

NATIONAL ASSEMBLY SECRETARIAT

Subject:- REPORT OF THE STANDING COMMITTEE ON PARLIAMENTARY AFFAIRS ON THE ELECTIONS (AMENDMENT) BILL, 2020

I, Chairman of the Standing Committee on Parliamentary Affairs have the honor to present this report on the Bill further to amend the Elections Act, 2017 (XXXIII of 2017), [The Elections (Amendment) Bill, 2020] (Government Bill) referred to the Committee on 16th October, 2020.

2. The Committee comprises the following:-

01. Mr. Mujahid Ali	Chairman
02. Mr. Sher Ali Arbab	Member
03. Mr. Jawad Hussain	Member
04. Mr. Mansoor Hayat Khan	Member
05. Mr. Aftab Hussain Siddiqui	Member
06. Ms. Maleeka Ali Bokhari	Member
07. Ms. Rukhsana Naveed	Member
08. Mst. Shaheen Naz Saifullah	Member
09. Ms. Zill-e-Huma	Member
10. Ms. Fouzia Behram	Member
11. Mr. Moonis Elahi	Member
12. Ch. Mehmood Bashir Virk	Member
13. Rana Sana Ullah Khan	Member
14. Rana Mubashir Iqbal	Member
15. Mr. Abdul Rehman Khan Kanju	Member
16. Mr. Aftab Shahban Mirani	Member
17. Mr. Mahesh Kumar Malani	Member
18. Ms. Shams - Un - Nisa	Member
19. Ms. Shagufta Juman	Member
20. Moulana Abdul Akbar Chitrali	Member
21. Mr. Ali Muhammad Khan	Ex-officio
Minister of State for Parliamentary Affairs	

3. The Committee considered the Bill as introduced in the National Assembly placed at Annexure-A, in its meetings held on 07-01-2021, 29-01-2021, 10-03-2021, 31-03-2021, 22-04-2021, 07-06-2021, 08-06-2021 and recommended with majority, that the Bill placed at Annex-'A', may be passed by the National Assembly. Dissent Notes of Mr. Mehmood Bashir Virk, Moulana Abdul Akbar Chitrali and Mr. Mahesh Kumar Malani, MNAs are placed at Annex-'B', Annex-'C' and Annex-'D', respectively.

-Sd/-

(TAHIR HUSSAIN)
Secretary
Islamabad, the 9th June, 2021

-Sd/-

(MUJAHID ALI)
Chairman

[AS REPORTED BY THE STANDING COMMITTEE]

A

Bill

Further to amend the Elections Act, 2017

WHEREAS, It is expedient further to amend the Elections Act, 2017 (XXXIII of 2017) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.-** (1) This Act shall be called the Elections (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Amendments in section 2, Act XXXIII of 2017.-**In the Elections Act, 2017 (XXXIII of 2017), hereinafter referred to as the said Act, in section 2,-

(a) after clause (i), the following new clause (ia) shall be inserted namely:-

"(ia) accredited, means authorized by the Commission":

(b) in clause (v), after the word "property" the words "including accounts receivable" shall be inserted;

(c) in clause (xvi), in sub-clause (b),-

(i) in paragraph I, after semicolon, the word "and" shall be added; and

(ii) in paragraph II, for the semicolon, a full stop shall be substituted and thereafter paragraph III along with proviso shall be omitted.

3. **Amendment in section 8, Act XXXIII of 2017.-** In the said Act, in section 8, in clause (b), after the word "paper", the words "before consolidation of results" shall be inserted.

4. **Amendment in section 9, Act XXXIII of 2017.-** In the said Act, in section 9, in sub-section (3), for the word "sixty", the word "thirty" shall be substituted.

5. **Amendment in section 11, Act XXXIII of 2017.**-In the said Act, in section 11, in sub-section (2), for the words "applicable laws and", the word "the" shall be substituted.

6. **Amendment in section 12, Act XXXIII of 2017.**-In the said Act, in section 12, in clause (c), after the words "women", the expression, "non-Muslims, disabled persons and transgender" shall be inserted;

7. **Amendments in section 13, Act XXXIII of 2017.**-In the said Act, in section 13,-

- (a) in sub-section (4), in clause (a), before the word "scanned", the expression "without loss of any time," shall be added;
- (b) in sub-section (5), after the word "Commission", occurring for the first time, the expression ", within twenty-four hours after the consolidation proceedings," shall be inserted; and
- (c) in sub-section (6), after the word "shall", the expression ", within the time specified in sub-section (10) of section 95," shall be inserted.

8. **Amendment in section 14, Act XXXIII of 2017.**-In the said Act, in section 14, in sub-section (1), for the word "prepare", the word "finalize" shall be substituted.

9. **Amendment in section 15, Act XXXIII of 2017.**-In the said Act, in section 15, in sub-section (1), after the word "action", occurring for the third time, the words "but before the day of the poll" shall be inserted.

10. **Amendment in section 17, Act XXXIII of 2017.**-In the said Act, in section 17, in sub-section (2), for the full stop at the end a colon

shall be substituted and thereafter the following provisos shall be added, namely:-

"Provided that the delimitation shall be on the basis of equal number of enrolled voters in every constituency of respective Provinces:

"Provided further that the delimitation exercise shall be finalized at least four months prior to the notification of election programme."

11. Amendments in section 20, Act XXXIII of 2017.- In the said Act, in section 20,-

(a) for sub-section (3), the following shall be substituted, namely:-

"(3) As far as possible, variation in number of enrolled voters of constituencies of an Assembly or a local government shall not exceed five percent in any case.", and

(b) in sub-section (4), for the word "ten", the word "five" shall be substituted.

12. Amendment in section 21, Act XXXIII of 2017.- In the said Act, in section 21, after sub-section (4), the following new sub-section shall be added, namely:-

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

13. Amendment in section 23, Act XXXIII of 2017.- In the said Act, in section 23, after sub-section (2) the following new sub-section shall be added, namely:-

"(3) The Commission may appoint as many Registration Officers for discharge of functions under sub-section (1) and sections 25(3), 35, 37, 38 and 41.

14. **Omission of Sections 24, 26, 28 to 34, 36 and 44, Act XXXIII of 2017.**- In the said Act, sections 24, 26, 28 to 34, 36 and 44 shall be omitted.

15. **Amendments in section 25, Act XXXIII of 2017.**-In the said Act, section 25,-

(a) for sub-section (1), the following shall be substituted, namely:-

"(1) In such manner as may be prescribed, the National Database and Registration Authority shall transmit relevant data of every fresh national identity card issued by it to the Commission for registration of card-holder as a voter in the electoral roll of the electoral area of permanent or temporary address, which is located within the jurisdiction of the office or center of the National Data Base and Registration Authority from where the person obtained his fresh National Identity Card (NIC) and subsequent change shall be subject to application by the NIC holder through biometric verification."

(b) in sub-section (2), after the word "voters", the comma and words "any change in the option indicated by a voter regarding place of his voting" shall be inserted.

16. **Substitution of section 35, Act XXXIII of 2017.**-In the said Act, for section 35, the following shall be substituted, namely:-

"35. Final publication.- After every revision under section 23, the Registration Officer shall publish in the prescribed manner and form, the electoral roll for each electoral area after ensuring that all eligible citizens of eighteen years and above to whom have been issued NIC till date have been entered in the electoral roll of that area."

17. **Amendment in section 43, Act XXXIII of 2017.**-In the said Act, in section 43, for the words "to the Registration Officer

concerned," the expression "National Database and Registration Authority (NADRA) shall be substituted".

18. Amendments in section 53, Act XXXIII of 2017.-In the said Act, in section 53,-

- (a) in sub-section (3), for the full stop at the end a colon shall be substituted and thereafter the following provisos shall be added, namely;-

"Provided that a candidate may challenge before the Commission under section 15 the appointment of the officers, polling scheme or polling staff:

Provided further that the appointment orders of polling staff for election may immediately be uploaded on website of the Commission on the form as approved by the Commission."; and

- (b) after sub-section (4), the following new sub-section (5), shall be added namely;

"(5) No official working within the jurisdiction of respective constituency or tehsil shall be appointed as polling staff for that constituency and tehsil."

19. Amendments in section 59, Act XXXIII of 2017.-In the said Act, in section 59,-

- (a) in sub-section (5), after the full stop, the expression "A candidate from the constituency may file an objection on a particular polling station in his constituency on reasonable ground." shall be added;
- (b) in sub-section (8), after the word "candidates", the words "not later than seventy two hours before polling and a copy of such change shall be transmitted to the candidates immediately without loss of any time" shall be inserted;

- (c) in sub-section (9), after the expression (6), the expression "read with sub-section (8)" shall be inserted;
- (d) in sub-section (11), after the word "candidate", the expression ", a political party or its office bearers" shall be inserted; and
- (e) after sub-section (12), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:-

"Provided that it shall be ensured that surveillance cameras so installed do not compromise the secrecy of voter while he is marking on the ballot paper."

20. Amendments in section 61, Act XXXIII of 2017.- In the said Act, in section 61,-

- (a) in sub-section (1),-
 - (i) for the word "thirty" the word "fifty" shall be substituted; and
 - (ii) for the word "twenty" the word "thirty" shall be substituted;
- (b) after sub-section (5), the following new sub-section shall be added, namely:-

"(6) The sum deposited by a candidate whose nomination papers are rejected or who withdraws or retires from election shall be refunded."

21. Amendments in section 64, Act XXXIII of 2017.- In the said Act, in section 64,-

- (a) in sub-section (1), after the word "candidates", the words "including uploading the same on the Commission's website as well" shall be inserted; and

- (b) in sub-section (3), after the word "candidates", the words "including uploading the same on the Commission's website as well" shall be inserted.

22. **Amendment in section 66, Act XXXIII of 2017.-** In the said Act, in section 66, after the word "constituency", the words "and such certificate shall be duly signed by a designated office bearer of the party who is notified by the chairman of the party" shall be inserted.

23. **Amendment in section 68, Act XXXIII of 2017.-** In the said Act, in section 68, in sub-section (2), after the words "on the day of poll" the words "and on the Commission's website" shall be inserted.

24. **Amendment in section 71, Act XXXIII of 2017.-** In the said Act, in section 71, in sub-section (4), after the word "paper" the words "or paper with security features" shall be inserted.

25. **Amendment in section 72, Act XXXIII of 2017.-** In the Elections Act, 2017 (XXXIII of 2017), after section 72, the following section shall be inserted, namely:-

"72A. Seat becoming vacant on not making oath within sixty days.- the seat of a returned candidate shall become vacant, if he does not make an oath within sixty days from the date of the first sitting of the National assembly, Senate or the Local government, as the case may be."

26. **Amendment of section 76, Act XXXIII of 2017.-** In the said Act, in section 76, for sub-section (1), the following shall be substituted, namely:-

"(1) A candidate may appoint five voters from the constituency as his election agents, for separate and designated polling stations in that constituency without any over lapping and shall send to the Returning Officer a notice in writing of the appointment containing the name, father's name, voter number and address of the election agent within twenty-four hours before start of polling."

27. **Amendment in section 79, Act XXXIII of 2017.-** In the said Act, in section 79, for sub-section (1), the following shall be substituted, namely:-

"(1) The Commission shall thirty days before polling provide to the Returning Officer for each constituency printed copies of final electoral rolls duly attested and also saved in universal serial bus(USB) for all the electoral areas within that constituency".

28. **Amendment in section 84, Act XXXIII of 2017. -** In the said Act, in section 84, after sub-section (9), the following new sub-section shall be added, namely:-

"(10) In case a voter is physically impaired and cannot use stairs to cast his vote in the designated polling booth, the Presiding Officer shall extend him appropriate facilitation and thereupon such voter may, with such facilitation, do anything which a voter is required or permitted to do under this Act."

29. **Amendment in section 86, Act XXXIII of 2017.-**In the said Act, in section 86, in sub-section (1), after the expression, "candidate", the expression "election agent" shall be inserted.

30. **Amendments in section 90, Act XXXIII of 2017.-**In the said Act, in section 90,-

(a) in sub-section (1), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:-

"Provided that presence of not more than one person, either a candidate or his agent, shall be allowed."

(b) after sub-section (18), the following new sub-section shall be added; namely:-

“(19) A Presiding Officer who does not comply with the provisions of this Act and the rules made there under shall be liable to disciplinary proceedings under the relevant law applicable to him for imposition of penalty commensurate with his guilt by the concerned authority.”.

31. **Amendment in section 92, Act XXXIII of 2017.**-In the said Act, in section 92, after the word “Commission”, the words “which shall immediately upload the same on its website” shall be inserted.

32. **Amendment in section 94, Act XXXIII of 2017.**- In the said Act, in section 94, for sub-section (1), the following shall be substituted namely, -

“(1) The Commission with technical assistance of NADRA shall have full mandate to facilitate or involve overseas Pakistanis for exercising their right of vote during elections in the country and such exercise shall be subject to technical efficacy, secrecy, security and financial feasibility.”.

33. **Amendments in section 95, Act XXXIII of 2017.**- In the said Act, in section 95,-

(a) in sub-section (1), for the full stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely;-

“Provided that presence of not more than one agent of each candidate shall be allowed.”.

(b) for sub-section (5), the following shall be substituted, namely:-

“(5) Before commencement of the consolidation proceedings, the Returning Officer shall recount the ballot papers of one or more polling stations if a

request or challenge in writing is made by a contesting candidate or his election agent and the margin of victory between returned and runner up candidates is less than five percent of the total votes polled in the constituency.”;

(c) in sub-section (6), after the word “proceedings” the words “and notifying the returned candidate,” shall be inserted; and

(d) in sub-section (9), after the word “agents” the words “and accredited observers” shall be inserted.

34. Amendment in section 99, Act XXXIII of 2017.- In the said Act, in section 99, in sub-section (1), for clause (f), the following shall be substituted, namely :-

“(f) result of the count (Form 45) and such other papers as the Commission may direct.”.

35. Amendments in section 104, Act XXXIII of 2017.- In the said Act, in section 104,-

(a) in sub-section (1), for the existing proviso, the following shall be substituted, namely:-

“Provided that the parties shall submit final priority list of candidates within three days after declaration of general elections results.”.

(b) for sub-sections (4), (5) and (6), the following shall be substituted, namely:-

“(4) If, at any time a vacancy is created, the political party may submit a fresh list and the provisions of sub-sections (1), (2) and (3) shall, as nearly as possible, apply to fill such vacancy.

(5) Where a seat reserved for women or non-Muslims in an Assembly falls vacant as a result of death, resignation or disqualification of a Member, it shall be filled in accordance with a fresh list as submitted to the Commission by the party.

(6) Before notifying the name of the person in order of priority from the party list as submitted under sub-section (4) or (5), such person shall submit a declaration on oath that since the filing of his nomination papers, he has not become subject to any disqualification contained in Article 63 of the Constitution."

36. **Amendment in section 122, Act XXXIII of 2017.-** In the said Act, in section 122, in sub-section (6), for the word "secret" the word "open" shall be substituted.

37. **Amendment in section 137, Act XXXIII of 2017.-** In the said Act, in section 137, in sub-section (1), after the word "his", occurring for the second time, the word "dependent" shall be inserted.

38. **Amendment in section 138, Act XXXIII of 2017.-** In the said Act, in section 138, after the word "Gazette" the words "and upload on its website" shall be inserted.

39. **Amendment in section 140, Act XXXIII of 2017.-** In the said Act, in section 140, in sub-section (2), in clause (a), the words "or has been" shall be omitted.

40. **Amendment in section 144, Act XXXIII of 2017.-** In the said Act, in section 144, in sub-section (2), in clause (b), for the expression "para (b)" the expression "clause (b) of sub-section (1)" shall be substituted.

41. **Amendment in section 158, Act XXXIII of 2017.-** In the said Act, in section 158, in clause (a), after the word "candidate", the

words" or any person on behalf of the returned candidate" shall be inserted.

42. Amendment in section 167, Act XXXIII of 2017.- In the said Act, in section 167, in clause (b), after the word "sect", the expression", gender" shall be inserted.

43. Amendment in section 172, Act XXXIII of 2017.- In the said Act, in section 172, in sub-section (2), for the words "six months" the words "three years" shall be substituted.

44. Amendment in section 195, Act XXXIII of 2017.- In the said Act, in section 195, for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely;-

"Provided that the Commission shall publish its meeting decisions and details of voting where the Commission decides the matter through majority."

45. Amendment in section 202, Act XXXIII of 2017.- In the said Act, in section 202, in sub-section (2), for the words "two thousand members" the expression "ten thousand members, including at least twenty percent women" shall be substituted.

46. Amendment in section 203, Act XXXIII of 2017.- In the said Act, in section 203, in sub-section (4), after the words "women," the expression ", persons with disabilities and transgender persons" shall be inserted.

47. Insertion of new section 213A, Act XXXIII of 2017.- In the said Act, after section 213, the following new section shall be inserted, namely:-

"213A. Political parties to hold annual conventions.-

Political parties may be bound to hold regular annual conventions and submit its report to the Commission mentioning therein at

least top ten problems of the country, reasons and solutions thereof, in view of the majority members of the party."

48. Amendments in section 221, Act XXXIII of 2017.- In the said Act, in section 221:-

(a) in sub-section (2), in clause (c), for the word "population", the word "voters" shall be substituted;

(b) in sub-section (4), in clause (c), for the word "population", the word "voters" shall be substituted;

(c) in sub-section (6), in clause (c), for the word "population", the word "voters" shall be substituted; and

(d) in sub-section (8), in clause (c), for the word "population", the word "voters" shall be substituted;

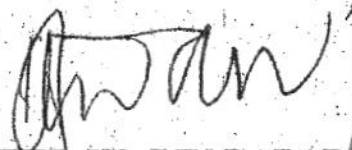
49. Amendment in section 231, Act XXXIII of 2017.- In the said Act, in section 231, after the full stop at the end, the following explanation shall be added, namely:-

"Explanation.-It is clarified that the critical or cut-off date for the purposes of assessing the qualifications or disqualifications under this section shall be the date of scrutiny. However, this provision shall take effect from the 2nd October, 2017, when the Election Act, 2017 (XXXIII of 2017) was notified."

STATEMENT OF OBJECT AND REASONS

Transparent Senate elections without manipulations that have happened in the past and grant of voting rights to the Overseas Pakistanis are the long outstanding demands of almost all the political parties including PTI. Federal Cabinet, in its meeting held on 28th January, 2020 constituted a Cabinet Committee to formulate recommendations regarding electoral reforms in order to ensure transparent, free and fair elections in the country. Based on the recommendations of the Committee, the Cabinet approved electoral reforms package consisting of the Constitution (twenty-sixth Amendment) Bill, 2020 and the Elections (Amendment) Bill, 2020. These bills broadly cover the Senate elections, women and Minorities reserved seats, delimitation of constituencies on the basis of enrolled voters instead of population, voting rights to overseas Pakistanis and conditional participation of dual nationals in elections.

