | 50. Ladder                 |
| 20. Chiragh (Lamp)  | 51. Lantern                |
| 21. Chair           | 52. Letter Box             |
| 22. Charpai         | 53. Lock                   |
| 23. Clock           | 54. Lota                   |
| 24. Coat            | 55. Loudspeaker            |
| 25. Comb            | 56. Mountain               |
| 26. Cow             | 57. Persian Wheel          |
| 27. Cup and Saucer  | 58. Peshawari Chappal      |
| 28. Dove            | 59. Pitcher                |
| 29. Elephant        | 60. Planner                |
| 30. Fan             | 61. Racket                 |
| 31. Fist            | 62. Railway Engine         |
| 32. Fish            | 63. Ricksha                |
| 33. Flower Vase     | 64. Ring                   |
| 34. Foot Ball       | 65. Roller of Wood         |
| 35. Fountain        | 66. Rose                   |
| 36. Garland         | 67. Scissors               |
| 37. Ghulail         | 68. Scooter                |
| 38. Gun             | 69. Sewing Machine         |
| 39. Hand Pump       | <sup>1</sup> [69A. Sickle] |
| 40. Hammer          | 70. Spade                  |
| 41. Helicopter      | 71. Saw                    |
| 42. Horse           | 72. Spectacles             |
| 43. Hukkah          | 73. Spinning Wheel         |

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<sup>1</sup>Inserted *vide* E.C.P. Notification No. S.R.O. 1082(I)/93, dated 30-10-1993.

74. Suitcase	106. Camel
75. Stage	107. Cat
76. Tumbler	108. Corn
77. Table	109. Crescent
78. Table Lamp	110. Crown
79. Takhti	111. Door
80. Tap	112. Drum
81. Teapot	113. Duck
82. Telephone	114. Eagle
83. Television	115. Egg
84. Tiger	116. Flower Pot
85. Tonga	117. Goat
86. Tongs	118. Gramophone
87. Tractor	119. Hanger
88. Tree	120. Hen
89. Truck	121. Hockey
90. Turban	122. House
91. Umbrella	123. Key
92. Well	124. Lady Finger
93. Wheel	125. Leaf
94. Whistle	126. Mango
95. Wrist Watch	127. Map
96. Waist Coat	128. Match Box
<sup>1</sup> [97. Aeroplane	129. Oil Stove
98. Almirah	130. Ostrich
99. Apple	131. Parrot
100. Banana	132. Peacock
101. Basket	133. Pen
102. Bed	134. Pomegranate
103. Black Board	135. Rabbit
104. Bruck	136. Radio
105. Bullock Cart	137. Revolver

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<sup>1</sup>Substituted *vide* E.C.P. Notification No. SRO 570(I)/2002, dated 28th August, 2002.



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|--------------|-------------------|
| 138. Screw   | 143. Tower        |
| 139. Slate   | 144. Typewriter   |
| 140. Sparrow | 145. Water Cooler |
| 141. Star    | 146. Wrench]      |
| 142. Torch   |                   |

(2) The Commission may allot any one of the symbols specified in sub-rule (1) to any political party <sup>1</sup>[or a combination of two or more political parties who have agreed to put up joint candidates for election] on an application made by it in this behalf.

<sup>2</sup>[(3) The Commission may allot a multiple symbol specified in sub-rule(1) to the candidate in the manner specified in sub-rule (2 )].

10. **Appointment of polling agents.**—The number of polling agents appointed at a polling station by each contesting candidate under section 23 shall not exceed the number of booths set up at that polling station.

11. **Form of ballot paper.**—(1) Every ballot paper shall be in Form VI and every postal ballot paper in Form VII.

(2) Every ballot paper shall contain the number and name of the constituency to which the ballot paper relates.

(3) The names of the contesting candidates shall be arranged on the ballot paper in the same order as shown on the list of contesting candidates prepared under rule 7.

12. **Issue of postal ballot papers.**—(1) The Returning Officer shall, as soon as practicable, send a postal ballot paper by post to each elector who is entitled to vote by postal ballot under section 29 and who has applied in accordance with sub-section (2) of that section and shall at the same time—

- (a) enter on the counterfoil of the ballot paper the name of the elector to whom the ballot paper is sent and his serial number on the electoral roll together with the name of the electoral area; and
- (b) take necessary steps to ensure that the elector is not allowed to vote at a polling station.

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<sup>1</sup> Inserted *vide* E.C.P. Notification S.R.O. No. 89(1)/77, dated 27-1-77.

<sup>2</sup> Substituted *vide* E.C.P. Notification S.R.O. No. 570(1)/93, dated 28-8-1993.

(2) Alongwith the ballot paper, the Returning Officer shall send to the elector—

- (a) a declaration in Form VIII;
- (b) a cover in Form IX;
- (c) a large cover addressed to himself in Form X; and
- (d) instructions for the guidance of the elector in Form XI.

(3) Every Officer under whose care or through whom a postal ballot paper is sent shall ensure that the same is delivered to the addressee without delay.

(4) After the ballot papers have been issued to all the electors referred to in sub-rule (1), the Returning Officer shall seal up in a packet the counter-foils of all such ballot papers and record on the packet a brief description of its contents, the name of the constituency and the date on which he seals it.

**13. Recording of votes on postal ballot paper.**—(1) An elector who has received a postal ballot paper and desires to vote shall record his vote on the ballot paper by <sup>1</sup>[writing the name of the candidate of his choice within the blank space provided on the ballot paper.]

(2) In recording the vote, such an elector shall, after complying with the instructions contained in Form XI sent to him under clause (d) of sub-rule (2) of rule 12, put the ballot paper in the cover in Form IX.

(3) The elector shall sign the declaration in Form VIII in the presence of Gazetted Officer or a Commissioned Officer to whom he is personally known or to whose satisfaction he has been identified and he shall have his signature attested by such Officer.

**14. Assistance to illiterate or infirm electors casting vote by postal ballot.**—(1) If an elector is illiterate or is unable through physical infirmity to record his vote on a postal ballot paper and sign the declaration in Form VIII, he shall be entitled to have his vote recorded and his declaration signed by any Gazetted Officer or Commissioned Officer.

(2) Any such elector may take the ballot paper together with the declaration and the covers received by him to any Gazetted Officer or Commissioned Officer and request such officer to record his vote and sign his declaration on his behalf.

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<sup>1</sup>Substituted *vide* E.C.P. Notification S.R.O. No. 913(I)/88, dated 15-10-88.

(3) Such Gazetted Officer or Commissioned Officer shall thereupon mark the ballot paper in accordance with the wishes of the elector in his presence and sign the declaration on behalf of the elector and complete the appropriate certificate contained in Form VIII.

**15. Re-issue of postal ballot paper.**—(1) When a postal ballot paper and other papers sent under rule 12 are for any reason returned undelivered the Returning Officer may re-issue them by post or deliver them or cause them to be delivered to the elector personally on a request being made by him.

(2) If any elector has inadvertently dealt with his ballot paper or any of the other papers sent to him under rule 12 in such a manner that they cannot conveniently be used, another ballot paper and such other papers shall be issued to him after he has returned the ballot paper and other papers and satisfied the Returning Officer of the inadvertence.

(3) The Returning Officer shall cancel the ballot papers and other papers so returned and keep them in a separate packet and also note the serial numbers of all such cancelled ballot papers on the packet.

**16. Return of postal ballot paper.**—(1) After an elector has recorded his vote and made his declaration under rule 13, or has his vote recorded and his declaration signed under rule 14, he shall return the ballot paper and his declaration to the Returning Officer in accordance with the instructions communicated to him in Form XI.

(2) If any cover containing a postal ballot paper is received by the Returning Officer after the expiry of the time fixed under sub-section (1) of section 39, he shall note thereon the date of its receipt and shall keep all such covers together in a separate packet.

<sup>1</sup>[16A. **Statement to be signed by the contesting candidates, etc.**—The statement referred to in clause (b) of sub-section (4) of section 30 shall be in Form XI-A.]

**17. Manner of marking the ballot paper.**—(1) The mark to be put under clause (b) of sub-section (5) of section 33 on the ballot paper, at any place within the space containing the name and symbol of the contesting candidate for whom the elector wishes to vote, shall be a mark containing squares on a rubber-stamp provided for the purpose by the Presiding Officer at the polling station and no other mark.

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<sup>1</sup>Inserted *vide* E.C.P. Notification S.R.O. No. 836(I)/79, dated 19-9-79.

(2) No other marking aid or rubber-stamp except the rubber-stamp supplied for the purpose by the Presiding Officer under sub-rule (1) shall be used by the elector for marking his ballot paper.

**18. Manner of marking ballot paper if elector is incapacitated.—**

(1) If an elector is totally blind or physically otherwise so incapacitated as to require the help of a companion, the Presiding Officer may allow him to be accompanied by a companion of not less than twenty-one years of age; and, in case the disability is such that the elector cannot mark the ballot paper himself, the person accompanying the elector may mark the ballot paper as indicated by the elector:

Provided that the person allowed to accompany the elector shall not himself be a candidate or an agent of a candidate.

(2) If the ballot paper is to be marked by the companion, the Presiding Officer shall make it clear to him that he must mark the ballot paper for the candidate of the elector's choice and that he must maintain the secrecy of voting by not divulging to any one the elector's choice of candidate.

(3) The Presiding Officer shall maintain a list of electors on whose behalf the ballot papers have been marked by their companions.

**19. Manner of inserting a ballot paper.—**After the ballot paper has been marked by the elector or by the person allowed to mark a ballot paper under rule 18, the elector or such person shall fold the ballot paper, in the screened off compartment so as to conceal his vote and insert it in the ballot box within the view of the Presiding Officer.

**20. Tendered votes.—**(1) The tendered votes list referred to in sub-section (3) of section 34 shall be in Form XII.

(2) The Presiding Officer shall, before issuing a ballot paper to a person referred to in sub-section (1) of section 34, obtain his signature or thumb impression on the form referred to in sub-rule (1).

**21. Challenged votes.—**(1) The challenged votes list referred to in sub-section (2) of section 35 shall be in Form XIII.

(2) The Presiding Officer shall soon after the close of the poll hand over against proper receipt such sum as has been deposited with him under sub-section (1) of section 35 to the Returning Officer, who shall deposit the same with the Government Treasury or Sub-Treasury against the head of account <sup>1</sup>[1300000-

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<sup>1</sup>Substituted *vide* E.C.P. Notification S.R.O. No. 943 (1)/90, dated 5-9-90

Miscellaneous Receipts-1390000- Others-1391000-Other Receipts—1391800  
Other Receipts-(NES)-1391880-Other Receipts-Others (Election Receipts).]

22. **Stray ballot papers.**—If any ballot paper which has been issued to an elector has not been inserted by him into the ballot box but is found anywhere else in or near the polling station, it shall be cancelled and accounted for as “spoilt ballot paper”

23. **Count on close of poll.**—The Presiding Officer shall after taking out the ballot papers from the used ballot box or ballot boxes—

- (a) Separate the ballot papers which are unambiguously marked in favour of a contesting candidate from those which bear—
  - (i) no Official mark and <sup>1</sup>[signature] of the Presiding Officer; or
  - (ii) any writing or any mark other than the official mark, <sup>1</sup>[signature] of the Presiding Officer and the prescribed mark made with the rubber-stamp supplied for the purpose or to which a piece of paper or any other object of any kind has been attached; or
  - (iii) no prescribed mark indicating the contesting candidate for whom the elector has voted; or
  - (iv) any mark from which it is not clear for whom the elector has voted, 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 not to show clearly for whom the elector has voted;
- (b) count separately in respect of each contesting candidate in the alphabetical order of their names as appearing on the ballot paper, the ballot papers which are unambiguously marked in favour of that candidate and put each lot in a separate packet bearing the name and symbol of the contesting candidate to which it relates;
- (c) count and put in a separate packet the ballot papers mentioned in sub-clauses (i) to (iv) of clause (a);

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<sup>1</sup>Substituted *vide* E.C P. Notification No. F. 1 (10)/84-Cord , dated 20-1-85

- (d) open the packet labelled “challenged ballot papers” and count the ballot papers unambiguously marked in favour of each candidate, excluding from the count the ballot papers suffering from any of the defects mentioned in sub-clauses (i) to (iv) of clause (a);
- (e) after the challenged ballot papers have been so counted, the Presiding Officer shall put all such ballot papers as were taken out of the packet labelled “challenged ballot papers” into a separate packet;
- (f) place in each packet a certificate stating the number of ballot papers put therein, and sign and seal each packet;
- (g) obtain on each packet the signature and seal of such of the contesting candidates or their election or polling agents as may desire to sign and seal it; and
- (h) enclose all such packets in a principal packet with a certificate specifying the number of packets enclosed in the principal packet.

24. **Statement of the count by the Presiding Officer.**—The statement of the count under sub-section (9) of section 38 shall be prepared in Form XIV.

25. **Ballot paper account by the Presiding Officer.**—The ballot paper account referred to in sub-section (10) of section 38 shall be prepared in Form XV.

26. **Consolidation of results.**—(1) The Returning Officer shall consolidate in Form XVI the results of the count furnished by the Presiding Officer.

(2) Before consolidating the results, the Returning Officer shall open the packet containing the ballot papers excluded from the count by Presiding Officer as also the packet containing the challenged ballot papers and scrutinise each such ballot paper as was excluded from the count by the Presiding Officer.

(3) If the Returning Officer finds that any ballot paper excluded from the count by the Presiding Officer should not have been so excluded, he shall count it as a valid ballot paper cast in favour of the contesting candidate for whom it was cast:

Provided that in so doing the Returning Officer shall not mix up the ballot papers taken out from the packet labelled “challenged ballot papers” but shall keep the entire lot of challenged ballot papers in a separate packet-.