2. Accordingly, this bill is aimed to achieve the aforesaid objectives



(ZAHEER-UD-DIN BABAR AWAN)
Adviser to the Prime Minister,
on Parliamentary Affairs

الکر

محترم جناب چئیرمین ز صاحب،
اسٹینڈنگ کمیٹی پارلیمانی افئیرز،
قون اسبلی آف پاکستان، اسلام آباد

اسلام عیم

مضمون : اختلافی نوٹ

آج الیکشن (ترمیمی) بل پر بحث ہو رہی ہے۔ یہ بہت اجلت میں بحث کی جا رہی ہے۔ اس پر بہت خدشات ہیں۔ تمام جمہوری سیاسی پارٹیوں کے متفق ہونے تک یہ بل موخر کیا جائے۔ میں ان ترامیم کو قبول نہیں کرتا۔ ہم اس بل کو موخر کرنے کی سفارش کرتے ہیں۔

ڈاکٹر مہیش کمار ملانی
ایم۔ این۔ اے



MAULANA ABDUL AKBAR CHITRALI

MEMBER NATIONAL ASSEMBLY OF PAKISTAN

Member Standing Committee. 1 Communications. 2 Parliamentary Affairs

Ref #: Date: 07/06/2021 ☎ 0345-9711119 | 0333-9100811

محترم جناب مجاہد علی صاحب
چیرمین قائمہ کمیٹی برائے پارلیمانی امور
قومی اسمبلی
پارلیمنٹ ہاؤس
اسلام آباد۔

السلام علیکم!

انتخابی اصلاحات کے حوالہ سے اس کمیٹی کے متعدد اجلاس ہو چکے ہیں۔ انتخابی اصلاحات کے حوالہ سے حکومت کی طرف سے پیش کردہ مسودہ قانون کو میں نے تفصیل سے پڑھا اور مشاورت کے بعد اس نتیجہ پر پہنچا ہوں کہ اس مسودہ قانون میں مجوزہ ترامیم کے ذریعے حکومت الیکشن کمیشن کے اختیارات کو سلب کرنا چاہتی ہے لہذا اس پر میں اپنا اختلافی موقف تفصیل کیساتھ آپ کی خدمت میں پیش کر رہا ہوں۔

۱۔ سیکشن 2 جو کہ انتخابی علاقہ کی تعریف سے متعلق ہے۔ اس سیکشن کے دو پیرا گراف ختم کیے گئے ہیں، جس سے انتخابی علاقہ کی جامع تعریف کو محدود کر دیا گیا ہے ختم کیے گئے دو پیرا گراف میں کہا گیا ہے جہاں وارڈ، شارتی بلاک، محلہ یا گلی بہت بڑے ہوں وہاں پر مناسب طور پر اس کو تقسیم کرنا۔ اسی طرح شارتی بلاک کو تقسیم نہیں کیا جائے گا، سوائے مخصوص حالات کے اور بلاک کو تقسیم کیے جانے کی وجوہات بھی ضبط تحریر لانی ہوگی۔

۲۔ سیکشن 8 میں ترمیم کے ذریعے پریزائیڈنگ آفیسر کو رزلٹ مرتب کرنے سے پہلے بھی ووٹ مسترد کرنے کا اختیار دیا گیا ہے، جبکہ یہ اختیار ریٹرننگ آفیسر کے پاس ہے۔ پریزائیڈنگ آفیسر کے پاس صرف مسترد کرنے کے قابل ووٹ کو الگ کرنے کا اختیار ہے۔ لہذا اس ترمیم کی حمایت نہیں کی جاسکتی۔

۳۔ سیکشن 9، جو کہ انتخابات کو کالعدم قرار دینے سے متعلق ہے، الیکشن کمیشن کے پاس فیصلہ کرنے کے لیے پہلے 60 دن ہیں۔ اب کم کر کے 30 دن کیے گئے ہیں، الیکشن کمیشن نے بھی اس کی مخالفت کی ہے اس لیے کہ یہ ترمیم انصاف کے تقاضوں کو پورا کرنے میں رکاوٹ کا باعث بنے گا۔ لہذا حمایت نہیں کی جاسکتی۔

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MAULANA ABDUL AKBAR CHITRALI

MEMBER NATIONAL ASSEMBLY OF PAKISTAN NA-1 CHITRAL

Member Standing Committee. 1 Communications. 2 Parliamentary Affairs

Ref #: Date:

0345-9711119 | 0333-9100811

۴۔ سیکشن 11 جو کہ الیکشن کمیشن کے پاس مالی اختیارات سے متعلق ہے، اس میں حکومت نے الفاظ ”اطلاق شدہ قوانین“ کو ختم کیا ہے۔ اس حوالہ سے الیکشن کمیشن کی رائے سے اضافہ کے ساتھ اتفاق ہے۔ جس میں کہا گیا ہے ”جو بھی قواعد و ضوابط نہیں وہ انتخابات ایکٹ 2017 کے تابع ہوں۔“

۵۔ سیکشن 14، جو کہ الیکشن پلان سے متعلق ہے، حکومت کی ترمیم ہے کہ لفظ ”تیاری“ کی جگہ پر ”حتمی شکل“ کے الفاظ ڈالے جائیں۔ الیکشن کمیشن نے بھی مخالفت کی ہے، ہمارا موقف ہے کہ لفظ تیاری زیادہ جامع اور مناسب ہے اسکو ترمیم نہیں کرنا چاہیے۔

۶۔ سیکشن 15 جو کہ شکایات سے متعلق ہے۔ اس میں ترمیم کے ذریعے پابندی لگائی گئی ہے کہ الیکشن دن سے پہلے تک کی شکایت کے خلاف الیکشن کمیشن کو درخواست صرف پولنگ کے دن سے پہلے ہی دی جاسکتی ہے یعنی الیکشن تنازعات کے سوا کسی اور شکایت کے معاملہ کو الیکشن دن کے بعد نہیں اٹھایا جاسکتا۔ یہ ترمیم کرپشن اور اقربا پروری اور کسی بھی بے ضابطگی کو تحفظ دینے کی طرف قدم ہے، لہذا بھرپور مخالفت کی جاتی ہے۔

۷۔ سیکشن 17 جو کہ حلقہ بندیوں کے حوالہ سے الیکشن کمیشن کے اختیار سے متعلق ہے۔ ترمیم کے ذریعے حکومت نے حلقہ بندیوں کو آبادی کی بجائے ووٹرز کی بنیاد پر کرنے کی ترمیم دی ہے، جو کہ آئین کے آرٹیکل 51 سے متصادم ہے۔ اس طرح الیکشن پروگرام کے اعلان کے چار ماہ قبل حلقہ بندیوں کو حتمی شکل دینے کی مکمل پابندی بھی ناقابل عمل ہے۔

۸۔ سیکشن 20 حلقہ بندیوں کے لیے اصول و ضوابط سے متعلق ہے۔ اس میں تجویز کیا گیا ہے کہ ووٹرز کی بنیاد پر حلقہ بندیوں میں 10 کی بجائے 5 فیصد تک تبدیلیاں کی جاسکتی ہیں۔ اس سے قبل ہم سیکشن 17 میں آبادی کی بجائے ووٹرز کی بنیاد پر حلقہ بندیوں کی مخالفت کر چکے ہیں۔ لہذا یہاں بھی یہی موقف ہے۔

۹۔ سیکشن 21 جو کہ حلقہ بندیوں کے حوالہ سے الیکشن کمیشن کی رپورٹ سے متعلق ہے۔ اس میں حلقہ بندیوں پر اعتراض کے فیصلہ کو سپریم کورٹ میں چیلنج کرنے کا اختیار دیا گیا ہے اس سے قبل الیکشن کمیشن کا فیصلہ حتمی ہوتا ہے لیکن اب اسکے ذریعے فیصلہ پر اعتراض کی صورت میں سپریم کورٹ میں اپیل کی جاسکتی ہے جو کہ انتخابات میں تاخیر کا باعث بنے گی۔

۱۰۔ اس طرح الیکشن ایکٹ 2017 کے سیکشن 24، 26، 28، 29، 30، 31، 32، 33، 34، 36 اور 44 کو حکومت نے ختم کیا ہے۔

مذکورہ ختم کی گئی دفعات ریٹرننگ آفیسر کی تقرری، ابتدائی ووٹرسٹوں کی تیاری، نظر ثانی اتھارٹی کی تقرری کا اختیار، اعتراضات

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MAULANA ABDUL AKBAR CHITRALI

MEMBER NATIONAL ASSEMBLY OF PAKISTAN

Member Standing Committee. 1 Communications. 2 Parliamentary Affairs

Ref #:

Date:

0345-9711119 | 0333-9100811

مذکورہ ختم کی گئی دفعات سرپرست ننگ آئینہ کی تقرری، اجڈ ائی ہوڈسٹریس کی تیاری، نگرانی انتہائی کی تقرری، اختیار،

اعتراف داخل کرنے کی مدت، ایک انتخابی علاقہ سے دوسرے انتخابی علاقہ میں ووٹ اندراج کا اختیار، ریٹنگ آفیسر کو نام فائل کرنے

کا اختیار، شکایات اور اعتراضات کی انکوائری، سالانہ بنیادوں پر ووٹس کی تیاری، نادرا کے ساتھ معلومات کی سکریننگ کے

اختیار سے متعلق ہے۔ ان دفعات کو حذف کرنے سے مذکورہ تمام اختیارات الیکشن کمیشن سے حکومت اور نادرا کو منتقل ہو جائیں

گے جس سے الیکشن کمیشن کی انتہائی بری طرح متاثر ہوگی اور الیکشن کمیشن کے پاس آزاد، شفاف اور غیر جانبدار انتخابات کرانے

کی صلاحیت اور اختیارات لے لیے گئے ہیں۔ ہم اس کی سخت مخالفت کرتے ہیں۔ حکومت الیکشن کمیشن کے کام کو اپنے ذمہ لے

کر الیکشن کمیشن کی خود مختاری کے خلاف منصوبے بناری ہے۔ یہ انتخابی اصلاحات کے نام پر فراڈ کے مترادف ہے اور آئین کے

آرٹیکل 212، (9) 219 کی خلاف ورزی ہے، اور پورے انتخابی عمل میں متعلقہ اصل ادارے الیکشن کمیشن کو بے دخل اور ناکام

کرنے کی طرف اقدامات ہیں۔ ووٹسٹوں کی تیاری کا کام الیکشن کمیشن سے لے کر نادرا کو دینا، جو کہ وزارت داخلہ کے ماتحت

ہے، یہ ایک ہائی پروفائل سرکاری ادارے کو دوسرے سرکاری ادارے کے رحم و کرم پر چھوڑنے کے مترادف ہے۔ ووٹسٹوں کی

تیاری کا اختیار اگر الیکشن کمیشن سے واپس لے لیا جائے تو الیکشن کمیشن بے معنی ہو کر رہ جائے گا۔

جبکہ آرٹیکل 220 کے تحت نادرا سمیت تمام ادارے الیکشن کمیشن کی معاونت کے پابند ہیں۔

۱۱۔ اسی طرح سیکشن 35، 43، 53 میں کی گئی ترمیم کا تعلق ان سیکشن سے ہے جو حذف کیے گئے ہیں۔ ہم پہلے ہی اس کی مخالفت

کر چکے ہیں۔

۱۲۔ اسی طرح سیکشن 61 کے ذیلی سیکشن (۱) میں قومی اسمبلی کے لیے فارم جمع کراتے وقت فیس تیس سے بڑھا کر پچاس ہزار کی گئی

ہے اور صوبائی اسمبلی کے لیے فیس بیس ہزار سے بڑھا کر تیس ہزار کی گئی ہے۔ اس کی ہم مخالفت کرتے ہیں۔

۱۳۔ سیکشن 94 جو کہ بیرون ملک مقیم پاکستانیوں کے ووٹ میں حصہ لینے کے سے متعلق ہے، اس سے قبل قانون میں ہے کہ

پائلٹ پراجیکٹ کے ذریعے بیرون ملک پاکستانیوں کو ووٹ ڈالنے کے لیے کوشش کی جائے گی۔ موجودہ حکومت نے اس حوالہ

سے ابھی تک قانون پر عملدرآمد کے لیے کوئی پیش رفت نہیں کی۔ جب تک پائلٹ پراجیکٹ نہیں کیا جاتا، موجودہ حکومتی ترمیم کی

حمایت نہیں کی جاسکتی۔

۱۴۔ سیکشن 122 جو کہ سینیٹ کے ممبران کے ووٹ کے طریقہ کار سے متعلق ہے، حکومتی ترمیم ہے کہ سینیٹ ووٹنگ اوپن بیلٹ

کے ذریعے ہو۔ ہمارا مطالبہ ہے کہ خفیہ ہی ڈینی چاہیے۔

۱۵۔ سیکشن 202 جو کہ پارٹیوں کی رجسٹریشن کے بارے میں ہے۔ پہلے 2 ہزار ممبرز کی شرط ہے۔ اب اس کو 10 ہزار ممبرز کر دیا گیا ہے۔



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گیا ہے اس میں 25 فیصد خواتین ہونی چاہیے۔ الیکشن کمیشن نے 10 بھی ہزار کی مخالفت کی ہے۔ ہم اس ترمیم کی مخالفت کرتے ہیں۔ سیاسی جماعتوں کو آئین کے تحت دیے گئے حقوق کو قانون کے ذریعے محدود نہیں کیا جاسکتا۔ خواتین کی نشستوں کے معاملہ کو سیاسی جماعت کے اندران کے خواتین ونگ کی صوابدید پر چھوڑنا چاہیے۔

۱۶۔ اسی طرح سیکشن 221 اور اسکے ذیلی سیکشنز میں کی گئی ترمیم کا تعلق ووٹرز کی بنیاد پر حلقوں سے تعلق ہے۔ جتنک ہر شہری کے لیے ووٹ ڈالنے کو لازم نہیں کیا جاتا۔ ووٹ کی بنیاد پر حلقہ بندیوں کی حمایت نہیں کی جاسکتی اور ووٹرز کی بنیاد پر حلقہ بندیوں سے کم ووٹروالی آبادی بنیادی حقوق کی فراہمی کے حوالہ سے متاثر ہوگی۔ اس لیے ہم نے پہلے بھی اس کی مخالفت کی ہے۔

والسلام
عبد الاکبر چترالی

عبد الاکبر چترالی
ممبر قومی اسمبلی (چترال)

۶/۶

Draft: 05.01.2021
(CONFIDENTIAL)

Comments on Elections (Amendment) Bill, 2020

Clause of Bill	Sec. of EA, 2017	Proposed Amendment	Agreement	Partial Agreement	New Suggestions
2	2	(a) after clause (i), the following new clause (ia) shall be inserted namely:- “(ia) accredited means authorized by the Commission”; (b) in clause (v), after the word 'property' the words "including accounts receivable" shall be inserted; (c) In clause(xvi), in clause (b),- (i) in paragraph 1, after semicolon, the word “and” shall be added; and	No Definition of “accredited” is not required as our proposed amendment in the relevant section 238 clarifies that accreditation is granted by the Commission. Yes		New definition of “dependent” has been proposed in our Bill: “(xiiia) “dependent person” means a person who relies on another for support and maintenance. Explanation: For purposes of this Act, a person who has an independent source of income and has filed a return of income and wealth statement under tax laws in force will not fall within the definition of “dependent person”. “

		(ii) in paragraph II, for the semicolon, a full stop shall be substituted and thereafter paragraph III along with proviso shall be omitted	No There is no good reason for deletion of paragraph III and the proviso which requires exceptional circumstances and reasons for division of census block. We may oppose.		
2A	3	----			For transparency, the Commission should upload all its decisions on its website. However, in our Bill new amendment to this effect has been proposed in section 3 [in lieu of the amendment in section 195 (clause 44)], as section 3 is the proper place. Amendment in section 3, Act XXXIII of 2017.- In the said Act, in section 3, in sub-section (3) for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely,- "Provided further that the Commission shall publish all its decisions on its website, including details of voting by the members."

					We have also clarified in our Bill that the quorum for a meeting of the Commission shall be three members.
3	8	in clause (b), after the word "paper", the words "before consolidation of results" shall be inserted.	No Not agreed. The Commission should have the power to review an order passed by an officer under the Act/Rules at any stage. We may oppose.		
4	9	In sub-section (3), for the word "sixty", the word "thirty" shall be substituted.	No Since inquiry/evidence may be necessary to establish grave illegalities or violations, sixty days period for decision of the Commission should not be reduced. We may oppose.		In our Bill we have included an agreement restraining women from casting their votes in the definition of the offence of corrupt practice (section 167) and empowered the Commission to file a complaint against any person who entered into such an agreement.
5	11	in sub-section (2), for the words "applicable laws and", the word "the" shall be substituted.	No Not agreed. The Commissioner has been given full financial powers within the approved budgetary allocation and cannot be exempted from applicable laws, unless those laws specifically provide for such exemption. We may oppose.		

6	12	in clause (c), after the words "women", the expression, "non-Muslims, disabled persons and transgender" shall be inserted;		"Transgender" should be used as an adjective, not a noun; it should be "transgender persons". Since participation of non-Muslims, disabled persons and transgender persons should be encouraged, this amendment is also included in our Bill.	
7	13	(a) in sub-section (4), in clause (a), before the word "scanned", the expression "without loss of any time," shall be added; (b) in sub-section (5), after the word "Commission", occurring for the first time, the expression ", within twenty-four hours after the consolidation proceedings," shall be inserted; and (c) in sub-section (6), after the word "shall", the expression ", within the time specified in sub-section (10) of section 95," shall be inserted.		"without delay" is better. " , within twenty-four hours of completion of the consolidation proceedings," is better. " , within fourteen days of the date of the poll," is better.	Efficient operation of the results transmission system and results management system can play an extremely important role in ensuring transparency and minimizing the risk of manipulation of results. Hence apart from the above improvements, additional amendments proposed in our Bill are: 1) The Presiding Officer shall immediately take snapshot of the Result of the Count prepared and signed as required under section 90 and, before delivering the original documents to the Returning Officer under that section, send the snapshot electronically to: (a) the Commission; (b) the Returning Officer; and (c) such candidates as have conveyed to the Returning Officer, for onward distribution to all Presiding

					Officers, technical details required for receipt of the snapshots. 2) The Commission shall concurrently place the snapshots of Results of the Count) on its website, arranged constituency-wise. 3) After every election the Commission shall carry out comprehensive checks, trials and tests of the results management system and results transmission system mentioned in this section to resolve any technical or other software or connectivity problems that may have arisen in their practical operation, so as to ensure their smooth, trouble-free and efficient functioning in the next election. 4) The Commission shall make available the software of the results management system to the candidate, after necessary modification an on payment.
8	14	in sub-section (1), for the word "prepare", the word "finalize" shall be substituted.		We may not oppose. However in our Bill we have also proposed that post-election review of the Action Plan should be carried out in consultation with	

				political parties and accredited election observers.	
9	15	in sub-section (1), after the word "action", occurring for the third time, the words "but before the day of the poll" shall be inserted.	Yes We may not oppose.		
10	17	in sub-section (2), for the full stop at the end a colon shall be substituted and thereafter the following provisos shall be added, namely:- "Provided that the delimitation shall be on the basis of equal number of enrolled voters in every constituency of respective Provinces: Provided further that the delimitation exercise shall be finalized at least four months prior to the notification of election programme."	No We do not agree with the first proviso to the effect that the basis of delimitation should be changed from population to enrolled voters. See Comments to next clause 11, which deals with section 20, Principles of Delimitation. No In our Bill we have proposed that delimitation should be finalized 4 months before the general elections are due, not prior to		

			notification of the election programme, date of which is not definite till it is actually announced.		
11	20	(a) for sub-section (3), the following shall be substituted, namely:- "(3) As far as possible, variation in number of enrolled voters of constituencies of an Assembly or a local government shall not exceed five percent in any case.", and (b) in sub-section (4), for the word "ten", the word "five" shall be substituted.	No Article 51 of the Constitution states that seats to the National Assembly shall be allocated to Provinces on the basis of population. Article 106 allocates seats in the Provincial Assemblies without mentioning population. However sub-sections (1) and (3) of section 20 of the Elections Act, 2017 relating to Principles of Delimitation again refer to population as the basis of delimitation. It is desirable that the population basis mentioned in the Constitution should be retained. If the Commission finds that in any Province there is a significant difference between constituencies in the percentage of population		

			enrolled as voters, concerted efforts should be made in consultation with NADRA to increase enrolment in the constituencies with low percentages, particularly with a view to minimizing such differences within the same district. An amendment to this effect has been included in our Bill. Reduction in variation in population of constituencies from 10% to 5% is desirable, but may not be possible to implement. Existing provision should be retained.		
12	21	after sub-section (4), the following new sub-section shall be added, namely,- “(5) Any person aggrieved by the decision of the Commission under this section may, within thirty days of the decision, prefer an appeal to the Supreme Court of Pakistan.”	Yes Decision of the Commission regarding preliminary list of constituencies should be appealable to the Supreme Court. We may not oppose.		
13	23	after sub-section (2) the following new sub-section	No Incorrectly worded.		