(4) The Returning Officer shall reject a ballot paper, hereinafter referred to as “rejected ballot paper”, recording thereon the fact of such rejection if it suffers from any of the defects mentioned in sub-section (4) of section 38.

(5) If any contesting candidate or election agent objects to the rejection of a ballot paper, the Returning Officer shall add to his endorsement the words “rejection objected to”

(6) In consolidating the results of the count, the Returning Officer shall record the number of valid ballot papers cast in favour of each contesting candidate as shown by the Presiding Officer in the statement of the count, unless the figures thereof have undergone a change as a result of recount under sub-section (6) of section 39, in which case he shall record the figures as arrived at after the recount.

(7) Before recording the number of valid votes in the consolidated statement against the name of each contesting candidate, the number of ballot papers, if any, which were treated by him as valid but had been excluded from the count by the Presiding Officer shall be taken into account, including those treated as valid from the challenged votes.

(8) The ballot papers rejected by the Returning Officer under sub-rule (4) shall be shown separately in the consolidated statement.

(9) The consolidated statement shall be so completed that the figures in respect of one polling station are completed before the incorporation of the figures in respect of any other.

(10) The Returning Officer shall deal with the postal ballot papers in the following manner namely;

- (i) no cover in Form X containing a postal ballot paper received by the Returning Officer after the expiry of the time fixed in that ballot paper shall be counted;
- (ii) the Returning Officer shall close and seal in a separate packet all the packets referred to in sub-rule (2) of rule 16;
- (iii) all other covers in Form X containing postal ballot papers shall then be opened one after another;
- (iv) as each cover is opened, the Returning Officer shall scrutinise the declaration in Form VIII contained therein and shall reject the ballot paper and make an appropriate endorsement on the cover in Form IX without opening the same—
  - (a) if the said declaration is not found in the cover Form X or
  - (b) if the said declaration is substantially defective; or
  - (c) if the serial number of the ballot paper entered in the said declaration differs from such number endorsed on the cover in Form IX;

- (v) each cover so endorsed and the declaration received with shall be replaced in the cover in Form X; and all such covers in Form X shall be kept in a separate packet which shall be sealed and on which the following particulars shall be recorded namely:—
  - (a) the name of the constituency;
  - (b) the date of counting; and
  - (c) a brief description of its contents;
- (vi) the Returning Officer shall then place all the declarations in Form VIII which he has found to be in order in a separate packet which shall be sealed before any cover in Form IX is opened and on which shall be recorded the particulars referred to in clause (v);
- (vii) all covers in Form IX containing postal ballot papers which have not already been dealt with under the foregoing provisions of this rule shall then be opened one after another and the Returning Officer shall scrutinise each ballot paper and decide the validity of the vote recorded thereby;
- (viii) a postal ballot paper shall be liable to rejection on the grounds mentioned in sub-section (4) of section 38, reference in that sub-section to prescribed mark being construed as reference to cross mark mentioned in sub-rule (1) of rule 13;
- (ix) the Returning Officer shall count all the valid votes given by postal ballot in favour of each contesting candidate and record the total thereof as well as the number polled by each such candidate in the consolidated statement in Form XVI; and
- (x) all valid postal ballot papers shall, after they have been counted, be placed in a separate packet which shall be sealed and on which shall be recorded—
  - (a) the name of the constituency;
  - (b) the date of counting; and
  - (c) a brief description of its contents.

**27. Resealing of packets and statements by the Returning Officer.**—(1) The packets and the statements opened by the Returning Officer for the purpose of consolidation under section 39 shall be resealed, as required by section 40, immediately after the consolidation proceedings are over.



(2) All the packets received from the Presiding Officers and not opened, together with those opened and resealed by the Returning Officer, shall be sealed in a bag for each polling station and the bag shall be duly sealed with the seal of the Returning Officer.

(3) The Returning Officer shall allow such of the contesting candidates or their election agents as may be present to sign and affix their seals to each of the packets resealed by the Returning Officer, as also the bag containing those packets.

28. **Result of the count.**—(1) The result of the count required to be submitted to the Commission by the Returning Officer under sub-section (1) of section 42 shall be in Form XVII.

(2) The consolidated statement prepared under sub-rule (1) of rule 26 by the Returning Officer together with the result of count referred to in sub-rule (1) shall be sent to the Commission immediately after the count for declaration of the result and publication of the name of the returned candidate in the official Gazette.

<sup>1</sup>[28A. **Submission of statement of assets and liabilities.**—The statement of assets and liabilities referred to in section 42A shall be submitted in Form XXI].

29. **Public inspection of documents.**—(1) The documents retained by the Commission under section 44, except the ballot papers, shall be open to public inspection during office hours on payment of a fee at the rate of one rupee for each document.

(2) Copies of, or extracts from the documents mentioned in sub-rule (1) shall be furnished upon an application made by any person on payment of fee at the rate of one rupee for the first two hundred words or a fraction thereof.

(3) Every application for inspection of documents or supply of copies shall be accompanied by court-fee stamps of the requisite value.

<sup>1</sup>[29A. **Inspection of documents, etc.**—(1) The Nomination Form, accompanying declaration and statements, including the statement of assets and liabilities submitted under sub-section (2) of section 12 and/or section 42A shall be open to inspection by the public, during office hours on payment of fee of rupees ten per page in the shape of court fee stamps.

(2) The copies of documents referred to in sub-rule (1) may be supplied to a person, making application in that behalf, on payment of fee of ten rupees per page in the shape of court fee stamps].

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<sup>1</sup>Inserted *vide* E.C.P. Notification No. S.R.O. 513(I)/2002, dated 10-8-2002.

30. **Account of election expenses.**—(1) A contesting candidate shall maintain or cause to be maintained a register of receipts and expenditure in Form XVIII.

(2) The contesting candidate shall, after the publication under section 20 or section 42 of the name of the returned candidate, submit to the Returning Officer an account of election expenses as required by section 50 in Form XVIII.

(3) All vouchers shall accompany the account of election expenses duly arranged according to the date of payment and serially numbered and such serial number shall be entered in the appropriate column of the relevant account.

(4) It shall not be necessary, while rendering account to the Returning Officer to give particulars of the payees in regard to the items of expenditure for which receipts are not required to be obtained under sub-section (5) of section 49.

31. **Affidavit.**—The affidavit referred to in sub-section (2) of section 50 shall be sworn by a candidate in Form XIX.

32. **Fees for inspection of election expenses return, etc.**—(1) The return and documents submitted by a contesting candidate under section 50 shall be open to public inspection at the office of the Returning Officer during office hours on payment of a fee at the rate of one rupee for each document.

(2) Copies of or extract of return or of the documents mentioned in sub-rule (1) shall be furnished upon an application made by any person on payment of a fee at the rate of one rupee for the first two hundred words or a fraction thereof and fifty paise for every additional hundred words or a fraction thereof.

(3) Every application for inspection of the return or of the documents or supply of copies thereof shall be accompanied by court-fee stamps of the requisite value.

33. **Security deposit for presentation of an election petition.**—The head of account for purposes of deposit as security for the costs of an election petition as required to be paid under sub-section (2) of section 52 shall be '[3000000-Deposits and Reserves-B-Not Bearing Interest-3500000-Departmental and Judicial Deposits-3501000-Civil Deposits-3501010-Deposits in connection with Elections.]

34. **Withdrawal of respondents.**—A notice under section 75 by a respondent in an election petition shall be in Form XX.

35. **Supply of copies of decisions on petitions** <sup>1</sup>[**and other documents.**]<sup>2</sup>—(1) Copies of documents forming part of an election petition presented to the Commissioner and of any interim order or of any order passed under section 56 and of any interim or final order passed by a Tribunal on any election petition may be furnished to any person by the Commissioner or the Tribunal, as the case may be, on an application in writing.]

(2) The fees for the supply of copies mentioned in sub-rule (1) shall be two rupee for the first two hundred words or a fraction thereof and one rupee for every additional hundred words or a fraction thereof.

(3) Every application for the supply of copies under sub-rule (1) shall be accompanied by court-fee stamps of the requisite value.

<sup>3</sup>[CHAPTER-III (rule 36 to rule 83].

<sup>4</sup>[CHAPTER-IV (rule 84 to rule 94].

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<sup>1</sup> Substituted *vide* E.C.P. No. Notification No. S.R.O. 943 (1)/90, dated 5-9-90.

<sup>2</sup> Substituted *ibid*.

<sup>3</sup> Omitted *idid*.

<sup>4</sup> Omitted *vide* E.C.P. Notification No. S.R.O. 513(I)/2002, dated 10-8-2002.



**[NOMINATION FORM-I**

(See rule 3)

**ELECTION TO THE GENERAL SEATS**

Election to the constituency.....of \*National  
 Assembly/Provincial Assembly of.....  
 (Name of the Province)

**(To be filled in by the proposer)**

(1) I.....(name of the proposer)  
 having National Identity Card No.....registered as an elector  
 at serial number .....in the electoral roll for ..... electoral  
 area in ..... Tehsil/Taluka in ..... District/Political  
 Agency do hereby propose the name of ..... whose  
 address is .....as a candidate for election to general seat  
 from .....constituency.

(2) I hereby certify that I have not subscribed to any other nomination  
 paper either as proposer or seconder.

Date.....

Signature of Proposer

**(To be filled in by the seconder)**

(1) I.....(name of the seconder) having  
 National Identity Card No.....registered as an elector at serial  
 number .....in the electoral roll for electoral area in ..... Tehsil/  
 Taluka in ..... District/Political Agency do hereby second the  
 nomination of ..... whose address is..... as a candidate  
 for election to general seat from .....constituency.

(2) I hereby certify that I have not subscribed to any other nomination  
 paper either as proposer or seconder.

Date.....

Signature of Secunder

Note. Please fill in the Form in capital letters.

\*Strike off the words not applicable.

<sup>1</sup> Substituted vide E.C.P. Notification No. S.R.O. 513(I)/2002, dated 10-8-2002.

### DECLARATION AND OATH BY THE PERSON NOMINATED

1. I, the above mentioned candidate, hereby declare on oath that,—
  - (i) I have consented to the above nomination and that I fulfill the qualifications specified in Article 62 of the Constitution and I am not subject to any of the disqualifications specified in Article 63 of the Constitution or any other law for the time being in force for being elected as a member of the National Assembly/ Provincial Assembly.
  - \*(ii) I belong to .....and a certificate from that  
(Name of political party)  
political party showing that I am a party candidate from the above said constituency is attached.  
OR  
I do not belong to any political party.
2. I, the above mentioned candidate, solemnly swear that,—
  - \*\* (i) I believe in the absolute and unqualified finality of the Prophethood of Muhammad (Peace be upon him), the last of the prophets and that I am not the follower of any one who claims to be a Prophet in any sense of the word or of any description whatsoever after prophet Muhammad (Peace be upon him), and that I do not recognize such a claimant to be prophet or a religious reformer, nor do I belong to the Qadiani group or the Lahori group or call myself an Ahmadi.
  - (ii) I will be faithful to the declaration made by the Founder of Pakistan Quaid-e-Azam Muhammad Ali Jinnah, that Pakistan would be a democratic state based on Islamic principles of social justice. I will bear true faith and allegiance to Pakistan and uphold the sovereignty and integrity of Pakistan and that I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan.
3. I hereby solemnly declare to the best of my knowledge and belief that,—
  - (i) no loan for an amount of two million rupees or more obtained from any bank, financial institution, cooperative society or corporate body in my own name or in the name of my spouse or any of my dependents, or any business concern mainly owned by me or the aforesaid, stands unpaid for more than one year from the due date, or has got such loan written off; and

---

\*Strike off the words not applicable

\*\*For Muslim candidates only.

- (ii) I, my spouse or any of my dependents or a business concern mainly owned by me 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 paper.

*Explanation.*— For the purpose of these declarations, 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.

\*4. I hereby declare on oath that following cases of criminal offences were pending against me, six months prior to filing of this nomination :

Number of case	Name of the Court

**OR**

I hereby declare on oath that no case of criminal offences was pending against me, six months prior to filing of this nomination.

---

\*Strike off the words not applicable

5. My educational qualification is \_\_\_\_\_  
 6. My present occupation is \_\_\_\_\_  
 7. My National Identity Card No. is \_\_\_\_\_  
 8. My National Tax Number, if any, is \_\_\_\_\_
- } Attested copies  
to be annexed

9. The statement of assets and liabilities of my own, spouse (s), dependents as on 30th June,..... is enclosed.

10. The income tax paid by me during the last three assessment years/ financial years is given hereunder:—

Assessment year	Financial year	Total Income Tax paid

11. The land revenue paid by me during the following last three financial years :—

Financial year	Total Amount of Land Revenue Paid

12. I hereby assure that I shall abide by the Code of Conduct issued by the Election Commission.

Date.....

Signature of Candidate

**Statement of Assets and liabilities**

I,..... a candidate for election to general seat from constituency No....., hereby declare on solemn affirmation that no immovable and moveable property, including bonds, shares, certificates, securities, insurance policies and jewellery, other than specified herein below, is held by me, my spouse(s) and dependents on the 30th day of June, .....



**ASSETS**

	<b>Cost of Assets</b>	<b>Present value of property</b>	<b>Remarks</b>
<p><b>1. IMMOVABLE PROPERTY</b></p> <p>Open plots, houses, apartments, commercial buildings, under construction properties, agricultural property, etc.</p> <p>(a) <b>Held within Pakistan*</b></p> <p>(i) _____</p> <p>(ii) _____</p> <p>(iii) _____</p> <p>(b) <b>Held outside Pakistan*</b></p> <p>(i) _____</p> <p>(ii) _____</p> <p><b>2. MOVEABLE ASSETS</b></p> <p>(a) <b>Business capital within Pakistan</b></p> <p>(i) Name of business</p> <p>(ii) Capital amount</p> <p>(b) <b>Business capital outside Pakistan</b></p> <p>(i) Name of business</p> <p>(ii) Capital amount</p> <p>(c) <b>Assets brought or remitted from outside Pakistan*</b></p> <p>(i) Bank drafts/Remittances</p> <p>(ii) Machinery</p> <p>(iii) Other</p>			

\*Details to be annexed.

<p>(d) <b>Assets created out of remittances from abroad*</b></p> <p>(e) <b>Investments</b></p> <p>(i) Stock and Shares</p> <p>(ii) Debentures</p> <p>(iii) National Investment (Unit) Trust</p> <p>(iv) ICP Certificates</p> <p>(v) National Savings Schemes</p> <p>- Defence Savings Certificate</p> <p>- Special Savings Certificate</p> <p>- Regular Income Certificate</p> <p>(vi) Unsecured loans</p> <p>(vii) Mortgages</p> <p>(viii) Any other</p> <p>(f) <b>Motor Vehicles **</b></p> <table> <tr> <td></td> <td>Make</td> <td>Model</td> <td>Reg. No.</td> </tr> <tr> <td>(i)</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>(ii)</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </table> <p>(g) <b>Jewellery, etc.</b></p> <p>Weight _____</p> <p>Description _____</p> <p>(h) <b>Cash and Bank Accounts*</b></p> <p>(i) Cash in hand</p> <p>(ii) Cash at Bank</p> <p>Account No. Bank &amp; Branch</p> <p>Current _____</p> <p>Deposit _____</p> <p>Savings _____</p> <p>Other Deposits _____</p> <p>(i) <b>Furniture, Fittings &amp; articles of personal use—</b></p> <p>(j) <b>Assets transferred to any person—</b></p> <p>(i) Without adequate consideration, or</p> <p>(ii) by revocable transfer</p> <p>(k) <b>Any other assets</b></p>		Make	Model	Reg. No.	(i)	_____	_____	_____	(ii)	_____	_____	_____			
	Make	Model	Reg. No.												
(i)	_____	_____	_____												
(ii)	_____	_____	_____												

\*Details to be annexed.

\*\*Use extra sheets if necessary.



**(To be filled in by the Returning Officer)**

Serial Number of nomination paper .....

This nomination paper was delivered to me at my office at .....  
(hours)on ..... by.....  
(date) (person)

Date.....

Returning Officer

(Decision of Returning Officer accepting or rejecting the nomination paper on the day fixed for scrutiny)

I have examined this nomination paper in accordance with the provisions of section 14 of the Representation of the People Act, 1976 and decide as follows :—

.....  
.....  
.....**(In case of rejection, state brief reasons)**

Date.....

Returning Officer

**RECEIPT****(To be filled in by the Returning Officer)**

Serial Number of nomination paper.....

The nomination paper of Mr./Miss/Mrs.....a candidate for election to general seat from.....\*National Assembly/Provincial Assembly of the Punjab/Sindh/the North-West Frontier Province/Baluchistan was delivered to me at my office at..... (hours) on .....(date) by.....(person)

All nomination papers will be taken up for scrutiny at.....  
(hours)on..... at.....  
(date) (place)

Date.....

Returning Officer

\*Strike off the words not applicable

**NOMINATION FORM-IA**

(See rule 3)

**ELECTION TO THE SEATS RESERVED FOR NON-MUSLIMS**

in the \*National Assembly/Provincial Assembly of

Punjab  
Sindh  
N.W.F.P  
Baluchistan

**(To be filled in by the proposer)**

(1) I,.....(name of the proposer) having National Identity Card No.....registered as an elector as serial number .....in the electoral roll for ..... electoral area in ..... Tehsil/Taluka in ..... District/Political Agency do hereby propose the name of ..... whose address is ..... as a candidate for election to the seats reserved for non-Muslims from \*National Assembly/Provincial Assembly..... (Name of Province).

(2) I hereby certify that I have not subscribed to any other nomination paper either as proposer or seconder.

Date.....

Signature of Proposer

**(To be filled in by the seconder)**

(1) I,.....(name of the seconder) having National Identity Card No.....registered as an elector at serial number .....in the electoral roll for .....electoral area in ..... Tehsil/Taluka in ..... District/Political Agency do hereby second the nomination of ..... whose address is..... as a candidate for election to the seat reserved for non-Muslim from National Assembly/Provincial Assembly..... (Name of Province).

(2) I hereby certify that I have not subscribed to any other nomination paper either as proposer or seconder.

Date.....

Signature of Secunder

Note. Please fill in the Form in capital letters.

\*Strike off the words not applicable.

**DECLARATION AND OATH BY THE PERSON NOMINATED**

1. I, the above mentioned candidate, hereby declare on oath that,—
  - (i) I have consented to the above nomination and that I fulfill the qualifications specified in Article 62 of the Constitution and I am not subject to any of the disqualifications specified in Article 63 of the Constitution or any other law for the time being in force for being elected as a member of the National Assembly/ Provincial Assembly.
  - (ii) I belong to .....and a copy of the party  
(Name of political party)  
list of my political party for said seats is attached.
2. I, the above mentioned candidate, solemnly swear that—
  - (i) I will be faithful to the declaration made by the Founder of Pakistan Quaid-e-Azam Muhammad Ali Jinnah, that Pakistan would be a democratic state based on Islamic principles of social justice. I will bear true faith and allegiance to Pakistan and uphold the sovereignty and integrity of Pakistan and that I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan.
3. I hereby solemnly declare to the best of my knowledge and belief that—
  - (i) no loan for an amount of two million rupees or more obtained from any bank, financial institution, cooperative society or corporate body in my own name or in the name of my spouse or any of my dependents, or any business concern mainly owned by me or the aforesaid, stands unpaid more than one year from the due date, or has got such loan written off; and
  - (ii) I, my spouse or any of my dependents or a business concern mainly owned by me 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 paper.

*Explanation.*—For the purpose of these declarations, the expressions—

- (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.

\*4. I hereby declare on oath that following cases of criminal offences were pending against me, six months prior to filing of this nomination :

Number of case	Name of the Court

OR

I hereby declare on oath that no case of criminal offences was pending against me, six months prior to filing of this nomination.

- 5. My educational qualification is \_\_\_\_\_.
  - 6. My present occupation is \_\_\_\_\_.
  - 7. My National Identity Card No. is \_\_\_\_\_.
  - 8. My National Tax Number, if any, is \_\_\_\_\_.
- } Attested copies  
to be ennexed

9. The statement of assets and liabilities of my own, spouse, dependent children or dependent parents as on 30th June, 20..... is enclosed.

---

\*Strike off the words not applicable

10. The income tax paid by me during the last three assessment years/ financial years is given hereunder:—

Assessment year	Financial year	Total Income Tax paid

11. The land revenue paid by me during the following last three financial years :—

Financial year	Total Amount of Land Revenue Paid

12. I hereby assure that I shall abide by the Code of Conduct issued by the Election Commission.

Date.....

Signature of Candidate

### **Statement of Assets and liabilities**

I,..... a candidate for election to the seats reserved for non-Muslims from National Assembly/Provincial Assembly..... (Name of Province) hereby declare on solemn affirmation that no immovable and moveable property, including bonds, shares, certificates, securities, insurance policies and jewellery, other than specified herein below, is held by me, my spouse(s) and dependents on the 30th day of June, ..... .



**ASSETS**

	Cost of Asset	Present value of property	Remarks
1	2	3	4
<b>1. IMMOVABLE PROPERTY</b>  Open plots, houses, apartments, commercial buildings, under constructions properties, agricultural property, etc.  <b>(a) Held within Pakistan*</b>  (i) _____ (ii) _____ (iii) _____  <b>(b) Held outside Pakistan*</b>  (i) _____ (ii) _____  <b>2. MOVEABLE ASSETS</b>  <b>(a) Business capital within Pakistan</b>  (i) Name of business (ii) Capital amount  <b>(b) Business capital outside Pakistan</b>  (i) Name of business (ii) Capital amount  <b>(c) Assets brought or remitted from outside Pakistan*</b>  (i) Bank drafts/Remittances (ii) Machinery (iii) Other  <b>(d) Assets created out of remittances from abroad*</b>			

\*Details to be annexed.

\*\*Use extra sheets, if necessary.

<p>(e) <b>Investments</b></p> <p>(i) Stock and Shares</p> <p>(ii) Debentures</p> <p>(iii) National Investment Trust (Units)</p> <p>(iv) ICP Certificates</p> <p>(v) National Savings Schemes</p> <p style="padding-left: 20px;">- Defence Savings Certificates</p> <p style="padding-left: 20px;">- Special Savings Certificates</p> <p style="padding-left: 20px;">- Regular Income Certificates</p> <p>(vi) Unsecured loans</p> <p>(vii) Mortgages</p> <p>(viii) Any other</p> <p>(f) <b>Motor Vehicles**</b></p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;"></th> <th style="width: 33%;">Make</th> <th style="width: 33%;">Model</th> <th style="width: 33%;">Reg. No.</th> </tr> </thead> <tbody> <tr> <td>(i)</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>(ii)</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table> <p>(g) <b>Jewellery, etc.</b></p> <p style="padding-left: 20px;">Weight _____</p> <p style="padding-left: 20px;">Description _____</p> <p>(h) <b>Cash and Bank Accounts*</b></p> <p>(i) Cash in hand</p> <p>(ii) Cash at Bank</p> <p style="padding-left: 40px;">Account No. Bank &amp; Branch</p> <p>Current _____</p> <p>Deposit _____</p> <p>Savings _____</p> <p>Other Deposits _____</p> <p>(i) <b>Furniture, Fittings &amp; articles of personal use—</b></p> <p>(j) <b>Assets transferred to any person—</b></p> <p style="padding-left: 20px;">(i) Without adequate consideration, or</p> <p style="padding-left: 20px;">(ii) by revocable transfer</p> <p>(k) <b>Any other assets</b></p>		Make	Model	Reg. No.	(i)	_____	_____	_____	(ii)	_____	_____	_____			
	Make	Model	Reg. No.												
(i)	_____	_____	_____												
(ii)	_____	_____	_____												

\*Details to be annexed.

\*\*Use extra sheets, if necessary.

**LIABILITIES**

	Amount	Remarks
(i) Mortgages secured on Property or land		
(ii) Unsecured Loans owing		
(iii) Bank Overdraft		
(iv) Bank Loans		
(v) Amounts due under Hire Purchase Agreement		
(vi) House Building Loans		
(vii) Advances from Provident Funds etc.		
(viii) Other debts due*		
(ix) Liabilities in the names of minor children (in respect of assets standing in their names)		
Total		

\*Details to be annexed.

**VERIFICATION**

I,..... S/o, W/o, D/o .....  
do hereby declare solemnly that, to the best of my knowledge and belief, the above statement of the assets and liabilities of myself, my spouse(s) and dependents as on 30th June, ..... is correct and complete and nothing has been concealed therefrom.

➤ ⑩ ✕ ④ ➡ Ⓒ ③ ☺ ✕ ⑩ ➡ ⑤ & ①

Date..... Signature of the candidate.....

\*Not necessary in case the person nominated files the nomination papers personally.

**(To be filled in by the Returning Officer)**

Serial Number of nomination paper .....

This nomination paper was delivered to me at my office at .....  
(hours)on ..... by.....  
(date) (person)

Date.....

Returning Officer

(Decision of Returning Officer accepting or rejecting the nomination paper on the day fixed for scrutiny).

I have examined this nomination paper in accordance with the provisions of section 14 of the Representation of the People Act, 1976 and decide as follows :—

.....  
.....  
.....**(In case of rejection, state brief reasons)**

Date.....

Returning Officer

**RECEIPT****(To be filled in by the Returning Officer)**

Serial Number of nomination paper.....

The nomination paper of Mr./Miss/Mrs.....a  
candidate for election to the seats reserved for non-Muslims in the \*National  
Assembly/Provincial Assembly of the Punjab/Sindh/ North-West Frontier Province/  
Baluchistan was delivered to me at my office at..... (hours) on  
.....(date) by.....(person).All nomination papers will be taken up for scrutiny at.....  
(hours)on..... at.....  
(date) (place)

Date.....

Returning Officer

\*Strike off the words not applicable

**NOMINATION FORM-1B**

(See rule 3)

**ELECTION TO THE SEATS RESERVED FOR WOMEN**

in the \*National Assembly/Provincial Assembly of

Punjab  
Sindh  
NWFP  
Baluchistan

**(To be filled in by the proposer)**

(1) I, .....(name of the proposer) having National Identity Card No. ....registered as an elector at serial number .....in the electoral roll for.....electoral area in..... Tehsil/Taluka in..... District/Political Agency do hereby propose the name of ..... whose address is .....as a candidate for election to the seats reserved for women from \*National Assembly/Provincial Assembly..... (Name of Province).

(2) I hereby certify that I have not subscribed to any other nomination paper either as proposer or seconder.

Date.....

Signature of Proposer

**(To be filled in by the seconder)**

(1) I, .....(name of the seconder) having National Identity Card No. ....registered as an elector at serial number ..... in the electoral roll for ..... electoral area in.....Tehsil/Taluka in ..... District/Political Agency do hereby second the nomination of ..... whose address is..... as a candidate for election to the seats reserved for women from \*National Assembly/Provincial Assembly..... (Name of Province).

(2) I hereby certify that I have not subscribed to any other nomination paper either as proposer or seconder.

Date.....

Signature of Secunder

Note : Please fill in the Form in Capital letters.

\*Strike off the words not applicable.