		shall be added, namely:- “(3) The Commission may appoint as many Registration Officers for discharge of functions under sub-section (1) and sections 25(3), 35, 37, 38 and 41. “	Assuming that appointment of Assistant Registration Officers is no longer considered necessary and section 24 is to be omitted, better wording of this amendment is: “ The Commission shall appoint a Registration Officer for an electoral area or group of electoral areas for performance of all functions under this Act relating to electoral rolls.” The amendment may be reworded accordingly.		
14	24, 26, 28 to 34, 36 and 44	Omission of Sections 24, 26, 28 to 34, 36 and 44, Act XXXIII of 2017.- In the said Act, sections 24, 26, 28 to 34, 36 and 44 shall be omitted.	No The Government should explain why provisions relating to appointment of ROs/AROs (sec.24), preparation of electoral rolls [including entitlement to be enrolled as a voter] (sec.26), preliminary publication (sec.28), appointment of Revising Authorities		

			(sec.29), lodging of and enquiry into claims and objections (sec. 30 & 33), procedure for inclusion of name sec. 32), correction, final publication and periodical revision (sec. 34, 35 & 36) etc., which have been in existence since 1974, are being omitted. While the Commission remains legally responsible for preparation of electoral rolls (sec.23), this role will be limited to preparing a list of NIC holders. It appears that issue of NIC by NADRA will be the sole criterion to determine a person's eligibility for registration as a voter.		
15	25	(a) for sub-section (1), the following shall be substituted, namely:- "(1) In such manner as may be prescribed, the National Database and Registration Authority shall transmit relevant data of every fresh national identity card issued by it to the	No Why shouldn't the NIC holder be registered, at his option, in the electoral area where either his permanent or temporary address is located? Why does this address have to be within the jurisdiction of the NADRA		

		Commission for registration of card-holder as a voter in the electoral roll of the electoral area of permanent or temporary address which is located within the jurisdiction of the office or center of the National Database and Registration Authority from where the person obtained his fresh National Identity Card (NIC) and subsequent change shall be subject to application by the NIC holder through biometric verification." (b) in sub-section (2), after the word "voters", the comma and words "any change in the option indicated by a voter regarding place of his voting" shall be inserted.	office from where he obtained his NIC and subsequent change allowed afterwards? No This is contrary to the proposed amendment in clause (a) above, which takes away the option of the voter regarding place of voting mentioned in the existing sub-section (a).		
15 A	27	----			The Commission/NADRA should be asked to indicate whether sub-section (4) of section 27 should be omitted

					or extended till the next elections.
16	35	"35.- Final publication.- After every revision under section 23, the Registration Officer shall publish in the prescribed manner and form, the electoral roll for each electoral area after ensuring that all eligible citizens of eighteen years and above to whom have been issued NIC till date have been entered in the electoral roll of that area."		See comments to clause 14 above.	
17	43	for the words "to the Registration Officer concerned," the expression "National Database and Registration Authority (NADRA) shall be substituted."	No This confirms the comments to clause 14 above, viz that with the amendments being suggested henceforth NADRA will in effect determine the eligibility of a person to be a voter by issuing him a NIC. The Commission will merely list all the NICs issued electoral area-wise and declare it an electoral roll.		
18	53	(a) in sub-section (3), for the full stop at the end a colon shall be substituted and thereafter the		"Polling scheme" is not defined in the Act. Presumably it refers to the list of polling stations mentioned in	

	following provisos shall be added, namely;- “Provided that a candidate may challenge before the Commission under section 15 the appointment of the officers, polling scheme or polling staff: Provided further that the appointment orders of polling staff for election may immediately be uploaded on website of the Commission on the form as approved by the Commission.”; and		section 59 [and section 14 (f)]. Procedure for deciding objections to polling stations is provided in section 59. Decision can be challenged under section 15. However specific provision should be made for appeal against appointment of polling staff, after their appointment orders have been publicized. Sub-section (3) already provides for change in the list of polling staff with approval of the Chairman. However in our Bill, in lieu of this provision, amendment is proposed in this section to provide for uploading of the appointment orders and for challenge to the appointment orders before the Commission.	
	(b) after sub-section (4), the following new sub-section (5), shall be added namely; “(5) No official working			

		within the jurisdiction of respective constituency or tehsil shall be appointed as polling staff for that constituency and tehsil."	No		
			The proposed new sub-section (5) is not supported. Many party election experts feel that polling staff posted near their workplaces or homes are less likely to be influenced than complete outsiders.		
18A	55	----			In our Bill we have empowered the Commission to initiate criminal proceedings against the concerned election official, public servant or other person in service of Pakistan who obstructs, etc the poll, [which has separately been declared to be a violation of official duty (section 184), punishable under section 188].
19	59	(a) in sub-section (5), after the full stop, the expression 'A candidate from the constituency may file an objection on a particular polling station in his constituency on reasonable		While selecting polling stations, availability of internet connectivity should be confirmed. Moreover wording of provision regarding filing of objections, etc needs simplification.	

	ground." shall be added; (b) in sub-section (8), after the word "candidates", the words "not later than seventy two hours before polling and a copy of such change shall be transmitted to the candidates immediately without loss of any time" shall be inserted; (b) in sub-section (8), after the word "candidates", the words "not later than seventy two hours before polling and a copy of such change shall be transmitted to the candidates immediately without loss of any time" shall be inserted; (c) in sub-section (9), after the expression (6), the expression "read with sub-section (8)" shall be inserted; ^[1]_[33P] (d) in sub-section (11), after the word "candidate", the expression ", a political party or its office bearers" shall be inserted; and	In our Bill we have proposed the following: 1) the initial list of polling stations provided to the Returning Officers by the Commission should include the number of male and female polling booths and number of voters assigned to each booth 2) the Returning Officer shall ensure that no polling station has internet connectivity problems which may hamper the operation of the results transmission system" shall be inserted; 3) Objections and suggestions may be filed with the District Returning Officer: (i) by a candidate, with regard to any polling station in his constituency; and (ii) by a voter, with regard only to the polling station to which he has been assigned." 4) the limit of 72 hours need not be imposed as change is being allowed only in exceptional circumstances and	
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	(e) after sub-section (12), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:- "Provided that it shall be ensured that surveillance cameras so installed do not compromise the secrecy of voter while he is marking on the ballot paper."	subject to other conditions. Instead, the following proviso should be added at the end; "Provided that any such change shall be communicated to all candidates forthwith." 5) Proposed amendments in sub-sections (9) [final list of polling stations] and (11) [ownership of polling station] have been included in our Bill also.	6) In our Bill sub-section 12 is proposed to be omitted, and new section 59A inserted providing for installation of surveillance cameras at all polling booths. (TBD). If this is not acceptable on the ground of being prohibitively costly, the new section may provide for installation at Highly Sensitive polling stations only. Both versions are mentioned below: "59A. Installation of surveillance cameras- (1) The Commission shall arrange the installation of a surveillance camera at every polling booth of all polling stations to record poll proceedings, counting of ballot papers and preparation of results by the Presiding Officer.
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(2) While installing the surveillance camera it shall be ensured that it does not does not compromise the secrecy of the ballot by violating the privacy of the voter while marking the ballot paper.

(3) On completion of the proceedings under section 90, the Presiding Officer shall seal the surveillance camera with its recording in a packet provided for the purpose and deliver it along with the Result of the Account and other packets to the Returning Officer

(4) The Returning Officer shall remove the recording from the camera and, after putting it in a packet and sealing it with his seal, place it in the tamper-evident bag mentioned in section 99.

(5) The recording may be viewed by the Commission in connection with the exercise of its powers under this Act or by an Election Tribunal in connection with hearing of an election petition, and a copy of the recording may also be provided, on payment of prescribed costs, to the contesting candidates.

ALTERNATIVE
section 59A (if
surveillance cameras
are to be installed in
Highly Sensitive

					polling stations only) : "59A Highly Sensitive polling stations.- (1) The District Returning Officer shall, on the basis of reports from the District Administration or law enforcing agencies or information provided by a contesting candidate to the effect that there is reasonable apprehension that polling at a polling station may not be peaceful, free and transparent, declare such polling station to be "Highly Sensitive". (2) On receipt of a list of Highly Sensitive polling stations from the District Returning Officers, the Commission shall, in addition to necessary security measures, arrange the installation of a surveillance camera at each polling booth of all such polling stations to record poll proceedings, counting of ballot papers and preparation of results by the Presiding Officer. (3) While installing the surveillance camera it shall be ensured that it does not does not compromise the secrecy of the ballot by violating the privacy of the voter while marking the ballot paper. (4) On completion of the proceedings under
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					section 90, the Presiding Officer shall seal the surveillance camera with its recording in a packet provided for the purpose and deliver it along with the Result of the Account and other packets to the Returning Officer.
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(5) The Returning Officer shall remove the recording from the camera and, after putting it in a packet and sealing it with his seal, place it in the tamper-evident bag mentioned in section 99.

(6) The recording may be viewed by the Commission in connection with the exercise of its powers under this Act or by an Election Tribunal in connection with hearing of an election petition as provided in section 155, and a copy of the recording may also be made available, on payment of prescribed costs, to the contesting candidates.

(7) A candidate may file a complaint before the Commission against the refusal of the District Returning Officer to declare a polling station Highly Sensitive notwithstanding information provided to him by the candidate to the effect that there is reasonable apprehension that polling at a polling station may not be

					peaceful, free and transparent.
19 A	60	----			A candidate should not be required to account for assets and liabilities of a financially independent spouse, who is herself an independent taxpayer. However mere addition of "dependent" as proposed is not sufficient as it is not defined in the Act and the ordinary dictionary meaning [a person who relies on another for financial support for maintenance or livelihood], would not remove ambiguity. Definition of "dependent" should therefore also be included, especially since this is mentioned in 7 different places in the Act [sections 60(2)(d), 110(2)(e), 137, 165, 230, Form A, Form B], all of which will also have to be amended. To reduce possibility of malpractices, the definition could be linked to tax laws: "dependent person" means a person who relies on another for support and maintenance. Explanation: For purposes of this Act, a person who has an independent source of income and has filed a return of income and

					wealth statement under tax laws in force will not fall within the definition of "dependent". "Form A and Form B would also have to be amended accordingly. Disclosure of spouse's NTN (if she is not dependent) would be an additional requirement in Form A. Accordingly, in our Bill new amendment has been proposed in section 60 : Amendment in section 60, Act XXXIII of 2017.- In the said Act, in section 60, in sub-section (2), in clause (c), after the word "his" occurring for the second time and before the word "spouse", the word "dependent" shall be inserted."
20	61	(a) in sub-section (1), the ^{the} word "thirty" shall be substituted; and the ^{the} (ii) for the word 'twenty' the word 'thirty' shall be substituted; the ^{the} (b) after sub-section (5), the following new sub-section shall be added, namely:- “(6) The sum deposited by a candidate whose nomination	Yes Proposed increases in deposit amounts are likely to be strongly opposed by the smaller parties. However, consensus in party consultation meeting was that we may not oppose the amendment. No The candidates have taken part in		

		papers are rejected or who withdraws or retires from election shall be refunded."	the electoral process, however briefly. Non-refund of deposits should be a uniform policy.		
21	64	(a) in sub-section (1), after the word "candidates", the words "including uploading the same on the Commission's website as well" shall be inserted; and (b) in sub-section (3), after the word "candidates", the words "including uploading the same on the Commission's website as well" shall be inserted.		"Sub-sections (1) and (3) mention "display in the prescribed manner"; uploading on the website can be mentioned in the Rules. The amendment is unnecessary.	
22	66	after the word "constituency", the words "and such certificate shall be duly signed by a designated office bearer of the party who is notified by the chairman of the party" shall be inserted.		For clarity, the amendment in our Bill is worded as follows: "The certificate mentioned in sub-section (1) shall be signed by a duly authorized party office-bearer who has been notified as such by the Party Head and a copy of the said notification shall be attached with the certificate, and also sent to the Commission."	
23	68	in sub-section (2), after the words "on the day of poll" the words "and on the Commission's		For clarity, the amendment in our Bill is worded as follows: "A copy of the list of contesting	

		website "shall be inserted.		candidates with their respective symbols shall also be sent to the Commission which shall display it on its website."	
24	71	in sub-section (4), after the word "paper" the words "or paper with security features" shall be inserted.		The amendment may not be opposed, but with the following wording: "or paper with other security features". In our Bill we have proposed the addition of a new sub-section: "(1a) The number of ballot papers per polling booth shall not exceed 300."	
25	72A	In the Elections Act, 2017 (XXXIII of 2017), after section 72, the following section shall be inserted, namely:- "72A. Seat becoming vacant on not making oath within sixty days.-The seat of a returned candidate shall become vacant, if he does not make an oath within sixty days from the date of the first sitting of the National Assembly, Senate or the Local government, as the case may be."		Articles 64 and 65 of the Constitution relate to vacation of seats and oath of Members of the National Assembly and Senate. Article 255 relates to all oaths under the Constitution and provides, <i>inter-alia</i> , for an oath required to be made before a specified person to be made before another person nominated by the specified person, if it is impracticable for the oath to be made before such person. In the circumstances, any provision for vacation of seat for not taking oath, if considered necessary, should	

				be made through amendment in one or more of the above-mentioned Articles rather than through sub-constitutional legislation. As regards members of local councils, suitable amendments may be made, if considered necessary, in the provincial local government laws by the concerned Provincial Assemblies. If, despite our opposition, the Government is adamant in making an amendment in the Elections Act for this purpose, we should insist that it should contain necessary safeguards (such as date of its application) and be located at the proper place in the Act, as per our proposed new section 231A below. As regards location, there is no point in locating the amendment after section 72 which deals with "Retirement from election" and has nothing to do with taking oath. The new section 231A titled "Oath of Members" should instead be included in the	
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				"Miscellaneous" Chapter after section 231 titled "Qualifications and disqualifications" of Members of Parliament and Provincial Assemblies which refers to Articles 62 and 63. It is logical to place the new section in the Miscellaneous Chapter after section 231 as the oath provisions also refer to Members of Parliament and Provincial Assemblies. 231A.- Oath of Members.- (1) A person elected to the Majlis-e-Shoora (Parliament) or the Provincial Assembly shall not sit or vote until he has made oath before the concerned House as provided in Article 65 read with Article 255. (2) Where for any reason, it is impracticable for the returned candidate to personally appear before the concerned House to make the oath, he may appear before the House by video link and make the oath accordingly and his signature, duly attested by a person nominated by the Speaker or Chairman as the	
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				case may be, shall be sent to the Speaker or Chairman for pasting at the appropriate place in the Roll of Members of the House. (2) The seat of a returned candidate shall become vacant if he does not make an oath as required under this section within sixty days of the date of the first sitting of the National Assembly, Senate or Provincial Assembly as the case may be: Provided that the provisions of sub-section (3) shall apply to returned candidates elected in general elections or elections to the National Assembly, Senate or Provincial Assembly held after the commencement of the Elections (Amendment) Act, 2021. (3) Members of local councils shall make oath in accordance with relevant provisions of the governing local government law.	
26	76	for sub-section (1), the following shall be substituted, namely:- "(1) A candidate may appoint five voters from the constituency as		Who may not appoint, but with following words:- "A candidate may appoint five voters from the constituency as his	

		his election agents, for separate and designated polling stations in that constituency without any overlapping and shall send to the Returning Officer a notice in writing of the appointment containing the name, father's name, voter number and address of the election agent within twenty-four hours before start of polling".		election agents for separate and designated polling stations in that constituency without any overlapping and shall send to the Returning Officer, before twenty-four hours of the start of polling, notices in writing of the appointments, containing the name, father's name, voter number and address of each election agent with designated polling stations."	
26A	77	----			In our Bill we have proposed amendments to the effect that only one polling agent should be appointed per polling booth and that a polling agent should be allowed to carry a mobile phone with camera to record proceedings if he so desires.
27	79	for sub-section (1), the following shall be substituted, namely:- "(1) The Commission shall thirty days before polling provide to the Returning Officer for each constituency printed copies of final electoral rolls duly attested and also saved in universal serial		We say not optional, but with following wording: "The Commission shall thirty days before the polling day, provide to the Returning Officer for each constituency duly attested printed copies and universal serial files (USB) of final electoral rolls for the electoral	

		bus(USB) for all the electoral areas within that constituency'.		area within that constituency."	
27 A	83	----			In the said Act, in section 83,- (a) in section (3), after the word "vote" occurring for the second time at the end, the following words shall be added, namely,- "or of a polling agent of his right to observe proceedings on behalf of his candidate at the polling booth to which he is appointed or during the counting process."; and (b) in section (4), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be inserted, namely,- "Provided that officials of the law enforcing agencies shall be posted for security duties outside the polling station."
28	84	after subsection (9), the following new sub-section shall be added, namely:- "In case a voter is physically impaired and cannot use stairs to cast his vote in the designated polling booth, the Presiding Officer shall extend him appropriate		In the Bill, wording of this amendment is as follows: "In case a voter is so physically disabled that he cannot reach his designated polling booth unassisted, the Presiding Officer shall allow him requisite	

		facilitation and thereupon such voter may, with such facilitation, do anything which a voter is required or permitted to do under this Act."		assistance for this purpose."	
29	86	in sub-section (1), after the expression "candidate", the expression "election agent" shall be inserted.		Instead of "expression", "work" should be substituted	
30	90	(a) in sub-section (1), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:- 'Provided that presence of not more than one person, either a candidate or his agent, shall be allowed.' (b) after sub-section (18), the following new sub-section shall be added, namely:- "(19) A Presiding Officer who does not comply with the provisions of this Act and the rules made there under shall be liable to disciplinary proceedings under the relevant law applicable to him for imposition of penalty		In our Bill, the proviso has been reworded as follows: "Provided that only one person, either the candidate himself, or his election agent or his polling agent, shall be allowed to represent each contesting candidate."	Other important new amendments included in our Bill are: 1) The Presiding Officer will personally deliver the Result of the Count etc to the Returning Officer. Disciplinary proceedings will be initiated against him for inexcusable delay in such delivery. Pending final decision in these proceedings, his election remuneration shall be withheld. 2) Under no circumstances will the Presiding Officer ask or compel signatories to affix their signatures in advance prior to preparation of Results of the Count and other documents, statements or packets. 3) If the Returning Officer on receipt of the Result of the Count etc finds that the Presiding Officer has not obtained the signatures of the polling agent etc on the

		commensurate with his guilt by the concerned authority."			Result of the Count or recorded a note regarding his refusal to do so as required, he shall refer the defaulting Presiding Officer to the Commission for initiation of disciplinary proceedings and criminal proceedings against him. Pending final decision in these proceedings, his election remuneration shall be withheld.
31	92	after the word "Commission", the words "which shall immediately upload the same on its website" shall be inserted.		In our Bill, we have proposed that the provisional Consolidated Statement of Results of the Count should also be uploaded and placed with the snapshots of Results of the Count already uploaded constituency-wise, as per sec.13(1a). (See comments to clause 7.)	
31A	93	----			.- In the said Act, in section 93,- (a) in sub-section (3), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be inserted, namely,- "Provided that the date of receipt of the application shall be entered thereon by the Returning Officer and applications received after the dates

				mentioned in sub-section (2) shall not be entertained.” ; (b) after sub-section (3), the following new sub-sections (3A) and (3B) shall be inserted, namely,- “(3A) After sending ballot papers to all the entitled applicants, the Returning Officer shall place all the counterfoils of the said ballot papers in one or more packets and sign and seal the same, noting on each packet the number contained therein. (3B) The Returning Officer shall affix at a conspicuous place in his office a notice listing the voters (with electoral roll numbers) to whom postal ballots have been issued by him.”; (c) in sub-section (4), for the words “consolidation of results by him” the words “polling day” shall be substituted; and (d) after sub-section (4), the following new sub-section (5) shall be added, namely,- “(5) The Commission shall prescribe detailed procedure for issue and counting of postal ballots such that secrecy of the ballot is ensured. “
32	94	for sub-section (1), the following	No	

		shall be substituted namely, - "(1) The Commission with technical assistance of NADRA shall have full mandate to facilitate or involve overseas Pakistanis for exercising their right of vote during elections in the country and such exercise shall be subject to technical efficacy, secrecy, security and financial feasibility."	The Commission cannot be given <i>carte blanche</i> to provide for voting by Overseas Pakistanis without further reference to Parliament. It is Parliament's responsibility to consider and pass appropriate amendments in the Elections Act in this regard, after being apprised by the Commission of the technical efficacy, secrecy, security and financial feasibility of such voting.		
33	95	(a) in sub-section (1), for the full stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely, - "Provided that presence of not more than one agent of each candidate shall be allowed." (b) for sub-section (5), the following shall be substituted, namely, - "(5) Before commencement of the consolidation proceedings, the	No Not necessary		In our Bill, the ten thousand votes condition is also proposed to be omitted, but recently it has also