### DECLARATION AND OATH BY THE PERSON NOMINATED

1. I, the above mentioned candidate, hereby declare on oath that,—
  - (i) I have consented to the above nomination and that I fulfill the qualifications specified in Article 62 of the Constitution and I am not subject to any of the disqualifications specified in Article 63 of the Constitution or any other law for the time being in force for being elected as a member of the National Assembly/ Provincial Assembly.
  - (ii) I belong to ..... and a copy  
(Name of political party)  
list of my political party for said seats is attached.
2. I, the above mentioned candidate, solemnly swear that,—
  - \*(i) I believe in the absolute and unqualified finality of the Prophethood of Muhammad (Peace be upon him), the last of the prophets and that I am not the follower of any one who claims to be a Prophet in any sense of the word or of any description whatsoever after prophet Muhammad (Peace be upon him), and that I do not recognize such a claimant to be Prophet or a religious reformer, nor do I belong to the Qadiani group or the Lahori group or call myself an Ahmadi.
  - (ii) I will be faithful to the declaration made by the Founder of Pakistan Quaid-e-Azam Muhammad Ali Jinnah, that Pakistan would be a democratic state based on Islamic principles of social justice. I will bear true faith and allegiance to Pakistan and uphold the sovereignty and integrity of Pakistan and that I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan.
3. I hereby solemnly declare to the best of my knowledge and belief that,—
  - (i) no loan for an amount of two million rupees or more obtained from any bank, financial institution, cooperative society or corporate body in my own name or in the name of my spouse or any of my dependents, or any business concern mainly owned by me or the aforesaid, stands unpaid for more than one year from the due date, or has got such loan written off; and
  - (ii) I, my spouse or any of my dependents or a business concern mainly owned by me 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 paper.

---

\*Struck off, in case of non-Muslims.

*Explanation.*—For the purpose of these declaration, 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.

- \*4. I hereby declare on oath that following cases of criminal offences were pending against me, six months prior to filing of this nomination :

Number of case	Name of the Court

OR

I hereby declare on oath that no case of criminal offences was pending against me, six months prior to filing of this nomination.

- 5. My educational qualification is \_\_\_\_\_ .
  - 6. My present occupation is \_\_\_\_\_ .
  - 7. My National Identity Card No. is \_\_\_\_\_ .
  - 8. My National Tax Number, if any, is \_\_\_\_\_ .
- } Attested copies  
to be annexed

---

\*Strike off the words not applicable

9. The statement of assets and liabilities of my own, spouse, dependent children or dependent parents as on 30th June, 20 \_\_\_\_\_is enclosed.

10. The income tax paid by me during the last three assessment years/ financial years is given hereunder:—

Assessment year	Financial year	Total Income Tax paid

11. The land revenue paid by me during the following last three financial years :—

Financial year	Total Amount of Land Revenue Paid

12. I hereby assure that I shall abide by the Code of Conduct issued by the Election Commission.

Date.....

Signature of candidate

### **Statement of Assets and liabilities**

I,..... a candidate for election to the seats reserved for women from the \*National Assembly/Provincial Assembly.....(Name of Province) hereby declare on solemn affirmation that no immovable and moveable property, including bonds, shares, certificates, securities, insurance policies and jewellery, other than specified herein below, is held by me, my spouse(s) and dependents on the 30th day of June, .....

---

\*Strike off the words not applicable



**ASSETS**

	Cost of Assets	Present value of property	Remarks
<b>1. <u>IMMOVABLE PROPERTY</u></b>  Open plots, houses, apartments, commercial buildings, under construction properties, agricultural property, etc.  (a) <b><u>Held within Pakistan*</u></b>  (i) _____ (ii) _____ (iii) _____  (b) <b><u>Held outside Pakistan*</u></b>  (i) _____ (ii) _____  <b>2. <u>MOVEABLE ASSETS</u></b>  (a) <b><u>Business capital within Pakistan</u></b>  (i) Name of business (ii) Capital amount  (b) <b><u>Business capital outside Pakistan</u></b>  (i) Name of business (ii) Capital amount  (c) <b><u>Assets brought or remitted from outside Pakistan*</u></b>  (i) Bank drafts/Remittances (ii) Machinery (iii) Other  (d) <b><u>Assets created out of remittances from abroad*</u></b>			

\*Details to be annexed.

<p><b>(e) <u>Investments</u></b></p> <p>(i) Stock and Shares</p> <p>(ii) Debentures</p> <p>(iii) National Investment (Unit) Trust</p> <p>(iv) ICP Certificates</p> <p>(v) National Savings Schemes</p> <p style="padding-left: 20px;">- Defence Savings Certificate</p> <p style="padding-left: 20px;">- Special Savings Certificate</p> <p style="padding-left: 20px;">- Regular Income Certificate</p> <p>(vi) Unsecured loans</p> <p>(vii) Mortgages</p> <p>(viii) Any other</p> <p><b>(f) <u>Motor Vehicles **</u></b></p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 30%;">Make</th> <th style="width: 30%;">Model</th> <th style="width: 30%;">Reg. No.</th> </tr> </thead> <tbody> <tr> <td>(i)</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>(ii)</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table> <p><b>(g) <u>Jewellery, etc.</u></b></p> <p style="padding-left: 20px;">Weight _____</p> <p style="padding-left: 20px;">Description _____</p> <p><b>(h) <u>Cash and Bank Accounts*</u></b></p> <p>(i) Cash in hand</p> <p>(ii) Cash at Bank</p> <p style="padding-left: 20px;">Account No. Bank &amp; Branch</p> <p>Current _____</p> <p>Deposit _____</p> <p>Savings _____</p> <p>Other Deposits _____</p> <p><b>(i) <u>Furniture, Fittings &amp; articles of personal use—</u></b></p> <p><b>(j) <u>Assets transferred to any person—</u></b></p> <p>(i) Without adequate consideration, or</p> <p>(ii) by revocable transfer</p> <p><b>(k) <u>Any other assets</u></b></p>		Make	Model	Reg. No.	(i)	_____	_____	_____	(ii)	_____	_____	_____			
	Make	Model	Reg. No.												
(i)	_____	_____	_____												
(ii)	_____	_____	_____												

\*Details to be annexed.

\*\*Use extra sheets, if necessary.

**LIABILITIES**

	Amount	Remarks
(i) Mortgages secured on Property or land		
(ii) Unsecured Loans owing		
(iii) Bank Overdraft		
(iv) Bank Loans		
(v) Amounts due under Hire Purchase Agreement		
(vi) House Building Loans		
(vii) Advances from Provident Funds etc.		
(viii) Other debts due*		
(ix) Liabilities in the names of minor children (in respect of assets standing in their names)		
<b><u>Total</u></b>		

\*Details to be annexed.

**VERIFICATION**

I,..... S/o, W/o, D/o .....  
do hereby solemnly declare that, to the best of my knowledge and belief, the above statement of the assets and liabilities of myself, my spouse(s) and dependents is correct and complete and nothing has been concealed therefrom.

➤ ⑩ ✕ ✕ ✕ ✕ ③ ☹ ✕ ✕ ✕ ✕ " ⑤ & (

Date.....

Signature of the candidate

---

\*Not necessary in case the person nominated files the nomination papers personally.

**(To be filled in by the Returning Officer)**

Serial Number of nomination paper .....

This nomination paper was delivered to me at my office at.....  
(hours)on.....by.....  
(date) (person)

Date.....

Returning Officer

(Decision of Returning Officer accepting or rejecting the nomination paper on the day fixed for scrutiny).

I have examined this nomination paper in accordance with the provisions of section 14 of the Representation of the People Act, 1976 and decide as follows :—

.....  
.....  
.....**(In case of rejection, state brief reasons)**

Date.....

Returning Officer

**RECEIPT****(To be filled in by the Returning Officer)**

Serial Number of nomination paper.....

The nomination paper of Miss/Mrs.....a candidate for election to the seats reserved for women from.....\*National Assembly/ Provincial Assembly of the Punjab/Sindh/the North-West Frontier Province/ Baluchistan was delivered to me at my office at..... (hours) on .....(date) by.....(person)

All nomination papers will be taken up for scrutiny at.....  
(hours)on..... at.....  
(date) (place)

Date.....

Returning Officer]

\*Strike off the words not applicable.

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**FORM II**

[See rule 4(1)]

Form of Deposit Register for ..... \*National / Provincial Constituency

Sl. No.	Candidate's name	S. No. of nomination filed	Amount deposited	Particulars of the Bank or Treasury receipt, or if received in cash or through bank draft of the receipt issued in Form-III	Signature of the Returning Officer	Disposal of the cash deposit/Bank draft (and remarks, if any)
1	2	3	4	5	6	7

\*Strike off the words not applicable.

**FORM III**

[See rule 4(2)]

**COUNTERFOIL**

Sl. No.....  
Sum received in cash/bank draft.....  
.....  
Deposited by .....  
S. No. in the Deposit Register .....  
.....

Date..... Signature of the  
Returning Officer.

**RECEIPT**

Sl. No.....  
Received a sum of Rs.....  
.....  
(figure)..... (in  
words) in cash/bank draft from.....  
..... a candidate for election as  
member of the \*National/Provincial  
Assembly and entered in the Deposit  
Register under  
Sl. No.....  
Date .....

Date..... Signature and seal of  
the Returning Officer.

\*Strike off the words not applicable.

**FORM IV**

[See rule 6(1)]

**LIST OF VALIDLY NOMINATED CANDIDATES**

Election to the		*National Assembly	
		Provincial Assembly of the	
		Punjab	
		Sindh	
		the North-West Frontier	
		Province	
		Baluchistan.	
From .....		**Constituency	

  

Serial No.	Name of Candidate	Name of father/ husband	Address of candidate
1	2	3	4

Place .....

Date .....

*Returning Officer.*

\*Strike off the words not applicable.

\*\*Insert the No. &amp; Name of the constituency.

**FORM V**

[See rule 7(1)]

**LIST OF CONTESTING CANDIDATES**

\*National Assembly

Election to the

Provincial Assembly of the Punjab  
Sindh  
the North-West Frontier  
Province  
Baluchistan.

From ..... \*\*Constituency.

Serial No.	Name of the contesting candidates in the Urdu alphabetical order	Address of the contesting candidates	Symbol allocated
1	2	3	4
1.			
2.			
3.			
4.			
etc.			

Notice is hereby given that the poll shall be taken between the hours  
of .....

on (date) .....

Place .....

Date .....

*Returning Officer.*

\*Strike off the words not applicable.

\*\*Insert the No. & Name of the constituency.

**FORM VI**

[See rule 11(1)]

**BALLOT PAPER**

(Number and name of constituency).....	(Number and name of constituency) .....	
Serial No.....		
Number of NIC of the elector	Name	Symbol.
	Name	Symbol.
Serial number of elector on electoral roll.....	Name	Symbol.
Part of electoral roll .....		
	Name	Symbol.
Name of electoral area.....	Name	Symbol.
Thumb impression of the elector.....		

**FORM VII**

[See rule 11(1)]

**POSTAL BALLOT PAPER**

Serial No.....  
 No. and name of Constituency .....  
 Name of elector .....  
 Number of NIC of the elector.....  
 Serial No. of elector in the electoral roll .....  
 Name of electoral area.....

Serial No.....  
 No. and name of Constituency .....

In the space below, write the name of the contesting candidate for whom you wish to vote.

(To be printed at the back of the ballot paper)

(Signature and seal of the Returning Officer  
who issued this ballot paper).

(Signature and seal of the Returning Officer  
who received this postal ballot paper).



**FORM VIII**

[See rule 12 (2) (a)]

**DECLARATION BY ELECTOR**

\* National Assembly

Election to the

---

 Provincial Assembly of the Punjab  
 Sindh  
 the North-West Frontier  
 Province  
 Baluchistan.

(This side is to be used only when the elector signs the declaration himself)

I hereby declare that I am the elector to whom the postal ballot paper bearing serial number ..... has been issued at the above election.

Date.....

Signature of elector

<sup>1</sup>[Name of elector with his NIC number]

Address.....

*(Attestation of signature)*

The above has been signed in my presence by ..... (elector)  
 who is personally known to \*me/has been identified to my satisfaction by .....  
 (identifier) who is personally known to me.

Signature of identifier, if any .....

Address .....

Signature of Attesting Officer,

Designation .....

Date .....

Address .....

(This side is to be used when the elector cannot sign himself)

I hereby declare that I am the elector to whom the postal ballot paper bearing serial number ..... has been issued at the above election.

Signature of Attesting Officer on  
behalf of elector.

Designation .....

Date .....

Address .....

\* Strike off the words not applicable.

<sup>1</sup> Inserted *vide* SRO 705(I)/93, dt. 19-8-1993.

**CERTIFICATE**

I hereby certify that :—

- (1) the above name elector \*is personally known to me/has been identified to my satisfaction by ..... (identifier) who is personally known to me ;
- (2) I am satisfied that the elector \*is illiterate/suffers from ..... (infirmary) and is unable to record his vote himself or sign his declaration ;
- (3) I was requested by him to mark the ballot paper and to sign the above declaration on his behalf ; and
- (4) the ballot paper was marked and the declaration signed by me on his behalf, in his presence and in accordance with his wishes.

Signature of identifier, if any .....

Address .....

Signature of Attesting Officer

Designation .....

Address .....

Date .....

---

\*Strike off the words not applicable.

**FORM IX**

[See rule 12 (2) (b)]

COVER

‘A’

NOT TO BE OPENED BEFORE COUNTING

Election to the \* National Assembly  
 Provincial Assembly of the Punjab  
 Sindh  
 the North-West Frontier  
 Province  
 Baluchistan.

POSTAL BALLOT PAPER

Serial number of ballot paper.....

---

\*Strike off the words not applicable.

**FORM X**

[See rule 12 (2) (c)]

COVER

‘B’

NOT TO BE OPENED BEFORE COUNTING

Number and Name of

Constituency.....

ELECTION IMMEDIATE  
 POSTAL BALLOT PAPER

To

The Returning Officer\* .....