		Returning Officer shall recount the ballot papers of one or more polling stations if a request or challenge in writing is made by a contesting candidate or his election agent and the margin of victory between returned and runner up candidates is less than five percent of the total votes polled in the constituency.": (c) in sub-section (6), after the word "proceedings" the words "and notifying the returned candidate," shall be inserted and (d) in sub-section (9), after the word "agents" the words "and accredited observers" shall be inserted.	Yes Included in our Bill also.	been allowed when the total number of rejected votes is more than the margin of victory. Moreover, the discretion of the Returning Officer to recount the votes if he considers the request "as not unreasonable" has been retained, as there may be other justifiable grounds for recounting. However the Returning Officer has been required to record these grounds. There is no 'returned candidate' before conclusion of the consolidation proceedings. In our Bill, the wording is "after notice to the contesting candidates".	
33A	96	----			In our Bill, it is proposed to omit clause (b) of section 96 as this is redundant in

					view of clause (9) of section 95.
34	99	in sub-section (1), for clause (f), the following shall be substituted, namely :- "(f) result of the count (Form 45) and such other papers as the Commission may direct".		In our Bill, packets containing Results of the Count, provisional and final Consolidated Statement of Results of the Count and Final Consolidated Result, and recording of the surveillance camera after notice to the contesting candidates" have been mentioned in separate clauses.	
34A	101	----			In our Bill, amendments are proposed to provide for opening of packets containing inter-alia recording of the surveillance camera and its production in evidence.
35	104	(a) in sub-section (1), for the existing proviso, the following shall be substituted, namely:- "Provided that the parties shall submit final priority list of candidates within three days after declaration of general elections results." (b) for sub-sections (4), (5) and (6), the following shall be	No The proposed amendments in effect empower a political party to change some or all of its candidates after the elections, notwithstanding the fact that the original list has been made public. This is unethical and can even be termed to be a fraud on the		

		substituted, namely:- "(4) If, at any time a vacancy is created, the political party may submit a fresh list and the provisions of sub-sections (1), (2) and (3) shall, as nearly as possible, apply to fill such vacancy, (5) Where a seat reserved for women or non-Muslims in an Assembly falls vacant as a result of death, resignation or disqualification of a Member, it shall be filled in accordance with a fresh list as submitted to the Commission by the party. (6) Before notifying the name of the person in order of priority from the party list as submitted under sub-section (4) or (5), such person shall submit a declaration on oath that since the filing of his nomination papers, he has not become subject to any disqualification contained in Article 63 of the Constitution."	electorate. We must oppose. Consensus in party meeting was that women on the reserved list should be nominated division-wise, so that all areas are equitably represented. This may be considered when constitutional amendments are being finalized.		
35A	110	----			In our Bill new amendment has been

					proposed in section 110 in accordance with the amendment in section 60 <i>et al</i> regarding dependent spouses. (See comments in clause 19A.) "Amendment in section 110, Act XXXIII of 2017.- In the said Act, in section 110, in sub-section (2), in clause (e), after the word "his" occurring for the second time and before the word "spouse", the word "dependent" shall be inserted."
36	122	in sub-section (6), for the word "secret" the word "open" shall be substituted	No	Article 226 of the Constitution stipulates that all elections thereunder, other than for the PM and CMs, shall be by secret ballot. The proposed amendment can only be passed after amendment in Article 226.	
36A	132	----			In our Bill, it is proposed that election expenses shall be calculated from the date of filing of his nomination paper till the date of issue of the Final Consolidated Result. Also expenses incurred by another person on the candidate's behalf shall be included in the candidate's expenses if incurred with the knowledge and

					consent of the candidate.
36B	133	----			In our Bill to remove ambiguity it is proposed that Bank account for election expenses should be opened by the candidate before filing his nomination paper.
37	137	In sub-section (1), after the word "his" occurring for the second time, the word "dependent" shall be inserted.	No		In our Bill new amendment has been proposed in section 137 in accordance with the amendment in section 60 et al regarding dependent spouses. (See comments in clause 19A.
38	138	after the word "Gazette" the words "and upload on its website" shall be inserted	Yes after the word "Gazette" the words "and upload on its website" shall be inserted		
39	140	in sub-section (2), in clause (a), the words "or has been" shall be omitted.	Yes We may not oppose. Only serving Judges may be appointed as Election Tribunals.		
40	144	in sub-section (2), in clause (b), for the expression "para (b)" the expression "clause (b) of sub-section (1)" shall be substituted.	Yes We may not oppose. It is correction of a clerical error.		
40 A	155	----			In our Bill we have clarified that there is no appeal against an interim order of the Election Tribunal and no order staying

					its proceedings shall be granted by any forum.
41	158	in clause (a), after the word "candidate", the words "or any person on behalf of the returned candidate" shall be inserted.	No Not agreed. Any person who violates the Act/Rules can claim that he was acting on behalf of the returned candidate, with serious consequences for the candidate. We must oppose. In our Bill we have proposed that if the Election Tribunal finds that the failure to comply with the Act or the Rules mentioned in clause (a) of subsection (1) is due to negligence of one or more Presiding Officers or the Returning Officer and not in connivance with the returned candidate, it shall not declare the election as a whole void but order the Commission to initiate criminal proceedings against the negligent Presiding Officers or Returning Officer under section 184		

			read with section 188, as well as disciplinary proceedings against them under section 54, and pending final decision in these proceedings, remuneration due to them in connection with the election shall be withheld.		
41 A	165	----			In our Bill new amendment has been proposed in section 165 in accordance with the amendment in section 60 et al regarding dependent spouses . (See comments in clause 19A.) "Amendment in section 165, Act XXXIII of 2017.- In the said Act, in section 165, in sub-section (1), for the words "spouse or his" the words "dependent or his other" shall be substituted."
42	167	in clause (b), after the word "sect" the expression "gender" shall be inserted.	No A person can't belong to a particular gender; in our Bill the amendment is: "in clause (b), after the word "tribe", the words "or is of a particular gender" shall be inserted." In our Bill we have included violation of section 9, i.e. entering into an		

			agreement restraining women from casting their votes in the definition of the offence of corrupt practice.		
43	172	in sub-section (2), for the words "six months" the words "three years" shall be substituted.		In our Bill, we have added at the end: "in addition to such penalty as may be imposed as a result of disciplinary action initiated by the Commission under section 55."	
43 A	184	----			In our Bill, we have proposed that if an election official, public servant or other person in service of Pakistan obstructs, or interferes etc with the poll, this will be a violation of official duty, punishable under section 188.
44	195	for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:- "Provided that the Commission shall publish its meeting decisions and details of voting where the Commission decides the matter through majority."		If the proposed proviso is meant to apply to all decisions of the Commission, its proper place is at the end of section 3 (3), reworded as follows: "Provided further that the Commission shall publish all its decisions on its website, including details of voting by the members."	
45	202	in sub-section (2), for the words "two thousand members" the	No Ten thousand members appears		

		expression "ten thousand members, including at least twenty percent women" shall be substituted.	excessive. The number may be increased from two thousand to three thousand, with at least 20% women.		
46	203	in sub-section (4), after the words "women," the expression "persons with disabilities and transgender persons" shall be inserted.	Yes We may not oppose.		
47	213 A	After section 213, the following new section shall be inserted, namely:- "213A. Political parties to hold annual conventions. Political parties may be bound to hold regular annual conventions and submit its report to the Commission mentioning therein at least top ten problems of the country, reasons and solutions thereof, in view of the majority members of the party."	No The proposed new section 213A is self-evidently extremely offensive for all political parties, as it amounts to an annual "test" of the political parties by the Commission. The political parties' biggest test is by the people at the time of elections. For this purpose we have proposed in our Bill that a political party should be required to submit a copy of its Manifesto to the Commission (for placing on its web-site) before the elections. This will be a condition for allocation of symbol for the general		

			elections. [See proposed amendments in section 215 below.]		
47 A	215	----			“47A. Amendment in section 215, Act XXXIII of 2017.- In the Act, in section 215,- (a) in sub-section (1), after the figure “210”, the words “and Manifesto of the party for the elections” shall be added. (b) in sub-section (2),- (i) For the word “entitled” the word “eligible” shall be substituted; and (ii) after the figure “210”, the words “and Manifesto of the party for the elections” shall be added.”
48	221	(a) in sub-section (2), in clause (c), for the word “population”, the word “voters” shall be substituted; ^[1]_[SEP] (b) in sub-section (4), in clause (c), for the word “population”, the word “voters” shall be substituted; ^[1]_[SEP] (c) in sub-section (6), in clause (c), for the word “population”, the word “voters” shall be substituted; and ^[1]_[SEP]	No For reasons mentioned in comments to section 20 (clause 11), basis for delimitation should continue to be population.		

		(d):in sub-section (8), in clause (c), for the word "population", the word "voters" shall be substituted;			
48 A	230	----			In our Bill new amendment has been proposed in section 230 in accordance with the amendment in section 60 et al regarding dependent spouses . (See comments in clause 19A.) "Amendment in section 230, Act XXXIII of 2017.- In the said Act, in section 230, in sub-section (3), after the word "his" and before the word "spouse", the word "dependent" shall be inserted."
48 B	230- A	----			In our Bill, we have proposed a very important amendment providing for filing of complaints against the Caretaker Government before the High Court (with appeal before the Supreme Court) . This would include complaints against unfair/ partial action/pre-poll rigging. "230A. Complaint against Caretaker Government.- (1) Any political party which is aggrieved by any act or omission of the Caretaker Government or any authority under its control which is in violation of section 230

					may file a complaint before the concerned High Court which shall be heard summarily and decided within ten days of filing. (2) While deciding the complaint, the High Court may pass such order as it may deem appropriate. (3) Appeal against the decision of the High Court shall lie before the Supreme Court of Pakistan."
49	231	after the full stop at the end, the following explanation shall be added, namely:- "Explanation.- It is clarified that the critical or cut-off date for the purposes of assessing the qualifications or disqualifications under this section shall be the date of scrutiny. However, this provision shall take effect from the 2nd October, 2017, when the Election Act, 2017 (XXXIII of 2017) was notified."	No This so-called Explanation is contrary to relevant provisions of the Elections Act 2017 [e.g. sections 110, 156(1)(b)] as interpreted in several decisions of the Supreme Court of Pakistan [2003 SCMR 145, 2007 SCMR 507, 2016 SCMR 430 and recently PLD 2019 SC 201 in the Senators' disqualification case] which clearly establish that it is the last date for filing of nomination papers which is the cut-off date for determining qualification/ disqualification. The proposed amendment is a blatant attempt		

			to help a certain individual who was not qualified on that date but may have been qualified on the date of scrutiny. We must oppose.		
49 A	238	----			In our Bill we have proposed addition of a new sub-section providing for dispersal of observation areas of accredited election observers, for more transparency. "Amendment of section 238, Act XXXIII of 2017.- In the said Act, in section 238, after sub-section (4) the following new sub-section (5) shall be inserted, namely,- '(5) While granting accreditation to election observers under this section, the Commission will encourage dispersal of their respective observation areas with a view to achieving wide coverage of the voting process on the day of polling.' "
49 B	Form A	----			Our Bill also contains an amendment in Form A in accordance with the amendment in section 60 et al regarding dependent spouses. (See comments in clause 19A.) "Amendment of Form A of Act

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					XXXIII of 2017,- In the Act, in Form A,- (a) in paragraph 5, before the word "spouse(s)" the word "dependent" shall be inserted."; and (b) after paragraph 5, the following new paragraph 6 shall be added, namely,- "6. My spouse is not my dependent, and her NIC/NTN No. is:
49 C	Form B	---			Our Bill also contains an amendment in Form B in accordance with the amendment in section 60 et al regarding dependent spouses. (See comments in clause 19A.) "Amendment of Form B of Act XXXIII of 2017,- In the Act, in Form B,- (a) in the first paragraph, after the word "his" and before the word "spouse", the word "dependent" shall be inserted." (b) in the verification at the end, after the word "his" and before the word "spouse", the word "dependent" shall be inserted

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N A 80

قومی اسمبلی سیکرٹریٹ

موضوع:- انتخابات (ترمیمی) بل، ۲۰۲۰ء پر قائمہ کمیٹی برائے پارلیمانی امور کی رپورٹ۔

میں، چیئر مین قائمہ کمیٹی برائے پارلیمانی امور ۱۶ اکتوبر، ۲۰۲۰ء کو کمیٹی کے سپرد کردہ انتخابات ایکٹ، ۲۰۱۷ء (نمبر ۳۳ بابت ۲۰۱۷ء) میں مزید ترمیم کرنے کے بل [انتخابات (ترمیمی) بل، ۲۰۲۰ء] (نئی رکن کا بل) پر رپورٹ ہذا پیش کرنے کا شرف حاصل کرتا ہوں۔

۲۔ کمیٹی درج ذیل اراکین پر مشتمل ہے:-

چیئر مین	۱۔ جناب مجاہد علی
رکن	۲۔ جناب شیر علی ارباب
رکن	۳۔ جناب جواد حسین
رکن	۴۔ جناب منصور حیات خان
رکن	۵۔ جناب آفتاب حسین صدیقی
رکن	۶۔ محترمہ ملیکہ علی بخاری
رکن	۷۔ محترمہ رخسانہ نوید
رکن	۸۔ محترمہ شایین ناز سیف اللہ
رکن	۹۔ محترمہ ظل ہما
رکن	۱۰۔ محترمہ فوزیہ بہرام
رکن	۱۱۔ جناب مونس الہی
رکن	۱۲۔ چوہدری محمود بشیر ورک
رکن	۱۳۔ رانا ثناء اللہ خان
رکن	۱۴۔ رانا میسر اقبال
رکن	۱۵۔ جناب عبدالرحمن خان کاجو
رکن	۱۶۔ جناب آفتاب شعبان میرانی
رکن	۱۷۔ جناب مہیش کمار ملانی
رکن	۱۸۔ محترمہ شمس النساء
رکن	۱۹۔ محترمہ نگفتہ جمانی
رکن	۲۰۔ مولانا عبد الکبر چترالی
رکن	۲۱۔ جناب علی محمد خان
رکن لحاظ عہدہ	

وزیر مملکت برائے پارلیمانی امور

۳۔ کمیٹی نے ۷ جنوری، ۲۰۲۱ء، ۲۹ جنوری، ۲۰۲۱ء، ۱۰ مارچ، ۲۰۲۱ء، ۳۱ مارچ، ۲۰۲۱ء، ۲۲ اپریل، ۲۰۲۱ء، ۷ جون، ۲۰۲۱ء اور ۸ جون، ۲۰۲۱ء کو منعقدہ اپنے اجلاسوں میں منسلکہ الف کے طور پر قومی اسمبلی میں پیش کردہ بل پر غور کیا اور اکثریت کی بنیاد پر سفارش کی کہ منسلکہ الف پر دیئے گئے بل کی قومی اسمبلی منظوری دے۔ جناب محمود بشیر ورک، مولانا عبد الکبر چترالی اور جناب مہیش کمار ملانی، اراکین قومی اسمبلی کے اختلافی نوٹ علی الترتیب منسلکہ ب، منسلکہ ج اور منسلکہ د کے طور پر پیش ہیں۔

دستخط:-

(مجاہد علی)

چیئر مین

دستخط:-

(طاہر حسین)

سیکرٹری

اسلام آباد، ۹ جون، ۲۰۲۱ء

انتخابات ایکٹ، ۲۰۱۷ء میں مزید ترمیم کرنے کا بل

ہر گاہ کہ، یہ قرین مصلحت ہے کہ بعد ازیں رونما ہونے والی اغراض کے لیے انتخابات ایکٹ، ۲۰۱۷ء (۳۳ بابت ۲۰۱۷ء) میں مزید ترمیم کی جائے؛
بذریعہ ہذا حسب ذیل قانون وضع کیا گیا ہے:-

۱۔ مختصر عنوان اور آغاز نفاذ:- (۱) یہ ایکٹ انتخابات (ترمیمی) ایکٹ، ۲۰۲۰ء کے نام سے موسوم ہوگا۔

(۲) یہ فی الفور نافذ العمل ہوگا۔

۲۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۲، کی ترمیم:- انتخابات ایکٹ، ۲۰۱۷ء (۳۳ بابت

۲۰۱۷ء) میں، بعد ازیں جس کا حوالہ مذکورہ ایکٹ کے طور پر دیا گیا ہے، کی دفعہ ۲ میں، ---

(الف) شق (اول) کے بعد، حسب ذیل شق (اول الف) شامل کر دی جائے گی، یعنی:-

” (اول الف) تسلیم شدہ، سے کمیشن کی جانب سے مجاز کردہ مراد ہے؛“

(ب) شق (پانچ) میں، لفظ ”جائیداد“ کے بعد الفاظ ”بشمول قابل الوصول اکاؤنٹس کے“ کو شامل کر دیا جائے گا؛

(ج) شق (سولہ) میں، ذیلی شق (ب) میں، ---

(اول) پیرا گراف اول میں، وقفہ کے بعد، لفظ ”اور“ کا اضافہ کر دیا جائے گا؛ اور

(دوم) پیرا گراف دوم میں، وقفہ کے بعد، وقفہ کامل کو تبدیل کر دیا جائے گا اور بعد ازیں

پیرا گراف سوم کو مع فقرہ شرطیہ حذف کر دیا جائے گا۔

۳۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۸، کی ترمیم:- مذکورہ ایکٹ میں، دفعہ ۸ میں، شق (ب)

میں، لفظ ”کاغذ“ کے بعد الفاظ ”نتیجوں کو یکجا کرنے سے قبل“ کو شامل کر دیا جائے گا۔

- ۴۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۹، میں ترمیم:-
ذیلی دفعہ (۳) میں، لفظ ”ساٹھ“ کو لفظ ”تیس“ سے تبدیل کر دیا جائے گا۔
- ۵۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۱۱، کی ترمیم:-
ذیلی دفعہ (۲) میں، الفاظ ”قابل اطلاق قوانین اور“، کو لفظ ”کے“ سے تبدیل کر دیا جائے گا۔
- ۶۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۱۲، کی ترمیم:-
شق (ج) میں، الفاظ ”خواتین“ کے بعد عبارت ”غیر مسلم۔ معذور اشخاص اور مخنث“ کو شامل کر دیا جائے گا؛
- ۷۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۱۳، کی ترمیم:-
مذکورہ ایکٹ میں، دفعہ ۱۳ میں،۔۔۔

(الف) ذیلی دفعہ (۴) میں، شق (الف) میں، لفظ ”اسکین کرے گا“ سے پہلے عبارت ”کسی بھی وقت کو ضائع کیے بغیر“ کا اضافہ کر دیا جائے گا؛

(ب) ذیلی دفعہ (۵) میں، لفظ ”کمیشن“ کے بعد، پہلی مرتبہ آنے پر، عبارت، ”مجمع کرنے کی کارروائیوں کے چوبیس گھنٹے کے اندر“ کو شامل کر دیا جائے گا؛ اور

(ج) ذیلی دفعہ (۶) میں، لفظ ”گا“ کے بعد عبارت، ”دفعہ ۹۵ کی ذیلی دفعہ ۱۰ میں صراحت کردہ وقت کے اندر“ کو شامل کر دیا جائے گا۔

- ۸۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۱۴، کی ترمیم:-
ذیلی دفعہ (۱) میں، لفظ ”تیار کیں“ کو لفظ ”حتمی بنایا“ سے تبدیل کر دیا جائے گا۔
- ۹۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۱۵، کی ترمیم:-
ذیلی دفعہ (۱) میں، لفظ ”کارروائی“ تیسری مرتبہ آنے پر الفاظ ”مگر رائے دہی کے دن سے قبل“ کو شامل کر دیا جائے گا۔
- ۱۰۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۱۷، کی ترمیم:-
ذیلی دفعہ (۲) میں، آخر میں وقف کامل کو رابطہ سے تبدیل کر دیا جائے گا اور اس کے بعد حسب ذیل فقرہ شرطیہ کا اضافہ کر دیا جائے گا، یعنی:-

”مگر شرط یہ ہے کہ حلقہ بندی متعلقہ صوبوں کے ہر ایک حلقے میں درج شدہ رائے دہندگان کی مساوی تعداد کی بنیاد پر ہوگی:

”مزید شرط یہ ہے کہ حلقہ بندی کی مشق انتخابی پروگرام کے اعلان سے کم از کم چار ماہ پیشتر حتمی کر دی جائے گی۔“

۱۱۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۲۰، کی ترمیم:- مذکورہ ایکٹ میں ، دفعہ ۲۰ میں،---

(الف) ذیلی دفعہ (۳) کو، حسب ذیل سے تبدیل کر دیا جائے گا، یعنی:

”(۳) جہاں تک بھی ممکن ہو، اسمبلی یا مقامی حکومت کے حلقوں میں درج شدہ رائے

دہندگان کی تعداد کا فرق کسی بھی صورت میں پانچ فیصد سے زائد نہ ہوگا۔“ اور

(ب) ذیلی دفعہ (۴) میں، لفظ ”دس“ کو لفظ ”پانچ“ سے تبدیل کر دیا جائے گا۔

۱۲۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۲۱، کی ترمیم:- مذکورہ ایکٹ میں ، دفعہ ۲۱ میں ، ذیلی دفعہ (۴) کے بعد، حسب ذیل نئی دفعہ کا اضافہ کر دیا جائے گا، یعنی:-

”(۵) اس دفعہ کے تحت کمیشن کے فیصلے سے متاثرہ کوئی بھی شخص، فیصلے کے تیس ایام کے اندر، عدالت عظمیٰ میں اپیل دائر کر سکتا ہے۔“

۱۳۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۲۳، کی ترمیم:- مذکورہ ایکٹ میں، دفعہ ۲۳ میں، ذیلی دفعہ (۲) کے بعد، حسب ذیل نئی ذیلی دفعہ کا اضافہ کر دیا جائے گا، یعنی:-

”(۳) کمیشن ذیلی دفعہ (۱) اور دفعات ۲۵، (۳)، ۳۵، ۳۷، ۳۸ اور ۴۱ کے تحت کارہائے منصبی کی ادائیگی کے لیے اتنی تعداد میں رجسٹریشن افسران کا تقرر کر سکتا ہے۔

۱۴۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی، دفعات ۲۴، ۲۶، ۲۸، ۳۲ تا ۳۶، اور ۴۲ کا حذف:- مذکورہ ایکٹ میں، دفعات ۲۴، ۲۶، ۲۸، ۳۲ تا ۳۶، اور ۴۲ کو حذف کر دیا جائے گا۔

۱۵۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۲۵، کی ترمیم:- مذکورہ ایکٹ میں، دفعہ ۲۵

میں، ---

(الف) ذیلی دفعہ (۱) کو، حسب ذیل سے تبدیل کر دیا جائے گا، یعنی:-

”(۱) ایسے طریقہ کار پر جیسا کہ صراحت کیا جاسکتا ہے، قومی ڈیٹا بیس ور جسٹریشن اتھارٹی ہر ایک نئے قومی شناختی کارڈ کا متعلقہ ڈیٹا جو اس نے جاری کیا کمیشن کو حامل کارڈ کے عارضی یا مستقل پتہ کے انتخابی حلقے کی انتخابی فہرست میں بطور رائے دہندہ رجسٹریشن کے لیے جاری کرے گا، جو قومی ڈیٹا بیس ور جسٹریشن اتھارٹی کے دفتر یا مرکز کے حدود اختیار میں واقع ہو، جہاں سے شخص اپنا نیا NIC حاصل کر سکتا ہے اور مابعد تبدیلی قومی شناختی کارڈ (NIC) حامل کی درخواست بذریعہ بائیومیٹرک کے تابع ہوگی،“

(ب) ذیلی دفعہ (۲) میں، لفظ ”رائے دہندہ گان“ کے بعد، سکتہ اور الفاظ ”رائے دی کی جگہ کی نسبت رائے دہندہ کی جانب سے اختیار میں ظاہر کردہ کوئی بھی تبدیلی“ کو شامل کر دیا جائے گا۔

۱۶۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۳۵، کی تبدیلی:- مذکورہ ایکٹ میں، دفعہ ۳۵ کو

حسب ذیل سے تبدیل کر دیا جائے گا، یعنی:-

”۳۵۔ حتمی اشاعت:- دفعہ ۲۳ کے تحت ہر ایک نگرانی کے بعد، رجسٹریشن افسر ہر

ایک انتخابی علاقے کی فہرست انتخاب کی، اس کو یقینی بنانے کے بعد کہ اٹھارہ سال یا اس سے بالا تمام شہری جنہیں آج کی تاریخ تک NIC جاری ہو چکا ہے اس علاقے کی انتخابی فہرست میں درج فہرست میں، صراحت کردہ طریقہ کار اور صورت میں اشاعت کرے گا۔“

۱۷۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۴۳، کی ترمیم:- مذکورہ ایکٹ میں، دفعہ ۴۳ میں،

الفاظ ”متعلقہ رجسٹریشن افسر“ کو عبارت ”قومی ڈیٹا بیس ور جسٹریشن اتھارٹی“ سے تبدیل کر دیا جائے گا۔

۱۸۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۵۳، کی ترمیم:- مذکورہ ایکٹ میں ، دفعہ ۵۳

میں،---

(الف) ذیلی دفعہ (۳) میں، آخر میں ختمہ کو رابطہ سے تبدیل کر دیا جائے گا اور اس کے بعد حسب ذیل فقرہ شرطیہ کا اضافہ کر دیا جائے گا، یعنی:-
”مگر شرط یہ ہے کہ امیدوار دفعہ ۱۵ کے تحت کمیشن کے روبرو افسران کی تقرری، پولنگ اسکیم اور پولنگ عملہ کو چیلنج کر سکتا ہے:

مزید شرط یہ ہے کہ پولنگ عملہ کے تقرر کے احکامات کمیشن کی جانب سے منظور کردہ شکل میں فی الفور کمیشن کی ویب سائٹ پر اپ لوڈ کیے جائیں گے۔“ اور
(ب) ذیلی دفعہ (۴) کے بعد، حسب ذیل نئی ذیلی دفعہ (۵)، کا اضافہ کر دیا جائے گا، یعنی:-
”(۵) کسی بھی ملازم کو جو متعلقہ حلقے یا تحصیل کی حدود اختیار کے اندر کام کر رہا ہو اس کو اس حلقے یا تحصیل میں بطور پولنگ عملہ تعینات نہیں کیا جائے گا۔“

۱۹۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۵۹، کی ترمیم:- مذکورہ ایکٹ میں ، دفعہ ۵۹

میں،---

(الف) ذیلی دفعہ (۵) میں ختمہ کے بعد، عبارت ”حلقے سے ایک امیدوار اپنے حلقے میں معقول وجوہات کی بناء پر کسی خاص پولنگ اسٹیشن پر اعتراض دائر کر سکتا ہے“ کا اضافہ کر دیا جائے گا؛
(ب) ذیلی دفعہ (۸) میں، لفظ ”امیدوار“ کے بعد حسب ذیل الفاظ ”پولنگ سے کم از کم بہتر گھنٹے پہلے اور مذکورہ تبدیلی کی نقل فی الفور وقت ضائع کیے بغیر امیدوار کو ترسیل کر دی جائے گی“ کو شامل کر دیا جائے گا؛

(ج) ذیلی دفعہ (۹) میں عبارت (۶) کے بعد عبارت ”ذیلی دفعہ (۸) کے ساتھ پڑھیں“ کا اندراج کیا جائے گا؛

(د) ذیلی دفعہ (۱۱) میں لفظ ”امیدوار“ کے بعد عبارت ”سیاسی جماعت یا اس کے عہدیداران“ کا اندراج کیا جائے گا؛ اور

(۵) ذیلی دفعہ (۱۲) کے بعد آخر میں ختمہ سکتے سے تبدیل کیا جائے گا اور اس کے بعد حسب ذیل فقرہ شرطیہ کا اضافہ کیا جائے گا، یعنی:۔

”مگر شرط یہ ہے کہ یہ یقینی بنایا جائے گا کہ نگرانی کے کیمرے جو تنصیب کیے گئے ہیں رائے دہندگان کی رازداری پر سمجھوتہ نہیں کیا جائے گا، جب کہ وہ پرچی رائے دہی پر نشان لگا رہا ہو۔“

۲۰۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۶۱ کی ترامیم۔
مذکورہ ایکٹ میں، دفعہ ۶۱ میں،۔

(الف) ذیلی دفعہ (۱) میں،۔

(اول) لفظ ”تیس“ لفظ ”پچاس“ سے تبدیل کیا جائے گا؛ اور

(دوم) لفظ ”بیس“ لفظ ”تیس“ سے تبدیل کیا جائے گا۔

(ب) ذیلی دفعہ (۵) کے بعد حسب ذیل نئی دفعہ کا اضافہ کیا جائے گا، یعنی،۔

”(۶) امیدوار کی جانب سے جمع کی گئی رقم جس کے کاغذات نامزدگی مسترد کئے گئے ہوں یا واپس لئے گئے ہوں یا وہ انتخاب سے سبکدوش ہو گیا ہو واپس کی جائے گی۔“

۲۱۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۶۲ کی ترامیم۔
مذکورہ ایکٹ میں، دفعہ ۶۲ میں،۔

(الف) ذیلی دفعہ (۱) میں، لفظ ”امیدواروں“ کے بعد الفاظ ”بشمول اس کو کمیشن کی ویب سائٹ پر

بھی چڑھایا جائے گا“ کا اندراج کیا جائے گا؛ اور

(ب) ذیلی دفعہ (۳) میں، لفظ ”امیدواروں“ کے بعد الفاظ ”بشمول اس کو کمیشن کی ویب سائٹ پر

چڑھایا جائے گا“ کا اندراج کیا جائے گا۔

۲۲۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۶۶ کی ترامیم۔
مذکورہ ایکٹ میں، دفعہ ۶۶ میں،

لفظ ”حلقہ رائے دہندگان“ کے بعد الفاظ ”اور مذکورہ ٹھوس فیکٹ کو پارٹی کے نامزد کردہ عہدیدار کی جانب سے باضابطہ دستخط کیا جائے گا جسے پارٹی چیئر مین نے اعلان کیا ہو“ کا اندراج کیا جائے گا۔

۲۳۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۶۸ کی ترامیم۔
مذکورہ ایکٹ میں، دفعہ ۸۶ میں،

ذیلی دفعہ (۲) میں، الفاظ ”انتخاب کے دن“ کے بعد الفاظ ”اور کمیشن کی ویب سائٹ پر“ کا اندراج کیا جائے گا۔

۲۴۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۱ کی ترمیم۔

مذکورہ ایکٹ میں، دفعہ ۱ میں،

ذیلی دفعہ (۴) میں، لفظ ”کاغذ“ کے بعد الفاظ ”یا کاغذ تحفظ کی خصوصیات کے ساتھ“ کا اندراج کیا جائے گا۔

۲۵۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۲ کی ترمیم۔ انتخابات کا ایکٹ، ۲۰۱۷ء (نمبر ۳۳ بابت

۲۰۱۷ء) میں دفعہ ۷ کے بعد حسب ذیل دفعہ کا اندراج کیا جائے گا، یعنی:-

”۷۲ الف۔ ساٹھ ایام کے اندر حلف نہ لینے پر نشست خالی ہو جائے گی۔ کامیاب امیدوار کی نشست خالی ہو جائے گی اگر وہ قومی اسمبلی، سینٹ یا مقامی حکومت، جیسی بھی صورت ہو، کے پہلے اجلاس کی تاریخ سے ساٹھ ایام کے اندر حلف نہیں اٹھاتا ہے۔“

۲۶۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۷ کی ترمیم۔

مذکورہ ایکٹ میں، دفعہ

۷ میں، ذیلی دفعہ (۱) میں، حسب ذیل تبدیلی کی جائے گی، یعنی:-

”(۱) ایک امیدوار ایک حلقہ رائے دہندگان میں سے پانچ رائے دہندگان کو اس حلقہ انتخاب میں علیحدہ اور نامزد کردہ مراکز رائے دہی کے لئے بغیر کسی برپوشی کے بطور اس کے انتخابی کارندے تقرر کر سکے گا، اور آفیسر رائے شماری کو انتخاب کے آغاز سے قبل چوبیس گھنٹوں کے اندر ایک تحریری اطلاع نامہ ارسال کرے گا جو نام، ولدیت، رائے دہندہ کا نمبر اور انتخابی کارندے کے پیشہ پر مشتمل ہوگا۔

۲۷۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۹ کی ترمیم۔

مذکورہ ایکٹ میں، دفعہ ۹ میں،

ذیلی دفعہ (۱) حسب ذیل سے تبدیل کی جائے گی، یعنی:-

”(۱) کمیشن انتخاب سے تیس دن قبل افسر رائے شماری کو ہر ایک حلقہ انتخاب کے لئے حتمی انتخابی فہرستوں کی طباع شدہ نقل جو بضابطہ طور پر تصدیق شدہ ہو فراہم کرے گا اور اس کو اس حلقہ انتخاب کے اندر تمام انتخابی علاقوں کے لئے یونیورسل سیریل بس USB میں محفوظ بھی کرے گا۔“

۲۸۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۸۴ کی ترمیم۔

مذکورہ ایکٹ میں، دفعہ ۸۴ میں،

ذیلی دفعہ (۹) کے بعد، حسب ذیل نئی ذیلی دفعہ کا اضافہ کیا جائے گا، یعنی:-

”(۱۰) اگر کوئی رائے دہندہ جسمانی طور پر معذور ہو اور وہ نامزد کردہ انتخابی بوتھ میں اپنا ووٹ نہیں ڈال سکتا

ہے تو صدارتی افسر اسے ایسی سہولتیں فراہم کرے گا جن پر مذکورہ رائے دہندہ ان سہولتوں کے ساتھ کچھ بھی کرے گا جو اس ایکٹ کے تحت ایک رائے دہندہ کو ووٹ ڈالنے کے لئے درکار ہو یا جن کی اجازت دی گئی ہو۔

۲۹۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۸۶ کی ترمیم۔ مذکورہ ایکٹ میں، دفعہ ۸۶ میں،

ذیلی دفعہ (۱) میں، عبارت ”امیدوار کے بعد“ عبارت ”انتخابی کارندہ“ کا اندراج کیا جائے گا۔

۳۰۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۹۰ کی ترمیم۔ مذکورہ ایکٹ میں، دفعہ ۹۰ میں،

(الف) ذیلی دفعہ (۱) میں آخر میں ختمہ سکتہ سے تبدیل کیا جائے گا اور اس کے بعد حسب ذیل نیا

فقہہ شرطیہ کا اضافہ کیا جائے گا، یعنی،

”مگر شرط یہ ہے کہ ایک شخص سے زیادہ کی موجودگی کی اجازت نہیں ہوگی خواہ امیدوار ہو یا

اس کا کارندہ۔“

(ب) ذیلی دفعہ ۱۸ کے بعد، حسب ذیل نئی دفعہ کا اضافہ کیا جائے گا، یعنی،

”(۱۹) ایک صدارتی افسر جو اس ایکٹ اور اس کے تحت وضع کردہ ضوابط کی تعمیل نہیں

کرتا تو وہ متعلقہ اتھارٹی کی جانب سے اس کے جرم کے تناسب سے جرمانے

کے اطلاق کے لئے اس پر قابل اطلاق قوانین کے تحت قانونی کارروائیوں کا متوجہ ہوگا۔“

۳۱۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۹۲ کی ترمیم۔ مذکورہ ایکٹ میں، دفعہ ۹۲ میں،

لفظ ”کمیشن“، الفاظ ”جو اسے فوراً کمیشن کی ویب سائٹ پر چڑھائے گا“ کا اندراج کیا جائے گا۔

۳۲۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۹۳ کی ترمیم۔ مذکورہ ایکٹ میں، دفعہ ۹۳ میں،

ذیلی دفعہ (۱)، حسب ذیل سے تبدیل کی جائے گی، یعنی،

”(۱) کمیشن کو نادرا کی تکنیکی معاونت کے ساتھ ملک میں انتخابات کے دوران بیرون ملک پاکستانیوں کو

ان کے ووٹ کا حق استعمال کرنے کے لئے سہولتیں پہنچانے کا پورا اختیار حاصل ہوگا اور مذکورہ استعمال تکنیکی کارکردگی،

رازداری تحفظ اور مالیاتی موزونیت سے مشروط ہوگا۔“

۳۳۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۹۵ کی ترمیم۔ مذکورہ ایکٹ میں، دفعہ ۹۵ میں،

(الف) ذیلی دفعہ (۱) میں، ختمہ سکتہ سے تبدیل کیا جائے گا اور اس کے بعد حسب ذیل فقرہ شرطیہ کا اضافہ کیا جائے گا، یعنی،۔