Certified that this cover was accepted for delivery..... on.....  
 (date), ..... (affix postal seal with date).

.....

---

\*Full postal address of the Returning Officer to be inserted here.

**FORM XI**

[See rule 12 (2) (d)]

**INSTRUCTIONS FOR THE GUIDANCE OF ELECTORS VOTING  
BY POSTAL BALLOT**

You know the names of the Candidates contesting election from your home Constituency. If you desire to vote, you should record your vote with a pen by writing the name of the candidate for whom you wish to vote, in the blank space on the ballot paper. Thereafter, you should follow the instructions detailed below :—

- (a) After you have recorded your vote on the postal ballot paper, place the ballot paper in the smaller cover marked 'A' sent herewith. Close the cover and secure it by seal or otherwise.
- (b) You have then to sign the declaration in Form-VIII also sent herewith, in the presence of a Gazetted Officer or a Commissioned Officer who is competent to attest your signatures under sub-rule (3) of rule 13.
- (c) If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, of infirmity, you are entitled to have your vote marked and the declaration signed on your behalf by any officer mentioned in item (b) above.

Such an officer will at your request mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.

- (d) After your declaration has been signed and your signature has been attested in accordance with item (b) above, put the declaration Form and the smaller cover marked 'A' containing the ballot paper, in the larger cover marked 'B'. After closing the larger cover send it to the Returning Officer concerned by post.
- (e) You must ensure that the cover reaches the Returning Officer before the time fixed for consolidation of the results by the Returning Officer under sub-section (1) of section 39.
- (f) Please note that —
  - (i) if you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected ; and
  - (ii) if the cover reaches the Returning Officer after the time fixed for consolidation of the results by the Returning Officer under Sub-section (1) of Section 39, your vote will not be counted.]

**FORM XI-A**

[See rule 16A]

Statement to be signed by the candidates / election agents / polling agents.

I, ..... a candidate or  
 \*election agent / polling agent of .....  
 candidate for constituency .....  
 (Name of constituency)

do hereby certify that I have personally inspected the ballot box (es) provided by  
 Election Commission at polling station No. .... and have  
 found it / them to be empty.

Name .....

Address .....

.....

.....

of the candidate / election  
 agent / polling agent.

Date .....

---

\*Strike off the words not applicable.

**FORM XII**

[See rule 20(1)]

**TENDERED VOTES LIST**

Election to the \*National Assembly  
Provincial Assembly of the Punjab  
Sindh  
the North-West Frontier  
Province  
Baluchistan.

From .....Constituency

Polling Station .....

Serial number of tendered ballot paper	Name of elector	Serial number of the elector in the electoral roll	Name of the electoral area	Address of the elector	Signature or thumb impression of the person tendering vote
1	2	3	4	5	6

Palce .....

Date .....

Presiding Officer

\*Strike off the words not applicable.

**FORM XIII**  
[See rule 21(1)]  
**CHALLENGED VOTES LIST**

Election to the \*National Assembly  
Provincial Assembly of the Punjab  
Sindh  
the North-West Frontier  
Province  
Baluchistan.

From .....Constituency

Polling Station .....

Serial number of entry	Name of the elector	Name of the electoral area in which the elector is enrolled	Serial number of elector on the electoral roll	Signature or thumb impression of the person challenged	Address of the person challenged	Name of identifier, if any	Name and address of challenger	Order of the Presiding Officer
1	2	3	4	5	6	7	8	9

Certified that a sum or Rs.... has been received on account of challenged votes and the amount in question has been deposited with the Returning Officer.

Place.....

Date.....

*Signature of Presiding Officer.*

\*Strike off the words not applicable.

**FORM XIV**

[See rule 24]

**THE STATEMENT OF THE COUNT**

\*National Assembly

Polling Station.....

Provincial Assembly of the Punjab

Sindh

the North-West Frontier

Province

Baluchistan.

Constituency.....

Sl. No.	Name of the contesting candidate	Number of votes polled by each contesting candidate	Number of challenged votes polled by each contesting candidate	Total votes polled by each contest- ing candidate Cols (3) + (4)	Remarks
1	2	3	4	5	6

- (i) Total number of votes polled by the contesting candidates (including challenged votes).....
- (ii) Total number of doubtful votes excluded from the count (including the doubtful challenged votes).....
- (iii) Aggregate of (i) and (ii).....

Place.....

Date .....

Signature of the  
Presiding Officer.

<sup>1</sup>[Name and designation of the  
Presiding Officer and Thumb  
impression of the Presiding Officer]

\*Strike off the words not applicable.

<sup>1</sup> Added *vide* S.R.O. 705(I)/93, dt. 19-8-1993.



**FORM XV**

[See rule 25]

**BALLOT PAPER ACCOUNT**

Election to the	*National Assembly	
	Provincial Assembly of the	Punjab Sindh the North-West Frontier Province Baluchistan.
From .....	Constituency	
Polling Station .....		
1.	Ballot papers received for use at the polling station from Serial No..... to..... Total.....	
2.	Total number of ballot papers taken out of the ballot box or boxes and counted .....	
3.	Total number of tendered ballot papers.....	
4.	Total number of challenged ballot papers.....	
5.	Total number of ballot papers spoilt and cancelled.....	
6.	Total number of ballot papers under item numbers (2), (3), (4) and (5). .....	
7.	Number of unissued ballot papers from Serial number..... to..... Total.....	
8.	Total number of item numbers (6) and (7) ..... [should be equal to the total of item No. (1)].	

Place.....

Date.....

Signature of the  
Presiding Officer.

\*Strike off the words not applicable.

[See rule 26(1)]

In respect of election to the  
\*National Assembly

Provincial Assembly of the Punjab/Sind/the North West Frontier Province Baluchistan

From ..... Constituency

[illegible]

Total No. of votes recorded at the polling stations.

Total votes recorded on postal ballot for the constituency.

Grand Total

Place.....

Date.....

\*Strike off the words not applicable.

**\*\*Write the names of the candidates.**

*Returning Officer.*

**FORM XVII**

[See rule 28]

**RESULT OF THE COUNT**

Election to the

\*National Assembly

---

Provincial Assembly of the

Punjab  
Sindh  
the North-West  
Frontier Province  
Baluchistan.

From.....Constituency.

Sl. No.	Names of the contesting Candidates	Number of valid votes polled
1.		
2.		
3.		
4.		
etc.		

Total number of valid votes polled.....

Total number of rejected votes.....

Total number of tendered votes.....

Date.....

Place.....

*Returning Officer*

---

\*Strike off the words not applicable.

FORM XVIII

[See rule 30(1)]

RETURN OF ELECTION EXPENSES

Election to the \*National Assembly  
Provincial Assembly of the Punjab  
Sindh  
the North-West Frontier Province  
Baluchistan.

From.....Constituency.

Name of the candidate.....

Address of the candidate.....

PART A.— Account of Election Expenses

The date on which expenditure was incurred or authorised	The amount of expenditure		The date of payment	The name and address of the payee	The serial number of vouchers in the case of amount paid	The serial number of bills, if any in the case of amount outstanding	The name and address of the person to whom the amount outstanding is payable
	the amount paid (i)	the amount outstanding (ii)					
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)

\*Strike off the words not applicable.

PART B.—Account of Disputed Claims

The date on which the claim is alleged to have arisen	Name and address of the claimant	The nature of the claim	The amount of the claim	Grounds on which the claim is disputed
(a)	(b)	(c)	(d)	(e)

PART C.—Account of unpaid Claims

The date on which the claim arose	The name and address of the claimant	The nature of the unpaid claim	The amount of the unpaid claim	The reasons for non-payment of the claim
(a)	(b)	(c)	(d)	(e)

PART D.—Account of money, etc., received by the candidate

The date on which the money, securities or equivalent of money was received by the candidate	The name and address of the persons from whom money, etc., was received	The amount of money or value of securities, etc.	For what specific purpose the money etc., was received.
(a)	(b)	(c)	(d)

Signature of the Candidate

**FORM XIX**

[See rules 31]

**AFFIDAVIT TO BE SWORN BY A CANDIDATE**

I,..... (name), having been a candidate in the election to the \*National Assembly/Provincial Assembly of the Punjab/Sindh the North-West Frontier Province/Baluchistan from ..... constituency \*make oath and say (declare on solemn affirmation) that :

1. In the aforementioned election, all expenses incurred, all moneys, securities or things of value received, all payments made, all claims settled and all accounts maintained in the course of or in connection with the election were incurred, received, made, settled and maintained by me or within my knowledge and under my control and direction.

2. All information given and all entries made in the return of election expenses and all vouchers, bills and other documents lodged by me with that return are, within my knowledge and belief, true and genuine.

*Signature of the Candidate.*

Sworn/declared on solemn affirmation before me.....this..... day of .....by.....who is personally known to me/ who has been identified by ..... who is personally known to me.

*Signature.*

---

\*Strike off the words not applicable.

**FORM-XX**

[See rules 34]

**NOTICE UNDER SECTION 75 OF THE REPRESENTATION OF  
THE PEOPLE ACT, 1976**

\*National Assembly

Provincial Assembly of the Punjab Sind the

Election to the

North-West Frontier Province Baluchistan.

From .....Constituency  
Before the Election Tribunal ..... (Place)

In the matter of Election Petition No..... of 2002.....  
..... Petitioner.

*Versus*

.....Respondent.

I ..... (name), respondent, do hereby give notice  
under section 75 of the Representation of the People Act, 1976 (LXXXV of  
1976), that I do not intend to contest the aforesaid petition.

Place .....

Signature .....

Date .....

Respondent .....

---

\*Strike off the words not applicable.

**FORM-XXI**

(See rule 28A)

**STATEMENT OF ASSETS AND LIABILITIES**

I, ..... Member, \*National Assembly/Provincial Assembly, Punjab/Sindh/NWFP/Baluchistan from constituency No. .... / from the seats reserved for women/non-Muslims hereby declare on solemn affirmation that no immovable and moveable property, including bonds, shares, certificates, securities, insurance policies and jewellery, other than specified herein below, is held by me, my spouse(s) and dependents on 30th day of June, .....

**ASSETS**

	Cost of Assets	Present value of Property	Remarks
<b>1. <u>IMMOVABLE PROPERTY</u></b>  Open plots, houses, apartments, commercial buildings, under construction properties, agricultural property, etc.  <b>(a) <u>Held within Pakistan*</u></b>  (i) _____ (ii) _____ (iii) _____  <b>(b) <u>Held outside Pakistan*</u></b>  (i) _____ (ii) _____  <b>2. <u>MOVABLE ASSETS</u></b>  <b>(a) <u>Business capital within Pakistan</u></b>  (i) Name of business (ii) Capital amount  <b>(b) <u>Business capital outside Pakistan</u></b>  (i) Name of business (ii) Capital amount  <b>(c) <u>Assets brought or remitted from outside Pakistan*</u></b>  (i) Bank drafts/Remittances (ii) Machinery (iii) Other			

\*Details to be annexed



<p><b>(d) <u>Assets brought out of remittance from abroad*</u></b></p> <p><b>(e) <u>Investments</u></b></p> <p>(i) Stock and Shares</p> <p>(ii) Debentures</p> <p>(iii) National Investment (Unit) Trust</p> <p>(iv) ICP Certificates</p> <p>(v) National Savings Schemes</p> <p>– Defence Savings Certificate</p> <p>– Special Savings Certificate</p> <p>– Regular Income Certificate</p> <p>(vi) Unsecured loans</p> <p>(vii) Mortgages</p> <p>(viii) Any other</p> <p><b>(f) <u>Motor Vehicles**</u></b></p> <p>Make    Model    Reg. No.</p> <p>(i) _____</p> <p>(ii) _____</p> <p><b>(g) <u>Jewellery, etc.</u></b></p> <p>(i) Weight _____</p> <p>(ii) Description _____</p> <p><b>(h) <u>Cash and Bank Accounts*</u></b></p> <p>(i) Cash in hand</p> <p>(ii) Cash at Bank</p> <p>Account No. Bank &amp; Branch</p> <p>Current _____</p> <p>Deposit _____</p> <p>Savings _____</p> <p>Other Deposit _____</p> <p><b>(i) <u>Furniture, Fittings &amp; articles of personal use-</u></b></p> <p><b>(j) <u>Assets transferred to any person-</u></b></p> <p>(i) Without adequate consideration, of</p> <p>(ii) by revocable transfer</p> <p><b>(k) <u>Any other assets.</u></b></p>			
---	--	--	--

\*Details to be annexed.

\*\*Use extra sheets if necessary.

**LIABILITIES**

	Amount	Remarks
(i) Mortgages secured on Property or land		
(ii) Unsecured Loans owing		
(iii) Bank Overdraft		
(iv) Bank Loans		
(v) Amounts due under Hire Purchase Agreement		
(vi) House Building Loans		
(vii) Advances from Provident Funds etc.		
(viii) Other debts due*		
(ix) Liabilities in the names of minor children (in respect of assets standing in their names)		
<b><u>Total</u></b>		

\*Details to be annexed.

**VERIFICATION**

I, ..... S/o, W/o, D/o  
 ..... do hereby declare solemnly that, to the best of my knowledge and belief, the above statement of the assets and liabilities of myself, my spouse(s), dependents as on 30th June, ————— is correct and complete and nothing has been concealed therefrom.

Date .....

Signature of the Member

---

**THE REPRESENTATION OF THE PEOPLE ACT, 1976**  
**AS MADE APPLICABLE TO THE FATAs**

---

(259—260)



GOVERNMENT OF PAKISTAN

**MINISTRY OF INTERIOR, STATES AND FRONTIER REGIONS**  
**AND KASHMIR AFFAIRS**  
**(States and F. R. Division)**

**NOTIFICATION**

*Islamabad, the 9th January, 1977*

**No.F.6(53)-F.I/76.**—In exercise of the powers conferred by clause (3) of Article 247 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to direct that the Representation of the People Act, 1976 (LXXXV of 1976), shall, subject to the modifications specified in the Schedule below apply to the Federally Administered Tribal Areas.