”مگر شرط یہ ہے کہ ہر ایک امیدوار کے ایک کارندے سے زیادہ کی موجودگی کی اجازت نہیں ہوگی۔“

(ب) ذیلی دفعہ (۵)، حسب ذیل سے تبدیل کی جائے گی، یعنی،۔

”(۵) ایشیائی کارروائیوں کے آغاز سے قبل افسر رائے شماری ایک یا زیادہ مرکز رائے دہی کے پرچی رائے دہی کی دوبارہ گنتی کرے گا اگر حصہ لینے والے امیدوار یا اس کے کارندے کی جانب سے درخواست یا چیلنج کو تحریری طور پر وضع کیا گیا ہو اور ایک کامیاب امیدوار اور دوسرے نمبر پر آنے والے امیدوار کے مابین مقابلے کا تناسب حلقہ انتخاب میں ڈالے گئے کل ووٹوں کی تعداد کی پانچ فیصد سے کم ہو۔“

(ج) ذیلی دفعہ ۶ میں لفظ ”کارروائیاں“ کے بعد الفاظ ”اور کامیاب امیدوار کا اعلان“ کا اندراج کیا جائے گا؛ اور

(د) ذیلی دفعہ (۹) میں لفظ ”کارندوں“ کے بعد الفاظ ”اور تسلیم شدہ مشاہدہ کاروں“ کا اضافہ کیا جائے گا۔

۳۴۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی، دفعہ ۹۹ کی ترمیم۔ مذکورہ ایکٹ میں، دفعہ ۹۹ میں،

ذیلی دفعہ (۱) میں، شق (و)، حسب ذیل سے تبدیل کی جائے گی، یعنی،۔

”(و) گنتی کا نتیجہ (فارم ۴۵) اور دیگر ایسے کاغذات جیسا کمیشن حکم دے۔“

۳۵۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی، دفعہ ۱۰۴ کی ترمیم۔ مذکورہ ایکٹ میں، دفعہ ۱۰۴ میں،۔

(الف) ذیلی دفعہ (۱) میں، موجودہ فقرہ شرطیہ، حسب ذیل سے تبدیل کیا جائے گا، یعنی،۔

”مگر شرط یہ ہے کہ فریقین عام انتخابات کے اعلان کے بعد تین ایام کے اندر امیدواروں کی حتمی ترجیحی فہرست جمع کرائیں گی۔“

(ب) ذیلی دفعہ (۴)، (۵) اور (۶)، حسب ذیل سے تبدیل کی جائیں گی، یعنی،۔

”(۴) اگر کسی بھی وقت ایک نشست تخلیق کی جاتی ہے تو ایک سیاسی جماعت ایک تازہ

فہرست جمع کرائے گی اور ذیلی دفعات (۱)، (۲) اور (۳) جتنی قریب تر ممکن ہو سکے مذکورہ نشست کو پُر کرنے کے لئے لاگو کئے جائیں گے۔

(۵) جہاں کسی اسمبلی میں خواتین یا غیر مسلمانوں کے لئے مختص نشست کسی رکن کی موت، دستبرداری یا نااہلی کے نتیجے میں خالی ہوتی ہے تو اس کو تازہ ترین فہرست کی مطابقت میں پُر کیا جائے گا جیسا کہ جماعت کی جانب سے کمیشن کو پیش کی جائے۔

(۶) جماعت کی جانب سے ذیلی دفعہ (۴) یا (۵) کے تحت پیش کردہ فہرست سے فوقیت کے لئے شخص کے نام کے اعلان سے قبل، مذکورہ شخص حلف نامہ پر اعلان پیش کرے گا کہ وہ اس کے کاغذات نامزدگی پُر کرنے کے وقت سے دستور کے آرٹیکل ۶۳ میں شامل کسی بھی نااہلی کا موضوع بحث نہیں رہا ہے۔

۳۶۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۱۲۲ میں ترمیم:- مذکورہ ایکٹ میں، دفعہ

۱۲۲ میں، ذیلی دفعہ (۶) میں، لفظ ”خفیہ“ کو لفظ ”کھلے“ سے تبدیل کر دیا جائے گا۔

۳۷۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۱۳۷ میں ترمیم:- مذکورہ ایکٹ میں، دفعہ ۱۳۷ میں،

ذیلی دفعہ (۱) میں، دوسری مرتبہ آنے والے لفظ ”اپنے“ کے بعد، لفظ ”زیر کفالت“ کو داخل کر دیا جائے گا۔

۳۸۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۱۳۸ میں ترمیم:- مذکورہ ایکٹ میں، دفعہ ۱۳۸ میں،

لفظ ”جریدہ“ کے بعد الفاظ ”اور اس کی ویب سائٹ پر اپ لوڈ“ کو داخل کر دیا جائے گا۔

۳۹۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۱۴۰ میں ترمیم:- مذکورہ ایکٹ میں، دفعہ ۱۴۰ میں،

ذیلی دفعہ (۲) میں، شق (الف) میں، الفاظ ”یار ہا ہو“ کو حذف کر دیا جائے گا۔

۴۰۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۱۴۴ میں ترمیم:- مذکورہ ایکٹ میں، دفعہ ۱۴۴ میں،

ذیلی دفعہ (۲) میں، شق (ب) میں عبارت ”پیرا گراف (ب)“ کو عبارت ”ذیلی دفعہ (۱) کی شق (ب)“ سے تبدیل کر دیا جائے گا۔

۴۱۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۱۵۸ میں ترمیم:- مذکورہ ایکٹ میں، دفعہ ۱۵۸ میں،

شق (الف) میں، لفظ ”امیدوار“ کے بعد الفاظ ”یا کامیاب امیدوار کی ایماء پر کوئی شخص“ کو داخل کر دیا جائے گا۔

۴۲۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۱۶ میں ترمیم:- مذکورہ ایکٹ میں، دفعہ ۱۶ میں،

شق (ب) میں، لفظ ”فرقہ“ کے بعد عبارت ”جنس“ کو داخل کر دیا جائے گا۔

۴۳۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۱۷ میں ترمیم:- مذکورہ ایکٹ میں، دفعہ ۱۷ میں،

ذیلی دفعہ (۲) میں، الفاظ ”چھ مہینے“ کو الفاظ ”تین سالوں“ سے تبدیل کر دیا جائے گا۔

۴۴۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۱۹ میں ترمیم:- مذکورہ ایکٹ میں، دفعہ ۱۹ میں،

آخر میں آنے والے ختمہ کو رابطہ سے تبدیل کر دیا جائے گا اور اسی لئے حسب ذیل فقرہ شرطیہ کا اضافہ کر دیا جائے گا، یعنی:-
”مگر شرط یہ ہے کہ جہاں کمیشن اکثریت کے ذریعے معاملے کا فیصلہ کرے تو کمیشن اپنے اجلاس کے فیصلوں اور رائے دہی کی تفصیلات شائع کرے گا۔“

۴۵۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۲۰ میں ترمیم:- مذکورہ ایکٹ میں، دفعہ ۲۰ میں،

ذیلی دفعہ (۲) میں، الفاظ ”دو ہزار اراکین“ کو عبارت ”دس ہزار اراکین، جس میں کم از کم بیس فیصد خواتین شامل ہیں“ سے تبدیل کر دیا جائے گا۔

۴۶۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۲۰۳ میں ترمیم:- مذکورہ ایکٹ میں، دفعہ ۲۰۳ میں،

ذیلی دفعہ (۴) میں، الفاظ ”خواتین“ کے بعد عبارت ”معذور اشخاص اور مخنث اشخاص“ کو داخل کر دیا جائے گا۔

۴۷۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء میں نئی دفعہ ۲۱۳ الف کو داخل کیا جائے گا:-

مذکورہ ایکٹ میں، دفعہ ۲۱۳ کے بعد، حسب ذیل نئی دفعہ کو داخل کر دیا جائے گا، یعنی:-

”۲۱۳ الف۔ سیاسی جماعتیں سالانہ کنونشنز کا انعقاد کریں گی:- سیاسی پارٹیاں باقاعدہ سالانہ

کنونشنز انعقاد کرنے کی پابند ہوں گی اور کمیشن کو اس کی رپورٹ جمع کروائیں گی جس میں جماعت کی اکثریت والے اراکین کے تناظر میں، ملک کے کم از کم دس سرفہرست مسائل، وجوہات اور ان کے حل کا تذکرہ کیا گیا ہوگا۔“

۴۸۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۲۲۱ میں ترمیم:- مذکورہ ایکٹ میں، دفعہ ۲۲۱ میں:-

(الف) ذیلی دفعہ (۲) میں، شق (ج) میں لفظ ”آبادی“ کو لفظ ”رائے دہندگان“ سے تبدیل کر دیا

جائے گا۔

(ب) ذیلی دفعہ (۴) میں، شق (ج) میں، لفظ ”آبادی“ کو لفظ ”رائے دہندگان“ سے تبدیل کر دیا جائے گا۔

(ج) ذیلی دفعہ (۶) میں، شق (ج) میں، لفظ ”آبادی“ کو لفظ ”رائے دہندگان“ سے تبدیل کر دیا جائے گا۔

(د) ذیلی دفعہ (۸) میں، شق (ج) میں، لفظ ”آبادی“ کو لفظ ”رائے دہندگان“ سے تبدیل کر دیا جائے گا۔

۴۹۔ ایکٹ نمبر ۳۳ بابت ۲۰۱۷ء کی دفعہ ۲۳۱ میں ترمیم:- مذکورہ ایکٹ میں، دفعہ ۲۳۱ میں،

آخر میں آنے والے ختمہ کے بعد، حسب ذیل تفصیل کو داخل کر دیا جائے گا، یعنی:-

”تفصیل:- یہ واضح کیا جاتا ہے کہ اس دفعہ کے تحت اہلیتوں اور نااہلیتوں کی جانچ کی اغراض کے لئے فیصلہ کن یا انقطعی تاریخ، چھان بین کی تاریخ ہوگی۔ تاہم، اس فقرہ شرطیہ کا اطلاق ۲ اکتوبر، ۲۰۱۷ء سے ہوگا جب انتخاب ایکٹ، ۲۰۱۷ء (نمبر ۳۳ بابت ۲۰۱۷ء) مشتہر کیا گیا تھا۔“

بیان اغراض و وجوہ

بلا جوڑ توڑ سینیٹ کے شفاف انتخابات جو کہ ماضی میں ہو چکے اور سمندر پار پاکستانیوں کو ووٹ کے حقوق عطاء کرنا تقریباً تمام سیاسی جماعتوں کے دیرینہ مطالبات تھے جس میں PTI بھی شامل ہے۔ وفاقی کابینہ نے، ۲۸ جنوری، ۲۰۲۰ء کو منعقدہ اپنے اجلاس میں ملک میں شفاف، آزادانہ اور منصفانہ انتخابات کے لئے ایک کابینہ کی کمیٹی تشکیل دی تاکہ انتخابی اصلاحات سے متعلق سفارشات تیار کر سکے۔ کمیٹی کی سفارشات کی بنیاد پر، کابینہ نے انتخابی اصلاحات کا پیکیج جو دستور (چھیسویں ترمیم) بل، ۲۰۲۰ء اور انتخابات (ترمیمی) بل، ۲۰۲۰ء پر مشتمل ہے، منظور کیا۔ یہ بل سینیٹ انتخابات، خواتین اور اقلیتوں کے لئے مخصوص نشستوں، آبادی کی بجائے رجسٹرڈ شدہ ووٹروں کی بنیاد پر حلقوں کی حلقہ بندی، سمندر پار پاکستانیوں کی حق رائے دہی اور انتخابات میں دوہری شہریت والوں کی مشروط شمولیت کا وسیع تر احاطہ کرتا ہے۔

۲۔ بحسبہ، اس بل کا ہدف مذکورہ بالا مقاصد کا حصول ہے۔

(ظہیر الدین بابر اعوان)
مشیر وزیراعظم برائے پارلیمانی امور

الحمد للہ

محترم جناب چئیرمین رصاحب،
اسٹینڈنگ کمیٹی پارلیمانی افئیرز،
نوری اسمبلی آف پاکستان، اسلام آباد

سلام علیکم

مضمون : اختلافی نوٹ

آج الیکشن (ترمی) بل پر بحث ہو رہی ہے۔ یہ بہت اجلت میں بحث کی جا رہی ہے۔ اس پر بہت خدشات ہیں۔ تمام جمہوری سیاسی پارٹیوں کے متفق ہونے تک یہ بل موخر کیا جائے۔ میں ان ترامیم کو قبول نہیں کرتا۔ ہم اس بل کو موخر کرنے کی سفارش کرتے ہیں۔

ڈاکٹر مہیش کمار ملانی

ایم۔ این۔ اے



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محترم جناب مجاہد علی صاحب

چیئر مین قائمہ کمیٹی برائے پارلیمانی امور

قومی اسمبلی

پارلیمنٹ ہاؤس

اسلام آباد۔

السلام علیکم!

انتخابی اصلاحات کے حوالہ سے اس کمیٹی کے متعدد اجلاس ہو چکے ہیں۔ انتخابی اصلاحات کے حوالہ سے حکومت کی طرف سے پیش کردہ مسودہ قانون کو میں نے تفصیل سے پڑھا اور مشاورت کے بعد اس نتیجہ پر پہنچا ہوں کہ اس مسودہ قانون میں مجوزہ ترامیم کے ذریعے حکومت الیکشن کمیشن کے اختیارات کو سلب کرنا چاہتی ہے لہذا اس پر میں اپنا اختلافی موقف تفصیل کیساتھ آپ کی خدمت میں پیش کر رہا ہوں۔

۱۔ سیکشن 2 جو کہ انتخابی علاقہ کی تعریف سے متعلق ہے۔ اس سیکشن کے دو پیرا گراف ختم کیے گئے ہیں، جس سے انتخابی علاقہ کی جامع تعریف کو محدود کر دیا گیا ہے ختم کیے گئے دو پیرا گراف میں کہا گیا ہے جہاں وارڈ، شارتی بلاک، محلہ یا گلی بہت بڑے ہوں وہاں پر مناسب طور پر اس کو تقسیم کرنا۔ اسی طرح شارتی بلاک کو تقسیم نہیں کیا جائے گا، سوائے مخصوص حالات کے اور بلاک کو تقسیم کیے جانے کی وجوہات بھی ضبط تحریر لانی ہوگی۔

۲۔ سیکشن 8 میں ترمیم کے ذریعے پریزائیڈنگ آفیسر کو رزلٹ مرتب کرنے سے پہلے بھی ووٹ مسترد کرنے کا اختیار دیا گیا ہے، جبکہ یہ اختیار ریٹرننگ آفیسر کے پاس ہے۔ پریزائیڈنگ آفیسر کے پاس صرف مسترد کرنے کے قابل ووٹ کو الگ کرنے کا اختیار ہے۔ لہذا اس ترمیم کی حمایت نہیں کی جاسکتی۔

۳۔ سیکشن 9، جو کہ انتخابات کو کالعدم قرار دینے سے متعلق ہے، الیکشن کمیشن کے پاس فیصلہ کرنے کے لیے پہلے 60 دن ہیں۔ اب کم کر کے 30 دن کیے گئے ہیں، الیکشن کمیشن نے بھی اس کی مخالفت کی ہے اس لیے کہ یہ ترمیم انصاف کے تقاضوں کو پورا کرنے میں رکاوٹ کا باعث بنے گا۔ لہذا حمایت نہیں کی جاسکتی۔

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۴۔ سیکشن 11 جو کہ الیکشن کمیشن کے پاس مالی اختیارات سے متعلق ہے، اس میں حکومت نے الفاظ ”اطلاق شدہ قوانین“ کو ختم کیا ہے۔ اس حوالہ سے الیکشن کمیشن کی رائے سے اضافہ کے ساتھ اتفاق ہے۔ جس میں کہا گیا ہے ”جو بھی قواعد و ضوابط نہیں وہ انتخابات ایکٹ 2017 کے تابع ہوں۔“

۵۔ سیکشن 14، جو کہ الیکشن پلان سے متعلق ہے، حکومت کی ترمیم ہے کہ لفظ ”تیاری“ کی جگہ پر ”حتمی شکل“ کے الفاظ ڈالے جائیں۔ الیکشن کمیشن نے بھی مخالفت کی ہے، ہمارا موقف ہے کہ لفظ تیاری زیادہ جامع اور مناسب ہے اسکو ترمیم نہیں کرنا چاہیے۔

۶۔ سیکشن 15 جو کہ شکایات سے متعلق ہے۔ اس میں ترمیم کے ذریعے پابندی لگائی گئی ہے کہ الیکشن دن سے پہلے تک کی شکایت کے خلاف الیکشن کمیشن کو درخواست صرف پولنگ کے دن سے پہلے ہی دی جاسکتی ہے یعنی الیکشن تنازعات کے سوا کسی اور شکایت کے معاملہ کو الیکشن دن کے بعد نہیں اٹھایا جاسکتا۔ یہ ترمیم کرپشن اور اقربا پروری اور کسی بھی بے ضابطگی کو تحفظ دینے کی طرف قدم ہے، لہذا بھرپور مخالفت کی جاتی ہے۔

۷۔ سیکشن 17 جو کہ حلقہ بندیوں کے حوالہ سے الیکشن کمیشن کے اختیار سے متعلق ہے۔ ترمیم کے ذریعے حکومت نے حلقہ بندیوں کو آبادی کی بجائے ووٹرز کی بنیاد پر کرنے کی ترمیم دی ہے، جو کہ آئین کے آرٹیکل 51 سے متصادم ہے۔ اس طرح الیکشن پروگرام کے اعلان کے چار ماہ قبل حلقہ بندیوں کو حتمی شکل دینے کی مکمل پابندی بھی ناقابل عمل ہے۔

۸۔ سیکشن 20 حلقہ بندیوں کے لیے اصول و ضوابط سے متعلق ہے۔ اس میں تجویز کیا گیا ہے کہ ووٹرز کی بنیاد پر حلقہ بندیوں میں 10 کی بجائے 5 فیصد تک تبدیلیاں کی جاسکتی ہیں۔ اس سے قبل ہم سیکشن 17 میں آبادی کی بجائے ووٹرز کی بنیاد پر حلقہ بندیوں کی مخالفت کر چکے ہیں۔ لہذا یہاں بھی یہی موقف ہے۔

۹۔ سیکشن 21 جو کہ حلقہ بندیوں کے حوالہ سے الیکشن کمیشن کی رپورٹ سے متعلق ہے۔ اس میں حلقہ بندیوں پر اعتراض کے فیصلہ کو سپریم کورٹ میں چیلنج کرنے کا اختیار دیا گیا ہے اس سے قبل الیکشن کمیشن کا فیصلہ حتمی ہوتا ہے لیکن اب اسکے ذریعے فیصلہ پر اعتراض کی صورت میں سپریم کورٹ میں اپیل کی جاسکتی ہے جو کہ انتخابات میں تاخیر کا باعث بنے گی۔

۱۰۔ اس طرح الیکشن ایکٹ 2017 کے سیکشن 24، 26، 28، 29، 30، 31، 32، 33، 34، 36 اور 44 کو حکومت نے ختم کیا ہے۔

مذکورہ ختم کی گئی دفعات ریٹرننگ آفیسر کی تقرری، ابتدائی ووٹرسٹوں کی تیاری، نظر ثانی، اتھارٹی کی تقرری کا اختیار، اعتراضات



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مذکورہ ختم کی گئی دفعات سرسبزنگ آئینہ کی تقرری، اہل اہل عدوٹر لیٹوں کی تقرری، نظر ثانی اہل اہل کی تقرری، اختیار،