**SCHEDULE**

1. Reference to the Provincial Assembly wherever occurring in the Representation of the People Act, 1976 (LXXXV of 1976), shall be deemed to have been omitted, and the words and expression used, but not defined in this notification shall have the same meaning as in the aforesaid Act, and the <sup>1</sup>[Electoral Rolls Act, 1974 (No. XXI of 1974)].

2. In section 2.—

(i) .....

<sup>2</sup>[(ii) .....]

(iii) after clause (xv), the following new clause shall be inserted, namely:—

“(xva) “Political Officer” includes a Political Agent, an Assistant Political Agent, and Assistant Political Officer.”

---

<sup>1</sup> Substituted *vide* SRO 18(1)/2000, dated 17-01-2000.

<sup>2</sup> Omitted *ibid*.

3. In section 4, after the words “Officer of the Commission” the words “or a Political Officer” shall be inserted.

<sup>1</sup>[4. ....]

5. In section 32, in sub-section (2), for the words “by a Police Officer” the words “under the orders of any Political Officer by a member of the civil armed forces, a levy, a Khassadar or any other person authorized by the Political Officer in this behalf” shall be substituted.

6. ....

7. For section 50 the following shall be substituted, namely:—

“50. *Certificate relating to election expenses.*—Every contesting candidate, other than the returned candidate, shall within thirty days after the publication of the name of the returned candidates under section 20, or section 42, submit to the Returning Officer a certificate accompanied by an affidavit of the amount he has spent in the election.”.

8. In section 67, for sub-section (3) the following shall be substituted, namely:—

“(3) Any person aggrieved by a decision of the Tribunal in respect of a dispute relating to a seat in the National Assembly from the Federally Administered Tribal Areas may, within thirty days of the announcement of the decision, appeal to the Peshawar high Court and the decision of the High Court on such appeal shall be final and shall not be subject to appeal to the Supreme Court. Every such appeal shall be heard by a Division Bench of two Judges of the High Court.”

9. In Chapter VII, after section 77, the following new section shall be inserted, namely:—

“77A. *Special procedure for enforcement of certain orders, etc.*—  
(1) Any summons, commission or order issued or made by the Commission under sub-section (5) of section 14 or by the Tribunal under section 64, in respect of any witness or other person belonging to a Federally Administered Tribal Area, shall be served or executed through a Political Officer.”

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<sup>1</sup> Omitted *vide* SRO 18(1)/2000, dated 17-01-2000.

(2) An application under sub-section (4) of section 77 for the enforcement of an order for costs against a person belonging to a Federally Administered Tribal Areas shall be made to a Political Officer who shall recover the costs from such person.”

10. In section 93, for the words “ A Police Officer may” the words and commas “Any person authorized in this behalf by a Political Officer may, or, when so ordered by a Political Officer, a member of the civil armed forces, a levy or a Khassadar shall,” shall be substituted.

11. After section 103A, the following new section shall be inserted, namely:—

*“103-B. Special procedure for trial.—*Notwithstanding anything contained in this Act or in any other law for the time being in force, if a person is accused of an offence under this Act, he shall be tried by a Political Officer in accordance with the provisions of section 11 of the Frontier Crimes Regulation, 1901.”

12. In section 105, after the word and comma “Commissioner,” the words and comma “a Political Officer,” shall be inserted.

13. In section 106, after the word “Commissioner”, the comma and words “, a Political Officer” shall be inserted.

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**THE ELECTORAL ROLLS ACT, 1974**  
**(*ACT NO. XXI OF 1974*)**

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(265—266)

**THE ELECTORAL ROLLS ACT, 1974**  
**(ACT NO. XXI OF 1974)**

**ARRANGEMENT OF SECTIONS**

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# THE ELECTORAL ROLLS ACT, 1974

(ACT NO. XXI OF 1974)

*An act to provide for the preparation and revision of electoral rolls for elections to the National Assembly and Provincial Assemblies*

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

It is hereby enacted as follows:—

1. **Short title and commencement.**— (1) This Act may be called the Electoral Rolls Act, 1974.

(2) It shall come into force at once.

(3) It extends to the whole of Pakistan.

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

(1) “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 of the Constitution; and

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

(2) “electoral area” means—

<sup>1</sup>[(a) in rural areas, a village or a census block; and

(b) in urban areas,—

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<sup>1</sup>Substituted *vide* Ordinance No. IX of 2002, dated 11th February, 2002.

- (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.

3. **Assistance to Commissioner.**—(1) The Commissioner may require any person or authority to perform such function or render such assistance for the purpose of this Act, as the Commissioner may direct.

(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.

(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.

<sup>1</sup>[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 before the commencement of Electoral Rolls (Amendment) Ordinance, 2000, and revised from time to time in the prescribed manner.

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<sup>1</sup>Substituted *vide* Ordinance No. LI of 2000, dated 27th September, 2000.

(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.]

**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.

(2) Subject to such instructions as may be given in this behalf by the Commissioner,—

- (a) an Assistant Registration Officer may, under the control of the Registration Officer, perform the functions of a Registration Officer; and
- (b) a Registration officer may require any person to assist him in the performance of his functions.

**6. Preparation of preliminary electoral rolls, etc.**—<sup>1</sup>[(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.]

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

- (a) is a citizen of Pakistan;
- (b) is not less than <sup>2</sup>[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;
- (c) is not declared by a competent court to be of unsound mind; and
- (d) is, or is deemed under section 7 to be, resident in the electoral area.

**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.

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<sup>1</sup>Substituted *vide* Ordinance No. LI of 2000, dated 27th September, 2000.

<sup>2</sup>Construed as “eighteen” in the light of Article 51(2)(b) of the Constitution, *vide* ECP Notification No F. 1(4)/2003-Law, dated 27th March, 2004.

(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.

(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.

(4) The wife of any such person as is referred to in sub-section (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 sub-section.

(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.

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.

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.

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 <sup>1</sup>[or more as prescribed by the Chief Election Commissioner] next following the date of the publication of the preliminary electoral rolls under section 8.

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—

- (a) an objection to the inclusion of his name in the roll in which it has been included, and
- (b) a claim for the inclusion of his name in the other,

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<sup>1</sup> Added *vide* Ordinance No. XXXIV of 2007, dated 3-7-2007.

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.

**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.

**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,—

- (a) for the inclusion in the electoral roll of the name of any person left out due to inadvertence or the absence of timely information while preparing the preliminary electoral rolls; or
- (b) for the exclusion of any name from the electoral roll or any correction of clerical, printing or other error which he is himself authorized to make under sub-section (2) of section 15.

**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.

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

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

- (i) shall correct the electoral roll in accordance with the decisions of the Revising Authority under section 14; and
- (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.

**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.

17. **Annual revision of electoral roll.**— An electoral roll shall be revised and corrected annually in the prescribed manner and form—

- (a) so as to include the name of any qualified person whose name does not appear in such roll, or
- (b) so as to delete the name of any person who has died or who is or has become disqualified for enrolment, or
- (c) for correcting any entry or for supplying any omission in such roll:

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.

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, <sup>1</sup>[alongwith a photostat copy of the identity card <sup>2</sup>[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.

<sup>3</sup>[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

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<sup>1</sup>Inserted *vide* Ordinance No. XX of 1982, dated 2nd September, 1982.

<sup>2</sup>Substituted *vide* Ordinance No. LI of 2000, dated 27th September, 2000,

<sup>3</sup>Added *ibid*.



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.

<sup>1</sup>[(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.]

**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.

**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.

**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.

**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.

**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.

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<sup>1</sup>Added *vide* Ordinance No. LI of 2000, dated 27-9-2000.

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 <sup>1</sup>[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 proposes of this Act.

(2) Sub-section (1) shall have effect notwithstanding anything contained <sup>1</sup>[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.

25. **No person to be enrolled more than once or in more than one electoral area.**— No person shall be enrolled—

- (a) on the electoral roll for any electoral area more than once; or
- (b) on the electoral rolls for more than one electoral area.

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 name of any person not so entitled.

27. **Commissioner's power to include a name in an electoral roll.**— Subject to section 20 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.

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<sup>1</sup>Substituted *vide* Ordinance No. LI of 2000, dated 27th September, 2000.

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.

<sup>1</sup>[(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:

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.]

<sup>2</sup>[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.]

29. **Bar of jurisdiction.**—No court shall question the validity of the electoral rolls prepared or revised under this Act or the legality or propriety of any proceedings or action taken thereunder by or under the authority of the Commissioner or a Registration Officer.

<sup>3</sup>[30. **Breach of official duty.**—Where a Registration Officer, an Assistant Registration Officer or any other person appointed in connection with official duty under this Act, willfully or without reasonable cause, commits breach of official duty by any act or omission, the Commissioner may suspend such officer or person and initiate proceedings against him and refer the case along with statement of allegations to the Federal Government where such officer or person is serving under the Federal Government and in other cases the Provincial Government.

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—

- (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

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<sup>1</sup>Substituted *vide* Ordinance No. XXV of 1984, dated 3rd June, 1984.

<sup>2</sup>Inserted *vide* Ordinance No. XLVIII of 1984, dated 27th October, 1984.

<sup>3</sup>Added *vide* Ordinance No. LI of 2000, dated 27th September, 2000.

- (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.]

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THE ELECTORAL ROLLS RULES, 1974

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(277—278)



**THE ELECTORAL ROLLS RULES, 1974****ARRANGEMENT OF RULES**

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**THE ELECTORAL ROLLS RULES, 1974**

1. **Short title and commencement.**—(1) These rules may be called the Electoral Rolls Rules, 1974.

(2) They shall come into force at once.

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

(1) “Act” means the Electoral Rolls Act, 1974;

(2) “Form” means a form appended to these rules and includes translation thereof into any language;

(3) “Publish” with its grammatical variations, means exhibition at a place accessible to the public; and

(4) “Section” means a section of the Act.

3. **Form, language and arrangement of electoral roll.**—<sup>1</sup>[(1) The electoral roll for each electoral area shall be in Form-I and the aforesaid form shall contain the number of National Identity Card of each voter.]

(2) It shall be prepared in the National language and shall be in such parts as may be directed by the Commissioner.

(3) The Commissioner may direct that the electoral roll of any electoral area specified by him shall, in addition to the National language, be prepared in the regional language of that area.

(4) Subject to any directions issued by the Commissioner, the names enrolled in the electoral roll of each electoral area or part thereof shall be numbered serially.

4. **Appointment of enumerators etc.**—The Registration Officer shall, subject to the directions of the Commissioner, appoint such number of enumerators and supervisors as may be necessary for carrying out the purposes of these rules.

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<sup>1</sup> Substituted *vide* SRO. 603(I)/06, dated 5-6-2006.



**5. Information to be supplied by occupants of dwelling houses or owners of immovable property.**—(1) The Registration Officer may, for the purpose of preparing or revising the existing electoral rolls, cause to be obtained a statement in Form II <sup>1</sup>[ ] from persons ordinarily residing, or owning or possessing a dwelling house or other immovable property, in an electoral area.

(2) Every statement referred to in sub-rule (1) shall be signed by, or bear the thumb impression of, the head of the house-hold or of any other member thereof who is eligible to be enrolled in the electoral roll.

(3) Every statement shall contain a certificate from the enumerator to the effect that the statement under sub-rule (1) was obtained after a personal visit to the house and also a certificate by the supervisor to the effect that the entries therein were verified or corrected in each statement after a house to house visit.

(4) The draft electoral roll or the list of additions to, deletions from and corrections of, the electoral roll for the time being in force for the purposes of annual revision, shall not be published until the entries in the draft roll or the roll under revision have been verified to the extent of at least 10 per cent by a house to house visit by a person other than the persons obtaining and verifying the statement.

**6. Statement of certain persons holding certain offices.**—(1) Any person referred to in sub-section (3) or sub-section (4) of section 7 may, before such date as may be fixed by the Commissioner, make an application in Form-III <sup>2</sup>[ ], for his or her enrolment to the Registration Officer of the electoral area in which he or she would have been resident if he or she were not in the service of Pakistan or the holder of a public office in another electoral area.

(2) If the Registration Officer is satisfied that the person making the application under sub-rule (1) is entitled to do so, he shall enroll as elector such person and his wife and such of his children as ordinarily reside with him in the electoral area as applied for by him.

**7. Preliminary publication.**—As soon as may be, after the draft electoral roll for an electoral area has been prepared, the Registration Officer shall publish it in Form-I <sup>3</sup>[ ], at his office and at such other place or places accessible to the public as the Commissioner may direct, together with a notice specifying the dates within which claims, objections or applications for correction shall be filed.

<sup>1</sup> Omitted *vide* SRO. 603(I)/06, dated 5-6-2006.

<sup>2</sup> Omitted *ibid*.

<sup>3</sup> Omitted *ibid*.

8. **Preliminary publication for annual revision of rolls.**—For the purposes of annual revision, the Registration Officer may publish the electoral roll for an electoral area for the time being in force at his office and at such other place or places accessible to the public as the Commissioner may direct along with a list of additions to, deletions from and corrections of the electoral roll, together with a notice specifying the dates within which claims and objections shall be filed.

<sup>1</sup>[9. **Forms of claims, objections and applications.**—(1) Every claim for inclusion of a name in the electoral roll <sup>2</sup>[ ] shall be in Form-IV, every objection to any entry therein shall be in Form-V and every application for correction of any entry therein shall be in Form-VI

<sup>2</sup>[(2) ].

10. **Manner of lodging claims and objections.**—(1) A claim or objection shall be addressed to the Revising Authority of the electoral area concerned and shall either be presented to that Authority or to the Registration Officer of the electoral area or to such other officer as may be designated in that behalf by the Commissioner or be sent by post to the Revising Authority.

(2) A claim shall be signed by the person making it and shall, unless sent by post, be presented by the claimant himself or by any agent authorized by him in writing in this behalf.

(3) No person shall prefer an objection to the inclusion of any name in the electoral roll unless his name is entered in that electoral roll <sup>3</sup>[.]; and

<sup>2</sup>[.];

<sup>3</sup>[(4) The person claiming to be enrolled in the electoral roll of an electoral area are objecting to the inclusion of any name in the electoral roll may furnish such proof along with Form-IV or Form-V as he may like to added in support of his claim or objection.]

(5) Where an objection is made to the inclusion in the electoral roll of any person whose name appears therein, such objection shall contain in respect of such person all the particulars required to be filled in the roll.

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<sup>1</sup> Inserted *vide* SRO 1139(I)/78, dated 24-9-78.

<sup>2</sup> Omitted *vide* ECP Notification SRO No. 603 (I)/2006, dated 5-6-2006.

<sup>3</sup> Substituted *ibid*.

(6) If any particular in any entry in the electoral roll is not correct, the person to whom the entry relates may apply to the appropriate Revising Authority for the correction thereof in Form-VI <sup>1</sup>;

**11. Rejection of claims and objections.**—Any claim or objection not made within the period mentioned in section 10 or in the manner specified in these rules or made or presented by a person not entitled to make or present it shall be rejected.

**12. Register of claims and objections.**—(1) A register of claims and objections shall be maintained by every Revising Authority or officer to whom claims and objections may be presented under sub-rule (1) of rule 10.

(2) The Revising authority shall also maintain in the Register mentioned in sub-rule (1) a record of the applications for correction received by it.

(3) Except where a claim or objection or an application for correction is rejected under rule 11 or, being *prima facie* valid, is accepted under section 14 without further inquiry, the Revising Authority shall cause to be served—

- <sup>2</sup>[(a) in the case of a claim, a notice in Form-IV (Part-II) on the claimant or his agent;
- (b) in the case of an objection, a notice in Form-V (Part II) on the objector and a notice in Form-V (Part-III) on the person to whom the objection relates; and
- (c) in the case of an application for correction, a notice in Form-VI (Part-II), on the applicant.]

**13. Service of notice.**—Every notice to be served on any person under rule 12 may be served either personally or by post.

**14. Inquiry into claims and objections.**—(1) On the day fixed for the purpose, the Revising Authority shall hold a summary inquiry into each claim or objection or application for correction in respect of which it has issued notice under rule 12 and shall record its decision thereon.

(2) While hearing a claim or objection or deciding an application for correction, the Revising Authority may, besides the claimant or the person objecting to any entry or the applicant for correction, hear such other person as desires to be heard in connection with the claim or objection or the application.

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<sup>1</sup> Omitted *vide* ECP Notification SRO No. 603 (I)/2006, dated 5-6-2006.

<sup>2</sup> Substituted *ibid*.

(3) The claimant or the person objecting to any entry or the applicant for correction or any other person who is heard under sub-rule (2) shall not be entitled to any adjournment:

Provided that the Revising Authority may, if it so desires, adjourn the case to any other date.

(4) The Revising Authority shall, after considering any verbal or written objection preferred, decide an application made under section 10 or 11, as the case may be, or an application made under section 13 by the Registration Officer.

(5) The Revising Authority shall bring to the notice of the Registration Officer for correction of any clerical, printing or other error which it discovers in the electoral roll.

**15. Final Publication.**—The Registration Officer shall, after making additions, deletions, modifications or corrections under section 16, publish in the manner provided in Form-I<sup>1</sup> [ ], the final electoral roll at his office and at such other place or places accessible to the public as the Commissioner may direct.

**16. Preparation of electoral roll afresh.**—(1) For the purposes of preparation of an electoral roll afresh under section 19, the procedure laid down for the preparation of electoral rolls shall be followed.

(2) An electoral roll as prepared afresh under sub-rule (1) shall, upon its final publication, be deemed to be the electoral roll for the electoral area concerned and shall come into force immediately on such publication.

**17. Annual revision of electoral rolls.**—(1) For the purpose of revising and correcting the electoral roll annually, the Registration Officer may, subject to such directions as the Commissioner may give in this behalf, prepare a list of amendments to the electoral roll of an electoral area for the time being in force and the provisions of rules 4 to 7 shall, so far as they are applicable, apply in the case of such preparation of the list in the like manner as they apply in the case of the preparation of the electoral rolls.

(2) When any such list of amendments to an electoral roll of an electoral area has been so prepared, such electoral roll for the time being in force together with said list of amendments shall be published in the like manner as provided under rule 15 and shall be deemed to be the electoral roll for that electoral area,

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<sup>1</sup> Omitted *vide* ECP Notification SRO No. 603 (I)/2006, dated 5-6-2006.

and the provisions of rule 8 to 14, so far as they are applicable, shall apply to such rolls and to the list of amendments so prepared in the like manner as they apply in the case of original rolls:

<sup>1</sup>[Provided that where the Commissioner is satisfied that it is not feasible to follow the procedure laid down under sub-rule (1) and sub-rule (2), he may direct that the electoral roll shall be revised in such manner as he may deem fit.]

(3) When a list of amendments is prepared for an electoral area under this rule, it shall be sufficient to print only the list of amendments and it shall not be necessary to re-print the electoral roll:

Provided that the Commissioner may, if he thinks fit, direct that the entire roll for any electoral area incorporating the amendments shall be printed as a single roll <sup>2</sup>[:].

<sup>3</sup>[Provided further that the Commissioner may, if he thinks fit, direct that the manuscript of the list of amendments or photostat thereof, duly authenticated by the Registration Officer may be published alongwith the electoral roll.]

**18. Amendment of electoral roll.**—(1) When an electoral roll has been amended under section 18 by the Registration Officer, corresponding amendment shall be made in the copy of the electoral roll in his custody as well as in the copies of the roll kept at other places under rule 19.

(2) Every amendment made under this rule shall be signed by the person authorized by the Registration Officer to do so and the electoral roll in which such amendment is made shall thereupon be deemed to have been amended accordingly.

(3) Where, at any time, any clerical, printing or other error in an entry in an electoral roll for the time being in force comes to the notice of the Registration Officer, he may, on an application of the person concerned or of his own motion, after giving notice to the person to whom the entry relates, correct such error.

**19. Custody and preservation of the electoral rolls.**—(1) After the electoral roll for an electoral area has been finally published, the following papers shall be kept in the office of the Registration Officer and at such place or places as

---

<sup>1</sup> Added *vide* SRO. 643(I)/90, dated 20-6-90.

<sup>2</sup> Substituted *vide* SRO. No. 1095(I)/92, dated 8-11-1992.

<sup>3</sup> Added *ibid*.

the Commissioner may direct for a period of one year unless their retention for a longer period is ordered by the Commissioner, namely:—

- (a) <sup>1</sup>[one copy] of the draft electoral rolls published under rule 7 or 8;
- (b) applications made under sub-rule (1) of rule 5;
- (c) statement made under sub-rule (1) of rule 6;
- (d) claims and objections to the draft electoral roll and applications for correction of any particulars in the roll;
- (e) decisions of the Revising Authority;
- (f) applications made by the Registration Officer under section 13; and
- (g) five copies of the electoral rolls as finally published under rule 15.

(2) Copies of the electoral rolls published under rule 15 for any electoral area in excess of the number required for preservation under sub-rule (1) shall be deposited in such place as the Commissioner may direct and the copies of the electoral roll so deposited shall be available for sale to any person making an application to that effect and at the rate of <sup>2</sup>[two rupees] per page of the electoral roll.

<sup>4</sup>[(2A) The copies of electoral rolls shall be available for sale to any person, upon an application made in that behalf, on CDs or DVDs at the rate of two hundred rupees per CD or DVD.]

(3) The papers referred to in sub-rule (1) and the copies of the rolls deposited under sub-rule (2) may be disposed of, when no longer needed, in such manner as the Commissioner may direct.

(4) Every person shall have the right to inspect during office hours the documents referred to in sub-rule (1) and to obtain attested copies thereof on payment of the following fees:—

- (a) <sup>3</sup>[Five rupees] for inspection of each document; and
- (b) <sup>3</sup>[Five rupees] for supply of copy for the first two hundred words or less and <sup>3</sup>[two rupees] for every additional one hundred words or fraction thereof.

(5) Every application for inspection of documents or supply of copies shall be accompanied by court fee stamps of the requisite value.

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<sup>1</sup> Substituted *vide* SRO. 1115(I)/86, dated 21-12-86

<sup>2</sup> Substituted *vide* ECP Notification No. F. 1(4)/74-Cord., dated 10-12-96.

<sup>3</sup> Substituted *vide* ECP Notification No. F. 1(3)/2000—Law, dated 29-11-2000.

<sup>4</sup> Added *vide* ECP Notification No. F. 1(1)/2006, dt. 9-12-2007.

## FORM I

[See rules 7 & 15]

### ELECTORAL ROLLS

Name of the electoral area.....<sup>1</sup>[Mauza/village/city.....]

Name of Patwar Halqa/Tapedar

Circle.....

Tehsil/Taluka..... District.....<sup>1</sup>[Union Council.....]

<sup>2</sup>[\* \* \*]

<sup>1</sup>[Census Block code]

Sl. No.	<sup>1</sup> [Household No.]	Name	Father's/ Husband's Name	NIC Number	Age on 1st January, 20	Address
1	2	3	4	5	6	7

Signature of Registration Officer

<sup>1</sup> Added *vide* E.C.P. No. Notification No. F. 1(2)/2002-Law, dated 21-5-2002.

<sup>2</sup> Omitted *idid*.

Name and No. of Electoral Area.....Charam No.....  
Name and particulars of persons residing in House No.....Street/Mohallah.....  
City/Town/Village.....Tehsil/Taluka/Town.....District.....  
Province.....are eligible to be enrolled in the electoral roll of electoral area:

SL No	Name	Name of Father/ Husband	Date of birth/ Year of birth	CNIC No. / <sup>2</sup> [NIC No.
-------	------	-------------------------	------------------------------	----------------------------------

Religion: Muslim ☐ Christian ☐ Hindu ☐ Sikh ☐  
Buddhist ☐ Parsi ☐ Jadhani/Ahmad ☐ Other non-Muslim ☐

Note: Tick (✓) the relevant box.

Name and No. of electoral area \_\_\_\_\_ Gharana No. \_\_\_\_\_

Received a statement (Form-II) from Mr./Mrs./Miss. \_\_\_\_\_ Son/wife/daughter of \_\_\_\_\_

House No.	Street/Mohallah	City/Town/Village
-----------	-----------------	-------------------

Tehsil/Taluka/Town District

Date \_\_\_\_\_

Signature of Enumerator

Name and Address

Substituted *vide* E.C.P. No. Notification S.R.O. No. 603(I)/2006, dated 5-6-2006.

<sup>2</sup> Added *vide* E.C.P. No. Notification S.R.O. No. 753(I)/2006, dated 22-7-2006.



**Oath (only for Muslims)**

I do solemnly swear that I and all the members of my family listed above believe in the absolute and unqualified finality of the prophethood of Muhammad (peace be upon him), the last of the Prophets, and that none of us is the follower of anyone who claims to be a Prophet in any sense of the word or of any description whatsoever after Muhammad (peace be upon him), and that none of us recognizes such a claimant to be a prophet or a religious reformer nor does any one of us belong to the Qadiani Group or Lahori Group or calls himself or herself an Ahmadi.

Date.....

Signature or thumb impression of  
the Head of the Household or any  
other member of the family eligible  
to be enrolled in the electoral roll.

**Declaration**

Certified that the above particulars are correct to the best of my knowledge and belief and that neither I have nor any of the members of my family mentioned above has applied for enrolment in the electoral roll of any other electoral area.

Date.....

Signature or thumb impression of  
the Head of the Household or any  
other member of the family eligible  
to be enrolled in the electoral roll.

1. Certified that the above particulars have been obtained after a personal visit to the house.

Signature of Enumerator  
Name and Address

2. Certified that the above particulars have been verified after a personal visit to the house and corrections made wherever necessary.

Signature of Supervisor  
Name and Address

3. Certified that the above particulars have been verified and corrections made wherever necessary.

Signature of Assistant Registration Officer  
Name and Address

\_\_\_\_\_  
Counter signature of Registration Officer with stamp

**Note 1—Any person who makes a false declaration or gives information which he knows or believes to be false or does not believe to be true is liable to punishment under sections 182 and 199 of the Pakistan Penal Code (Act XLV of 1860)**

**Note 2—Preliminary and final electoral roll shall be displayed for public inspection at conspicuous places in each electoral area. In order to ensure that your name as well as the names of the members of your family have been entered in the rolls, you are advised to inspect the rolls on both occasions. If any name is found to be omitted, or there is any mistake in the draft rolls, please immediately apply to the Registration Officer concerned on the prescribed form for inclusion of the name or for correction of the mistake, as the case may be. Please also inspect the final rolls, when published to ensure that all the entries have been correctly recorded therein].**

**[FORM III**

[See rule 6]

**APPLICATION BY PERSON IN THE SERVICE OF PAKISTAN  
OR HOLDING A PUBLIC OFFICE**

I under sub-section (3) of section 7 of the Electoral Roll Act, 1974, hereby seek enrolment in the electoral roll of .....(electoral area) in which I would have been resident if I had not been in the service of Pakistan or had not held a public office. My particulars for registration in the electoral area of my home town are given below:

1. Name.....
2. Sex (Male or Female).....
3. \*Father's or husband's name.....
4. CNIC No./?INIC No.].....
5. Post or public office held with complete address of posting.....
6. Date of birth or year of birth.....