اور رضا داخل کرنے کی مدت، ایک انتخابی علاقہ سے دوسرے انتخابی علاقہ میں ووٹ اندراج کا اختیار، ریٹنگ آفیسر کو نام فائل کرنے

کا اختیار، شکایات اور اعتراضات کی انگوائری، سالانہ بنیادوں پر ووٹرز کی تیاری، نادرا کے ساتھ معلومات کی سکریننگ کے

اختیار سے متعلق ہے۔ ان دفعات کو حذف کرنے سے مذکورہ تمام اختیارات الیکشن کمیشن سے حکومت اور نادرا کو منتقل ہو جائیں

گے جس سے الیکشن کمیشن کی اہل اہل کی طرح متاثر ہوگی اور الیکشن کمیشن کے پاس آزاد، شفاف اور غیر جانبدار انتخابات کرانے

کی صلاحیت اور اختیارات لے لیے گئے ہیں۔ ہم اس کی سخت مخالفت کرتے ہیں۔ حکومت الیکشن کمیشن کے کام کو اپنے ذمہ لے

کر الیکشن کمیشن کی خود مختاری کے خلاف منصوبے بناری ہے۔ یہ انتخابی اصلاحات کے نام پر فراڈ کے مترادف ہے اور الیکشن کے

کرنے کی طرف اقدامات ہیں۔ ووٹرز کی تیاری کا کام الیکشن کمیشن سے لے کر نادرا کو دینا، جو کہ وزارت داخلہ کے ماتحت

ہے، یہ ایک ہائی پروفائل سرکاری ادارے کو دوسرے سرکاری ادارے کے رحم و کرم پر چھوڑنے کے مترادف ہے۔ ووٹرز کی

تیاری کا اختیار اگر الیکشن کمیشن سے واپس لے لیا جائے تو الیکشن کمیشن بے معنی ہو کر رہ جائے گا۔

جبکہ آرٹیکل 220 کے تحت نادرا سمیت تمام ادارے الیکشن کمیشن کی معاونت کے پابند ہیں۔

۱۱۔ اسی طرح سیکشن 35، 43، 53 میں کی گئی ترامیم کا تعلق ان سیکشن سے ہے جو حذف کیے گئے ہیں۔ ہم پہلے ہی اس کی مخالفت

کر چکے ہیں۔

۱۲۔ اسی طرح سیکشن 61 کے ذیلی سیکشن (۱) میں قومی اسمبلی کے لیے فارم جمع کراتے وقت فیس تیس سے بڑھا کر پچاس ہزار کی گئی

ہے اور صوبائی اسمبلی کے لیے فیس بیس ہزار سے بڑھا کر تیس ہزار کی گئی ہے۔ اس کی ہم مخالفت کرتے ہیں۔

۱۳۔ سیکشن 94 جو کہ بیرون ملک مقیم پاکستانیوں کے ووٹ میں حصہ لینے کے سے متعلق ہے، اس سے قبل قانون میں ہے کہ

پائلٹ پراجیکٹ کے ذریعے بیرون ملک پاکستانیوں کو ووٹ ڈالنے کے لیے کوشش کی جائے گی۔ موجودہ حکومت نے اس حوالہ

سے ابھی تک قانون پر عملدرآمد کے لیے کوئی پیش رفت نہیں کی۔ جب تک پائلٹ پراجیکٹ نہیں کیا جاتا، موجودہ حکومتی ترمیم کی

حمایت نہیں کی جاسکتی۔

۱۴۔ سیکشن 122 جو کہ سینیٹ کے ممبران کے ووٹ کے طریقہ کار سے متعلق ہے، حکومتی ترمیم ہے کہ سینیٹ ووٹنگ اوپن بیلٹ

کے ذریعے ہو۔ ہمارا مطالبہ ہے کہ خفیہ ہی لونی چاہیے۔

۱۵۔ سیکشن 202 جو کہ پارٹیوں کی رجسٹریشن کے بارے میں ہے۔ پہلے 2 ہزار ممبرز کی شرط ہے۔ اب اس کو 10 ہزار ممبرز کر دیا گیا ہے۔



MAULANA ABDUL AKBAR CHITRALI

MEMBER NATIONAL ASSEMBLY OF PAKISTAN

Member Standing Committee. 1 Communications. 2 Parliamentary Affairs

Ref #:..... Date:.....

☎ 0345-9711119 | 0333-9100811

گیلے اس میں 25 فیصد خواتین ہونی چاہیے۔ ایکشن کمیشن نے 10 بھی ہزار کی مخالفت کی ہے۔ ہم اس ترمیم کی مخالفت کرتے ہیں۔ سیاسی جماعتوں کو آئین کے تحت دیے گئے حقوق کو قانون کے ذریعے محدود نہیں کیا جاسکتا۔ خواتین کی نشستوں کے معاملہ کو سیاسی جماعت کے اندران کے خواتین ونگ کی صوابدید پر چھوڑنا چاہیے۔

۱۶۔ اسی طرح سیکشن 221 اور اسکے ذیلی سیکشنز میں کی گئی ترمیم کا تعلق ووٹرز کی بنیاد پر حلقوں سے تعلق ہے۔ جیتک ہر شہری کے لیے ووٹ ڈالنے کو لازم نہیں کیا جاتا۔ ووٹ کی بنیاد پر حلقہ بندیوں کی حمایت نہیں کی جاسکتی اور ووٹرز کی بنیاد پر حلقہ بندیوں سے کم ووٹرز والی آبادی بنیادی حقوق کی فراہمی کے حوالہ سے متاثر ہوگی۔ اس لیے ہم نے پہلے بھی اس کی مخالفت کی ہے۔

والسلام
عبد الاکبر چترالی

عبد الاکبر چترالی
ممبر قومی اسمبلی (چترال)

۶/۶

Draft: 05.01.2021
(CONFIDENTIAL)

Comments on Elections (Amendment) Bill, 2020

Clause of Bill	Sec. of EA, 2017	Proposed Amendment	Agreement	Partial Agreement	New Suggestions
2	2	(a) after clause (i), the following new clause (ia) shall be inserted namely:- “(ia) accredited means authorized by the Commission”; (b) in clause (v), after the word 'property' the words "including accounts receivable" shall be inserted; (c) In clause(xvi), in clause (b),- (i) in paragraph 1, after semicolon, the word "and" shall be added; and	No Definition of "accredited" is not required as our proposed amendment in the relevant section 238 clarifies that accreditation is granted by the Commission. Yes		New definition of "dependent" has been proposed in our Bill: “(xiiiia) “dependent person” means a person who relies on another for support and maintenance. Explanation: For purposes of this Act, a person who has an independent source of income and has filed a return of income and wealth statement under tax laws in force will not fall within the definition of “dependent person”. “

		(ii) in paragraph II, for the semicolon, a full stop shall be substituted and thereafter paragraph III along with proviso shall be omitted	No There is no good reason for deletion of paragraph III and the proviso which requires exceptional circumstances and reasons for division of census block. We may oppose.		
2A	3				For transparency, the Commission should upload all its decisions on its website. However, in our Bill new amendment to this effect has been proposed in section 3 [in lieu of the amendment in section 195 (clause 44)], as section 3 is the proper place. Amendment in section 3, Act XXXIII of 2017.- In the said Act, in section 3, in subsection (3) for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely,- "Provided further that the Commission shall publish all its decisions on its website, including details of voting by the members."

					We have also clarified in our Bill that the quorum for a meeting of the Commission shall be three members.
3	8	in clause (b), after the word "paper", the words "before consolidation of results" shall be inserted.	No Not agreed. The Commission should have the power to review an order passed by an officer under the Act/Rules at any stage. We may oppose.		
4	9	In sub-section (3), for the word "sixty", the word "thirty" shall be substituted.	No Since inquiry/evidence may be necessary to establish grave illegalities or violations, sixty days period for decision of the Commission should not be reduced. We may oppose.		In our Bill we have included an agreement restraining women from casting their votes in the definition of the offence of corrupt practice (section 167) and empowered the Commission to file a complaint against any person who entered into such an agreement.
5	11	in sub-section (2), for the words "applicable laws and", the word "the" shall be substituted.	No Not agreed. The Commissioner has been given full financial powers within the approved budgetary allocation and cannot be exempted from applicable laws, unless those laws specifically provide for such exemption. We may oppose.		

6	12	in clause (c), after the words "women", the expression, "non-Muslims, disabled persons and transgender" shall be inserted;		"Transgender" should be used as an adjective, not a noun; it should be "transgender persons". Since participation of non-Muslims, disabled persons and transgender persons should be encouraged, this amendment is also included in our Bill.	
7	13	(a) in sub-section (4), in clause (a), before the word "scanned", the expression "without loss of any time," shall be added; (b) in sub-section (5), after the word "Commission", occurring for the first time, the expression " , within twenty-four hours after the consolidation proceedings," shall be inserted; and (c) in sub-section (6), after the word "shall", the expression " , within the time specified in sub-section (10) of section 95," shall be inserted.		"without delay" is better. " , within twenty-four hours of completion of the consolidation proceedings," is better. " , within fourteen days of the date of the poll," is better.	Efficient operation of the results transmission system and results management system can play an extremely important role in ensuring transparency and minimizing the risk of manipulation of results. Hence apart from the above improvements, additional amendments proposed in our Bill are: 1) The Presiding Officer shall immediately take snapshot of the Result of the Count prepared and signed as required under section 90 and, before delivering the original documents to the Returning Officer under that section, send the snapshot electronically to: (a) the Commission; (b) the Returning Officer; and (c) such candidates as have conveyed to the Returning Officer, for onward distribution to all Presiding

					Officers, technical details required for receipt of the snapshots. 2) The Commission shall concurrently place the snapshots of Results of the Count) on its website, arranged constituency-wise. 3) After every election the Commission shall carry out comprehensive checks, trials and tests of the results management system and results transmission system mentioned in this section to resolve any technical or other software or connectivity problems that may have arisen in their practical operation, so as to ensure their smooth, trouble-free and efficient functioning in the next election. 4) The Commission shall make available the software of the results management system to the candidate, after necessary modification an on payment.
8	14	in sub-section (1), for the word "prepare", the word "finalize" shall be substituted.		We may not oppose. However in our Bill we have also proposed that post-election review of the Action Plan should be carried out in consultation with	

				political parties and accredited election observers.	
9	15	in sub-section (1), after the word "action", occurring for the third time, the words "but before the day of the poll" shall be inserted.	Yes We may not oppose.		
10	17	in sub-section (2), for the full stop at the end a colon shall be substituted and thereafter the following provisos shall be added, namely:- "Provided that the delimitation shall be on the basis of equal number of enrolled voters in every constituency of respective Provinces: Provided further that the delimitation exercise shall be finalized at least four months prior to the notification of election programme."	No We do not agree with the first proviso to the effect that the basis of delimitation should be changed from population to enrolled voters. See Comments to next clause 11, which deals with section 20, Principles of Delimitation. No In our Bill we have proposed that delimitation should be finalized 4 months before the general elections are due, not prior to		

			notification of the election programme, date of which is not definite till it is actually announced.		
11	20	(a) for sub-section (3), the following shall be substituted, namely:- "(3) As far as possible, variation in number of enrolled voters of constituencies of an Assembly or a local government shall not exceed five percent in any case.", and (b) in sub-section (4), for the word "ten", the word "five" shall be substituted.	No Article 51 of the Constitution states that seats to the National Assembly shall be allocated to Provinces on the basis of population. Article 106 allocates seats in the Provincial Assemblies without mentioning population. However sub-sections (1) and (3) of section 20 of the Elections Act, 2017 relating to Principles of Delimitation again refer to population as the basis of delimitation. It is desirable that the population basis mentioned in the Constitution should be retained. If the Commission finds that in any Province there is a significant difference between constituencies in the percentage of population		

			enrolled as voters, concerted efforts should be made in consultation with NADRA to increase enrolment in the constituencies with low percentages, particularly with a view to minimizing such differences within the same district. An amendment to this effect has been included in our Bill. Reduction in variation in population of constituencies from 10% to 5% is desirable, but may not be possible to implement. Existing provision should be retained.		
12	21	after sub-section (4), the following new sub-section shall be added, namely,- “(5) Any person aggrieved by the decision of the Commission under this section may, within thirty days of the decision, prefer an appeal to the Supreme Court of Pakistan.”	Yes Decision of the Commission regarding preliminary list of constituencies should be appealable to the Supreme Court. We may not oppose.		
13	23	after sub-section (2) the following new sub-section	No Incorrectly worded.		

		shall be added, namely:- “(3) The Commission may appoint as many Registration Officers for discharge of functions under sub-section (1) and sections 25(3), 35, 37, 38 and 41. “	Assuming that appointment of Assistant Registration Officers is no longer considered necessary and section 24 is to be omitted, better wording of this amendment is: “ The Commission shall appoint a Registration Officer for an electoral area or group of electoral areas for performance of all functions under this Act relating to electoral rolls.” The amendment may be reworded accordingly.		
14	24, 26, 28 to 34, 36 and 44	Omission of Sections 24, 26, 28 to 34, 36 and 44, Act XXXIII of 2017.- In the said Act, sections 24, 26, 28 to 34, 36 and 44 shall be omitted.	No The Government should explain why provisions relating to appointment of ROs/AROs (sec.24), preparation of electoral rolls [including entitlement to be enrolled as a voter] (sec.26), preliminary publication (sec.28), appointment of Revising Authorities		

			(sec.29), lodging of and enquiry into claims and objections (sec. 30 & 33), procedure for inclusion of name sec. 32), correction, final publication and periodical revision (sec. 34, 35 & 36) etc., which have been in existence since 1974, are being omitted. While the Commission remains legally responsible for preparation of electoral rolls (sec.23), this role will be limited to preparing a list of NIC holders. It appears that issue of NIC by NADRA will be the sole criterion to determine a person's eligibility for registration as a voter.		
15	25	(a) for sub-section (1), the following shall be substituted, namely:- "(1) In such manner as may be prescribed, the National Database and Registration Authority shall transmit relevant data of every fresh national identity card issued by it to the	No Why shouldn't the NIC holder be registered, at his option, in the electoral area where either his permanent or temporary address is located? Why does this address have to be within the jurisdiction of the NADRA		

		Commission for registration of card-holder as a voter in the electoral roll of the electoral area of permanent or temporary address which is located within the jurisdiction of the office or center of the National Database and Registration Authority from where the person obtained his fresh National Identity Card (NIC) and subsequent change shall be subject to application by the NIC holder through biometric verification." (b) in sub-section (2), after the word "voters", the comma and words "any change in the option indicated by a voter regarding place of his voting" shall be inserted.	office from where he obtained his NIC and subsequent change allowed afterwards? No This is contrary to the proposed amendment in clause (a) above, which takes away the option of the voter regarding place of voting mentioned in the existing sub-section (a).		
15 A	27	----			The Commission/NADRA should be asked to indicate whether sub-section (4) of section 27 should be omitted

					or extended till the next elections.
16	35	"35.- Final publication.- After every revision under section 23, the Registration Officer shall publish in the prescribed manner and form, the electoral roll for each electoral area after ensuring that all eligible citizens of eighteen years and above to whom have been issued NIC till date have been entered in the electoral roll of that area."		See comments to clause 14 above.	
17	43	for the words "to the Registration Officer concerned," the expression "National Database and Registration Authority (NADRA) shall be substituted."	No This confirms the comments to clause 14 above, viz that with the amendments being suggested henceforth NADRA will in effect determine the eligibility of a person to be a voter by issuing him a NIC. The Commission will merely list all the NICs issued electoral area-wise and declare it an electoral roll.		
18	53	(a) in sub-section (3), for the full stop at the end a colon shall be substituted and thereafter the		"Polling scheme" is not defined in the Act. Presumably it refers to the list of polling stations mentioned in	

	following provisos shall be added, namely:- “Provided that a candidate may challenge before the Commission under section 15 the appointment of the officers, polling scheme or polling staff: Provided further that the appointment orders of polling staff for election may immediately be uploaded on website of the Commission on the form as approved by the Commission.”; and (b) after sub-section (4), the following new sub-section (5), shall be added namely; “(5) No official working		section 59 [and section 14 (f)]. Procedure for deciding objections to polling stations is provided in section 59. Decision can be challenged under section 15. However specific provision should be made for appeal against appointment of polling staff, after their appointment orders have been publicized. Sub-section (3) already provides for change in the list of polling staff with approval of the Chairman. However in our Bill, in lieu of this provision, amendment is proposed in this section to provide for uploading of the appointment orders and for challenge to the appointment orders before the Commission.	
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		within the jurisdiction of respective constituency or tehsil shall be appointed as polling staff for that constituency and tehsil."	No		
			The proposed new sub-section (5) is not supported. Many party election experts feel that polling staff posted near their workplaces or homes are less likely to be influenced than complete outsiders.		
18A	55	----			In our Bill we have empowered the Commission to initiate criminal proceedings against the concerned election official, public servant or other person in service of Pakistan who obstructs, etc the poll, [which has separately been declared to be a violation of official duty (section 184), punishable under section 188].
19	59	(a) in sub-section (5), after the full stop, the expression 'A candidate from the constituency may file an objection on a particular polling station in his constituency on reasonable		While selecting polling stations, availability of internet connectivity should be confirmed. Moreover wording of provision regarding filing of objections, etc needs simplification.	