\*Strike off the word not applicable

7. Address in the electoral area where registration is sought:

- i) House number, if any.....
- ii) Street or Mohallah.....
- iii) City, Town or Village.....
- iv) Post-office.....
- v) Tehsil, Town or Taluka.....
- vi) District.....

Religion: Muslim ☐ Christian ☐ Hindu ☐ Sikh ☐  
 Buddhist ☐ Parsi ☐ Qadiani/Ahmadi ☐ Other non-Muslim ☐

Note: Tick (✓) the relevant box.

**Oath (only for Muslims)**

I do solemnly swear that I and all the members of my family listed above believe in the absolute and unqualified finality of the prophethood of Muhammad (peace be upon him), the last of the Prophets, and that none of us is the follower of anyone who claims to be a Prophet in any sense of the word or of any description whatsoever after Muhammad (peace be upon him), and that none of us recognizes such a claimant to be a prophet or a religious reformer nor does any one of us belong to the Qadiani Group or Tabori Group or calls himself or herself an Ahmadi.

Date .....

1A

(Signature of the applicant)

<sup>1</sup> Substituted vide E.C.P. No. Notification S.R.O. No. 603(I)/2006, dated 5-6-2006.

<sup>2</sup> Added vide E.C.P. No. Notification S.R.O. No. 753(I)/2006, dated 22-7-2006.

**Declaration**

I declare and solemnly affirm that—

- (i) I am a citizen of Pakistan.
- (ii) My husband/wife/son/daughter whose particulars are given below and who is/are also citizen of Pakistan, ordinarily reside with me and should be registered in the electoral roll of the electoral area mentioned above.
- (iii) Neither I have nor any member of my family mentioned below has applied for enrolment in the electoral roll of any other electoral area.

Sl. No	Name	Date of birth/Year of birth	Sex (Male/Female)	Relation with applicant	CNIC No. /NIC No.
1					
2					
3					
4					

Place \_\_\_\_\_

Date \_\_\_\_\_ (Signature of the applicant)

**FOR USE IN THE OFFICE OF REGISTRATION OFFICER**

Statement received on (date) \_\_\_\_\_ and the name of person and his, her or their particulars have been registered in the electoral roll at serial No(s) \_\_\_\_\_ (Name and No. of electoral area) \_\_\_\_\_ Charana No. \_\_\_\_\_

Date \_\_\_\_\_ Signature of Registration Officer \_\_\_\_\_

**Note** Any person who makes a false declaration or gives information which he knows or believes to be false or does not believe to be true is liable to punishment under sections 182 and 199 of the Pakistan Penal Code (Act XLV of 1860)



10. I request that my name be registered in the electoral roll for the electoral area mentioned in paragraph 1 above.

**Oath (only for Muslims)**

I do solemnly swear that I believe in the absolute and unqualified finality of the prophethood of Muhammad (Peace be upon him), the last of the Prophets, and that I am not the follower of anyone who claims to be a Prophet in any sense of the word or of any description, whatsoever after Muhammad (Peace be upon him), and that I do not recognise such a claimant to be a Prophet or a religious reformer, nor do I belong to the Qadiani group or the Lahori group or call myself an Ahmadi.

(Signature or thumb impression of claimant)

**Declaration**

I do hereby declare and solemnly affirm that the particulars mentioned above are true to the best of my knowledge and belief.

(Signature or thumb impression  
of claimant).

Date .....

Postal address .....

**\*AUTHORITY**

I hereby authorise.....  
son/daughter/wife of..... to present this claim on my  
behalf.

(Signature or thumb impression of  
claimant).

Date .....

\*(Signature or thumb impression  
of agent).

Postal address of agent.....

\* Strike off when no agent is authorized.

*Note.*— Any person who makes a false declaration or gives information which he knows or believes to be false or does not believe to be true is liable to punishment under section 182 and 199 of the Pakistan Penal Code (Act XLV of 1860).

(To be filled in by the office of the Revising Authority)

Claim No. ....

Filed on .....

Date of hearing .....

(Received notice of date of hearing).

(Signature or thumb impression of  
claimant/agent).

Date .....

Decision of the Revising Authority

Signature of the Revising Authority

**PART II.- NOTICE**

[See rule 12(3)]

(To be filled in by the claimant)

To:

Name of the claimant ..... son/wife/daughter of .....

Full address of the claimant.....

(To be filled in by the office of the Revising Authority)

Reference :

Claim No..... of .....

son/wife/daughter of .....

Resident of .....

for inclusion of his/her name in the electoral roll for .....

.....electoral area.

Take notice that the claim will be heard at .....

(Place)

at ..... on .....

(time)

(date)

and you are directed to be present at the hearing with such further evidence, if any, as you may wish to adduce.

Date .....

(Revising Authority)

**CERTIFICATE OF SERVICE OF NOTICE**  
(to be filled in by the Serving Officer unless served by post)

Certified that the notice on the claimant has been duly served by me on (date).....  
.....on Mr./Mst .....  
..... personally.

Date.....

Place ..... (Serving Officer)

---

**RECEIPT**

Name of Electoral Area ..... No. of Electoral Area.....

Received a claim for inclusion of name (FORM-IV) from Mr./Mrs/Miss.....

son/wife/daughter of.....

House No..... Street/Mohallah.....

City/Town/Village..... Tehsil/Taluka/Town.....

District .....

Signature of Revising Authority/ Registration  
Officer/Assistant Registration Officer.

Date.....

Name and address .....

.....

.....]





**DECLARATION**

I hereby declare that the particulars mentioned above are true to the best of my knowledge and belief.

(Signature or thumb impression of  
objector)

Date .....

Postal address.....

---

*Note:* Any person who makes a false declaration or gives information which he knows or believes to be false or does not believe to be true is liable to punishment under sections 182 and 199 of the Pakistan Penal Code.

(To be filled in by the office of the Revising Authority)

Objection No. ....

Filed on .....

Date of hearing.....

---

Received notice of date of hearing

Signature or thumb impression of  
objector.

Date .....

---

Decision of the Revising Authority

.....  
Signature of the Revising Authority

**PART II.-NOTICE**

{See rule 12(3)}

(To be filled in by the objector)

To,  
 Name of the objector .....  
 son/wife/daughter of .....  
 Full address of the objector .....  
 .....

(To be filled in by the office of the Revising Authority)

Reference:

Objection No. ....  
 Regarding inclusion of the name of .....  
 son/wife/daughter of .....  
 resident of .....  
 .....  
 in the electoral roll for .....(Name of electoral area). Take  
 notice that the objection will be heard at .....  
 .....(place)  
 at.....(time) on.....(date)  
 and you are directed to be present at the hearing with such further evidence, if any, as you  
 may wish to adduce

Date .....

.....  
Revising Authority

Place .....

**CERTIFICATE OF SERVICE OF NOTICE ON OBJECTOR**

(To be filled in by the Serving Officer unless served by post)

Certified that the notice on the objector has been duly served by me  
 on (date).....on Mr./Mst.....personally.

Date .....

Place.....

.....  
Serving Officer

**PART III-NOTICE**

[See rule 12(3)]

(To be filled in by the objector)

Name of person the entry relating to whose name is objected to.....

..... son/wife/daughter of .....

..... full address .....

.....(To be filled  
in by the office of the Revising Authority)

## Reference:

Objection No. .... Name of the  
objector ..... son/wife/daughter of

..... Full address .....

.....

..... Take notice  
that the objection will be heard at .....

(place)

at ..... on ..... and you  
(time) (date)are directed to be present at the hearing with such evidence as you may wish to adduce. The  
grounds of objection (in brief) are:

(a) .....

(b) .....

(c) .....

Date .....

Place .....

Revising Authority

**CERTIFICATE OF SERVICE OF NOTICE ON THE OPPOSITE PARTY**

(To be filled in by the Serving Officer unless served by post)

Certified that the notice has been duly served by me on (date)..... on

Mr./Mst..... personally.

Date .....

Serving Officer

Place .....

**RECEIPT**

Name of electoral area .....No. of electoral area.....

Received objection to the inclusion of name (Form V) from Mr./Mrs./Miss

..... son/wife/daughter of ..... House No.

..... Street/Mohalla ..... City/Town/Village

..... Tehsil/Taluka/Town .....

District.....

Signature of Revising Authority/  
Registration Officer/Assistant  
Registration Officer.

Date.....

Name and Address.....

..... ]

Part I

(to be filled in by the office of the Revising Authority)

Application No.....  
 Filed on .....  
 Date of hearing.....

---

 Received notice of date of hearing

Date .....

 Signature or thumb impression  
 of the applicant

---

 Decision of the Revising Authority.

 Signature of Revising Authority
 

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## PART II NOTICE

(to be filled in by the applicant)

To

Name of applicant .....

son/wife/daughter of .....

Full address of the applicant .....

.....

---

 (to be filled in by the office of the Revising Authority)

Reference:

Application No. .... of .....

Son/wife/daughter of .....

Resident of .....

For correction of particulars in any entry in the electoral roll for .....

..... (Name of electoral area).

 Take notice that your application for correction of certain particulars in the entry relating to you  
 shall be heard at .....

 ..... at .....  
 (place) (time)

on ..... (date) and you are directed to be present at the hearing with such further evidence, if any, as you may wish to adduce.

Date.....

Place.....

Revising Authority

**CERTIFICATE OF SERVICE OF NOTICE**  
(to be filled in by the Serving Officer unless served by post)

Certified that the notice on the applicant has been duly served by me on (date).....  
..... on Mr./Mst.....personally.

.....  
Serving Officer

Date .....

Place .....

**RECEIPT**

Name of electoral area.....No. of electoral area.....

Received application for correction of particulars (Form VI) from Mr./Mrs./Miss  
..... son/wife/daughter of .....  
..... House No..... Street/Mohalla.....  
City/Town/Village..... Tehsil/Taluka/Town.....  
District .....

Signature of Revising Authority/  
Registration Officer/Assistant  
Registration Officer

Date.....

Name and Address.....

.....  
..... ]

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**THE DELIMITATION OF  
CONSTITUENCIES ACT, 1974**  
*(ACT NO. XXXIV OF 1974)*

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(303—304)





**THE DELIMITATION OF CONSTITUENCIES ACT, 1974**  
**(ACT NO. XXXIV OF 1974)**

**ARRANGEMENT OF SECTIONS**

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## THE DELIMITATION OF CONSTITUENCIES ACT, 1974

(ACT No. XXXIV OF 1974)

*An act to provide for the delimitation of constituencies for elections to the National Assembly and the Provincial Assemblies*

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:—

1. **Short title and commencement.**— (1) This Act may be called the Delimitation of Constituencies Act, 1974.

(2) It shall come into force at once.

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 <sup>1</sup>[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.

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.

4. **Procedure of Commission.**— (1) Subject to the provisions of this section, the Commission shall regulate its own procedure.

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<sup>1</sup>Substituted *vide* Act No. III of 1989, dated 11-2-89.

(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.

(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 at least three members shall have the effect of the decision of the Commission:

Provided that where the members attending the proceedings of the Commission are equally divided in their opinion,—

- (a) if the Chairman is one of the members attending, his opinion shall prevail and the decision of the Commission shall be expressed in terms of that opinion; and
- (b) in the other case, the matter shall be placed for decision before the Commission.

5. **Delegation of powers, etc.**—(1) The Commission may authorize one or more of its members, acting singly or together, to exercise and perform all or any of its powers and functions under this Act.

- (2) Where two or more members are authorized under sub-section (1),—
  - (a) their decision shall be expressed in terms of the opinion of the majority; or
  - (b) if they are equally divided, the matter shall be placed before the Commission.

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.

(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.

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 set out in the Table below:—

S. No.	Province/Area	General seats	Women seats	Total
1.	The North-West Frontier Province	35	08	43
2.	Federally Administered Tribal Areas	12	—	12
3.	Federal Capital	02	—	02
4.	The Punjab	148	35	183
5.	Sindh	61	14	75
6.	Baluchistan	14	03	17
Total :		272	60	332

Provided that in addition to the number of seats referred in the above table there shall be in the National Assembly ten seats reserved for non-Muslims as defined in Article 260 of the Constitution.

<sup>2</sup>[(2) The seats allocated under sub-section (1) shall be reallocated after each succeeding census.]

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

- (a) each Province into as many separate territorial constituencies as the number of general seats allocated to that Province under section 7; and
- (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 section 7.

(2) The constituencies for the seats reserved for women in the National Assembly shall be such that each Province forms one constituency with as many such seats as are allocated to that Province under section 7.

(3) The constituency for all seats reserved for non-Muslims in the National Assembly under clause (2A) of Article 51 shall be the whole country.

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

(5) The constituencies for the seats reserved for women and non-Muslims in the Provincial Assemblies shall be such that each Province forms one constituency with as many such seats as are allocated to that Province under clause (1) of Article 106.

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

Provided that for the purpose of delimiting constituencies for the general seats for the Federally Administered Tribal Areas two or more separate areas may be grouped into one constituency.

(2) As far as may be the constituencies for election to the same Assembly shall be equal among themselves in population.

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.

(2) Any person entitled to vote at an election to the National Assembly or a Provincial Assembly may, within <sup>1</sup>[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.

(3) The 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.

<sup>1</sup>[10A. **Power of Commission to make amendment, alteration or modification in the final list of constituencies.**—Notwithstanding anything

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<sup>1</sup> Inserted *vide* Ordinance No. L of 1984, dated 27-10-84.

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.

**10B. Removal of difficulties.**—If any difficulty arises in giving effect to any of the provisions of this <sup>1</sup>[Act] the President may make such provision for the removal of the difficulty as he may deem fit.]

**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.

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<sup>1</sup>Substituted *vide* Act No. III of 1989, dated 11-2-89.