	ground." shall be added; (b) in sub-section (8), after the word "candidates", the words "not later than seventy two hours before polling and a copy of such change shall be transmitted to the candidates immediately without loss of any time" shall be inserted; (b) in sub-section (8), after the word "candidates", the words "not later than seventy two hours before polling and a copy of such change shall be transmitted to the candidates immediately without loss of any time" shall be inserted; (c) in sub-section (9), after the expression (6), the expression "read with sub-section (8)" shall be inserted; (d) in sub-section (11), after the word "candidate", the expression ", a political party or its office bearers" shall be inserted; and		In our Bill we have proposed the following: 1) the initial list of polling stations provided to the Returning Officers by the Commission should include the number of male and female polling booths and number of voters assigned to each booth 2) the Returning Officer shall ensure that no polling station has internet connectivity problems which may hamper the operation of the results transmission system" shall be inserted; 3) Objections and suggestions may be filed with the District Returning Officer: (i) by a candidate, with regard to any polling station in his constituency; and (ii) by a voter, with regard only to the polling station to which he has been assigned." 4) time limit of 72 hours need not be imposed as change is being allowed only in exceptional circumstances and	
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	(e) after sub-section (12), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:- "Provided that it shall be ensured that surveillance cameras so installed do not compromise the secrecy of voter while he is marking on the ballot paper."		subject to other conditions. Instead, the following proviso should be added at the end; "Provided that any such change shall be communicated to all candidates forthwith." 5) Proposed amendments in sub-sections (9) [final list of polling stations] and (11) [ownership of polling station] have been included in our Bill also.	6) In our Bill sub-section 12 is proposed to be omitted, and new section 59A inserted providing for installation of surveillance cameras at all polling booths. (TBD). If this is not acceptable on the ground of being prohibitively costly, the new section may provide for installation at Highly Sensitive polling stations only. Both versions are mentioned below: "59A. Installation of surveillance cameras- (1) The Commission shall arrange the installation of a surveillance camera at every polling booth of all polling stations to record poll proceedings, counting of ballot papers and preparation of results by the Presiding Officer.
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					(2) While installing the surveillance camera it shall be ensured that it does not does not compromise the secrecy of the ballot by violating the privacy of the voter while marking the ballot paper. (3) On completion of the proceedings under section 90, the Presiding Officer shall seal the surveillance camera with its recording in a packet provided for the purpose and deliver it along with the Result of the Account and other packets to the Returning Officer (4) The Returning Officer shall remove the recording from the camera and, after putting it in a packet and sealing it with his seal, place it in the tamper-evident bag mentioned in section 99. (5) The recording may be viewed by the Commission in connection with the exercise of its powers under this Act or by an Election Tribunal in connection with hearing of an election petition, and a copy of the recording may also be provided, on payment of prescribed costs, to the contesting candidates. ALTERNATIVE section 59A (if surveillance cameras are to be installed in Highly Sensitive
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					polling stations only) “59A Highly Sensitive polling stations.- (1) The District Returning Officer shall, on the basis of reports from the District Administration or law enforcing agencies or information provided by a contesting candidate to the effect that there is reasonable apprehension that polling at a polling station may not be peaceful, free and transparent, declare such polling station to be “Highly Sensitive”. (2) On receipt of a list of Highly Sensitive polling stations from the District Returning Officers, the Commission shall, in addition to necessary security measures, arrange the installation of a surveillance camera at each polling booth of all such polling stations to record poll proceedings, counting of ballot papers and preparation of results by the Presiding Officer. (3) While installing the surveillance camera it shall be ensured that it does not does not compromise the secrecy of the ballot by violating the privacy of the voter while marking the ballot paper. (4) On completion of the proceedings under
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				section 90, the Presiding Officer shall seal the surveillance camera with its recording in a packet provided for the purpose and deliver it along with the Result of the Account and other packets to the Returning Officer. (5) The Returning Officer shall remove the recording from the camera and, after putting it in a packet and sealing it with his seal, place it in the tamper-evident bag mentioned in section 99. (6) The recording may be viewed by the Commission in connection with the exercise of its powers under this Act or by an Election Tribunal in connection with hearing of an election petition as provided in section 155, and a copy of the recording may also be made available, on payment of prescribed costs, to the contesting candidates. (7) A candidate may file a complaint before the Commission against the refusal of the District Returning Officer to declare a polling station Highly Sensitive notwithstanding information provided to him by the candidate to the effect that there is reasonable apprehension that polling at a polling station may not be
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					peaceful, free and transparent.
19 A	60	----			A candidate should not be required to account for assets and liabilities of a financially independent spouse, who is herself an independent taxpayer. However mere addition of "dependent" as proposed is not sufficient as it is not defined in the Act and the ordinary dictionary meaning [a person who relies on another for financial support for maintenance or livelihood], would not remove ambiguity. Definition of "dependent" should therefore also be included, especially since this is mentioned in 7 different places in the Act [sections 60(2)(d), 110(2)(e), 137, 165, 230, Form A, Form B], all of which will also have to be amended. To reduce possibility of malpractices, the definition could be linked to tax laws: "dependent person" means a person who relies on another for support and maintenance. <i>Explanation:</i> For purposes of this Act, a person who has an independent source of income and has filed a return of income and

					wealth statement under tax laws in force will not fall within the definition of "dependent". "Form A and Form B would also have to be amended accordingly. Disclosure of spouse's NTN (if she is not dependent) would be an additional requirement in Form A. Accordingly, in our Bill new amendment has been proposed in section 60 : Amendment in section 60, Act XXXIII of 2017.- In the said Act, in section 60, in sub-section (2), in clause (e), after the word "his" occurring for the second time and before the word "spouse", the word "dependent" shall be inserted."
20	61	(a) in sub-section (1), the (i) for the word "thirty" the word "fifty" shall be substituted; and the (ii) for the word 'twenty' the word 'thirty' shall be substituted; the (b) after sub-section (5), the following new sub-section shall be added, namely:- "(6) The sum deposited by a candidate whose nomination	Yes Proposed increases in deposit amounts are likely to be strongly opposed by the smaller parties. However, consensus in party consultation meeting was that we may not oppose the amendment. No The candidates have taken part in		

		papers are rejected or who withdraws or retires from election shall be refunded."	the electoral process, however briefly. Non-refund of deposits should be a uniform policy.		
21	64	(a) in sub-section (1), after the word "candidates", the words "including uploading the same on the Commission's website as well" shall be inserted; and (b) in sub-section (3), after the word "candidates", the words "including uploading the same on the Commission's website as well" shall be inserted.		"Sub-sections (1) and (3) mention "display in the prescribed manner"; uploading on the website can be mentioned in the Rules. The amendment is unnecessary.	
22	66	after the word "constituency", the words "and such certificate shall be duly signed by a designated office bearer of the party who is notified by the chairman of the party" shall be inserted.		For clarity, the amendment in our Bill is worded as follows: "The certificate mentioned in sub-section (1) shall be signed by a duly authorized party office-bearer who has been notified as such by the Party Head and a copy of the said notification shall be attached with the certificate, and also sent to the Commission."	
23	68	in sub-section (2), after the words "on the day of poll" the words "and on the Commission's		For clarity, the amendment in our Bill is worded as follows: "A copy of the list of contesting	

		website "shall be inserted.		candidates with their respective symbols shall also be sent to the Commission which shall display it on its website."	
24	71	in sub-section (4), after the word "paper" the words "or paper with security features" shall be inserted.		The amendment may not be opposed, but with the following wording: "or paper with other security features". In our Bill we have proposed the addition of a new sub-section: "(1r) The number of ballot papers per polling booth shall not exceed 300."	
25	72A	In the Elections Act, 2017 (XXXIII of 2017), after section 72, the following section shall be inserted, namely:- "72A. Seat becoming vacant on not making oath within sixty days.-The seat of a returned candidate shall become vacant, if he does not make an oath within sixty days from the date of the first sitting of the National Assembly, Senate or the Local government, as the case may be."		Articles 64 and 65 of the Constitution relate to vacation of seats and oath of Members of the National Assembly and Senate. Article 255 relates to all oaths under the Constitution and provides, <i>inter-alia</i> , for an oath required to be made before a specified person to be made before another person nominated by the specified person, if it is impracticable for the oath to be made before such person. In the circumstances, any provision for vacation of seat for not taking oath, if considered necessary, should	

				be made through amendment in one or more of the above-mentioned Articles rather than through sub-constitutional legislation. As regards members of local councils, suitable amendments may be made, if considered necessary, in the provincial local government laws by the concerned Provincial Assemblies. If, despite our opposition, the Government is adamant in making an amendment in the Elections Act for this purpose, we should insist that it should contain necessary safeguards (such as date of its application) and be located at the proper place in the Act, as per our proposed new section 231A below. As regards location, there is no point in locating the amendment after section 72 which deals with "Retirement from election" and has nothing to do with taking oath. The new section 231A titled "Oath of Members" should instead be included in the	
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				"Miscellaneous" Chapter after section 231 titled "Qualifications and disqualifications" of Members of Parliament and Provincial Assemblies which refers to Articles 62 and 63. It is logical to place the new section in the Miscellaneous Chapter after section 231 as the oath provisions also refer to Members of Parliament and Provincial Assemblies. 231A.- Oath of Members.- (1) A person elected to the Majlis-e-Shoora (Parliament) or the Provincial Assembly shall not sit or vote until he has made oath before the concerned House as provided in Article 65 read with Article 255. (2) Where for any reason, it is impracticable for the returned candidate to personally appear before the concerned House to make the oath, he may appear before the House by video link and make the oath accordingly and his signature, duly attested by a person nominated by the Speaker or Chairman as the	
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				case may be, shall be sent to the Speaker or Chairman for pasting at the appropriate place in the Roll of Members of the House. (2) The seat of a returned candidate shall become vacant if he does not make an oath as required under this section within sixty days of the date of the first sitting of the National Assembly, Senate or Provincial Assembly as the case may be: Provided that the provisions of sub-section (3) shall apply to returned candidates elected in general elections or elections to the National Assembly, Senate or Provincial Assembly held after the commencement of the Elections (Amendment) Act, 2021. (3) Members of local councils shall make oath in accordance with relevant provisions of the governing local government law."	
26	76	for sub-section (1), the following shall be substituted, namely:- "(1) A candidate may appoint five voters from the constituency as		We may not operate, but with following wording: "A candidate may appoint five voters from the constituency as his	

		his election agents, for separate and designated polling stations in that constituency without any overlapping and shall send to the Returning Officer a notice in writing of the appointment containing the name, father's name, voter number and address of the election agent within twenty-four hours before start of polling".		election agents for separate and designated polling stations in that constituency without any overlapping and shall send to the Returning Officer, before twenty-four hours of the start of polling, notices in writing of the appointments, containing the name, father's name, voter number and address of each election agent with designated polling stations."	
26A	77	----			In our Bill we have proposed amendments to the effect that only one polling agent should be appointed per polling booth and that a polling agent should be allowed to carry a mobile phone with camera to record proceedings if he so desires.
27	79	for sub-section (1), the following shall be substituted, namely:- "(1) The Commission shall thirty days before polling provide to the Returning Officer for each constituency printed copies of final electoral rolls duly attested and also saved in universal serial		We may not open it, but with following wording: "The Commission shall thirty days before the polling day, provide to the Returning Officer for each constituency duly attested printed copies and universal serial bus (USB) of final electoral rolls for the electoral	

		bus(USB) for all the electoral areas within that constituency'.		area within that constituency."	
27 A	83	----			In the said Act, in section 83,- (a) in section (3), after the word "vote" occurring for the second time at the end, the following words shall be added, namely,- "or of a polling agent of his right to observe proceedings on behalf of his candidate at the polling booth to which he is appointed or during the counting process."; and (b) in section (4), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be inserted, namely,- "Provided that officials of the law enforcing agencies shall be posted for security duties outside the polling station."
28	84	after subsection (9), the following new sub- section shall be added, namely:- "In case a voter is physically impaired and cannot use stairs to cast his vote in the designated polling booth, the Presiding Officer shall extend him appropriate		In the Bill, wording of this amendment is as follows: " In case a voter is so physically disabled that he cannot reach his designated polling booth unassisted, the Presiding Officer shall allow him requisite	

		facilitation and thereupon such voter may, with such facilitation, do anything which a voter is required or permitted to do under this Act."		assistance for this purpose."	
29	86	in sub-section (1), after the expression "candidate", the expression "election agent" shall be inserted.		Instead of "expression", "word" should be substituted	
30	90	(a) in sub-section (1), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:- 'Provided that presence of not more than one person, either a candidate or his agent, shall be allowed.' (b) after sub-section (18), the following new sub-section shall be added, namely:- "(19) A Presiding Officer who does not comply with the provisions of this Act and the rules made there under shall be liable to disciplinary proceedings under the relevant law applicable to him for imposition of penalty		In our Bill, the provision has been reworded as follows: "Provided that only one person, either the candidate himself, or his election agent or his polling agent, shall be allowed to represent each contesting candidate."	Other important new amendments included in our Bill are: 1) The Presiding Officer will personally deliver the Result of the Count etc to the Returning Officer. Disciplinary proceedings will be initiated against him for inexcusable delay in such delivery. Pending final decision in these proceedings, his election remuneration shall be withheld. 2) Under no circumstances will the Presiding Officer ask or compel signatories to affix their signatures in advance prior to preparation of Results of the Count and other documents, statements or packets. 3) If the Returning Officer on receipt of the Result of the Count etc finds that the Presiding Officer has not obtained the signatures of the polling agent etc on the

		commensurate with his guilt by the concerned authority."			Result of the Count or recorded a note regarding his refusal to do so as required, he shall refer the defaulting Presiding Officer to the Commission for initiation of disciplinary proceedings and criminal proceedings against him. Pending final decision in these proceedings, his election remuneration shall be withheld.
31	92	after the word "Commission", the words "which shall immediately upload the same on its website" shall be inserted.		In our Bill, we have proposed that the provisional Consolidated Statement of Results of the Count should also be uploaded and placed with the snapshots of Results of the Count already uploaded constituency-wise, as per sec.13(1a). (See comments to clause 7.)	
31A	93	----			.- In the said Act, in section 93,- (a) in sub-section (3), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be inserted, namely,- "Provided that the date of receipt of the application shall be entered thereon by the Returning Officer and applications received after the dates

					mentioned in sub-section (2) shall not be entertained." ; (b) after sub-section (3), the following new sub-sections (3A) and (3B) shall be inserted, namely,- "(3A) After sending ballot papers to all the entitled applicants, the Returning Officer shall place all the counterfoils of the said ballot papers in one or more packets and sign and seal the same, noting on each packet the number contained therein. (3B) The Returning Officer shall affix at a conspicuous place in his office a notice listing the voters (with electoral roll numbers) to whom postal ballots have been issued by him."; (c) in sub-section (4), for the words "consolidation of results by him" the words "polling day" shall be substituted; and (d) after sub-section (4), the following new sub-section (5) shall be added, namely,- "(5) The Commission shall prescribe detailed procedure for issue and counting of postal ballots such that secrecy of the ballot is ensured. "
32	94	for sub-section (1), the following	No		

		shall be substituted namely, - "(1) The Commission with technical assistance of NADRA shall have full mandate to facilitate or involve overseas Pakistanis for exercising their right of vote during elections in the country and such exercise shall be subject to technical efficacy, secrecy, security and financial feasibility."	The Commission cannot be given <i>carte blanche</i> to provide for voting by Overseas Pakistanis without further reference to Parliament. It is Parliament's responsibility to consider and pass appropriate amendments in the Elections Act in this regard, after being apprised by the Commission of the technical efficacy, secrecy, security and financial feasibility of such voting.		
33	95	(a) in sub-section (1), for the full stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely,- "Provided that presence of not more than one agent of each candidate shall be allowed." (b) for sub-section (5), the following shall be substituted, namely:- "(5) Before commencement of the consolidation proceedings, the	No Not necessary		In our Bill, the ten thousand votes condition is also proposed to be omitted, but recent has also

		Returning Officer shall recount the ballot papers of one or more polling stations if a request or challenge in writing is made by a contesting candidate or his election agent and the margin of victory between returned and runner up candidates is less than five percent of the total votes polled in the constituency." (c) in sub-section (6), after the word "proceedings" the words "and notifying the returned candidate," shall be inserted and (d) in sub-section (9), after the word "agents" the words "and accredited observers" shall be inserted.	Yes Included in our Bill also.	been allowed where the total number of rejected votes is more than the margin of victory. Moreover, the discretion of the Returning Officer to recount the votes if he considers the request "as not unreasonable" has been retained, as there may be other justifiable grounds for recounting. However the Returning Officer has been required to record these grounds. There is no 'returned candidate' before conclusion of the consolidation proceedings. In our Bill, the wording is "after notice to the contesting candidates".	
33A	96	----			In our Bill, it is proposed to omit clause (b) of section 96 as this is redundant in

					view of clause (9) of section 95.
34	99	in sub-section (1), for clause (f), the following shall be substituted, namely :- "(f) result of the count (Form 45) and such other papers as the Commission may direct."		In our Bill, packets containing Results of the Count, provisional and final Consolidated Statement of Results of the Count and Final Consolidated Result, and recording of the surveillance camera after notice to the contesting candidates" have been mentioned in separate clauses.	
34A	101	----			In our Bill, amendments are proposed to provide for opening of packets containing inter-alia recording of the surveillance camera and its production in evidence.
35	104	(a) in sub-section (1), for the existing proviso, the following shall be substituted, namely:- "Provided that the parties shall submit final priority list of candidates within three days after declaration of general elections results." (b) for sub-sections (4), (5) and (6), the following shall be	No The proposed amendments in effect empower a political party to change some or all of its candidates after the elections, notwithstanding the fact that the original list has been made public. This is unethical and can even be termed to be a fraud on the		

		substituted, namely:- "(4) If, at any time a vacancy is created, the political party may submit a fresh list and the provisions of sub-sections (1), (2) and (3) shall, as nearly as possible, apply to fill such vacancy, (5) Where a seat reserved for women or non-Muslims in an Assembly falls vacant as a result of death, resignation or disqualification of a Member, it shall be filled in accordance with a fresh list as submitted to the Commission by the party. (6) Before notifying the name of the person in order of priority from the party list as submitted under sub-section (4) or (5), such person shall submit a declaration on oath that since the filing of his nomination papers, he has not become subject to any disqualification contained in Article 63 of the Constitution."	electorate. We must oppose. Consensus in party meeting was that women on the reserved list should be nominated division-wise, so that all areas are equitably represented. This may be considered when constitutional amendments are being finalized.		
35A	110	----			In our Bill new amendment has been

					proposed in section 110 in accordance with the amendment in section 60 <i>et al</i> regarding dependent spouses. (See comments in clause 19A.) "Amendment in section 110, Act XXXIII of 2017.- In the said Act, in section 110, in sub-section (2), in clause (e), after the word "his" occurring for the second time and before the word "spouse", the word "dependent" shall be inserted."
36	122	in sub-section (6), for the word "secret" the word "open" shall be substituted.	No	Article 226 of the Constitution stipulates that all elections thereunder, other than for the PM and CMs, shall be by secret ballot. The proposed amendment can only be passed after amendment in Article 226.	
36A	132	----			In our Bill, it is proposed that election expenses shall be calculated from the date of filing of his nomination paper till the date of issue of the Final Consolidated Result. Also expenses incurred by another person on the candidate's behalf shall be included in the candidate's expenses if incurred with the knowledge and

					consent of the candidate.
36B	133	----			In our Bill to remove ambiguity it is proposed that Bank account for election expenses should be opened by the candidate before filing his nomination paper.
37	137	In sub-section (1), after the word "his" occurring for the second time, the word "dependent" shall be inserted.	No		In our Bill new amendment has been proposed in section 137 in accordance with the amendment in section 60 et al regarding dependent spouses. (See comments in clause 19A.
38	138	after the word "Gazette" the words "and upload on its website" shall be inserted	Yes after the word "Gazette" the words "and upload on its website" shall be inserted		
39	140	in sub-section (2), in clause (a), the words "or has been" shall be omitted.	Yes We may not oppose. Only serving Judges may be appointed as Election Tribunals.		
40	144	in sub-section (2), in clause (b), for the expression "para (b)" the expression "clause (b) of sub-section (1)" shall be substituted.	Yes We may not oppose. It is correction of a clerical error.		
40 A	155	----			In our Bill we have clarified that there is no appeal against an interim order of the Election Tribunal and no order staying

					its proceedings shall be granted by any forum.
41	158	in clause (a), after the word "candidate", the words "or any person on behalf of the returned candidate" shall be inserted.	No Not agreed. Any person who violates the Act/Rules can claim that he was acting on behalf of the returned candidate, with serious consequences for the candidate. We must oppose. In our Bill we have proposed that if the Election Tribunal finds that the failure to comply with the Act or the Rules mentioned in clause (a) of sub-section (1) is due to negligence of one or more Presiding Officers or the Returning Officer and not in connivance with the returned candidate, it shall not declare the election as a whole void but order the Commission to initiate criminal proceedings against the negligent Presiding Officers or Returning Officer under section 184		

			read with section 188, as well as disciplinary proceedings against them under section 54, and pending final decision in these proceedings, remuneration due to them in connection with the election shall be withheld.		
41 A	165	----			In our Bill new amendment has been proposed in section 165 in accordance with the amendment in section 60 et al regarding dependent spouses . (See comments in clause 19A.) "Amendment in section 165, Act XXXIII of 2017.- In the said Act, in section 165, in sub-section (1), for the words "spouse or his" the words "dependent or his other" shall be substituted."
42	167	in clause (b), after the word "sect" the expression "gender" shall be inserted.	No A person can't belong to a particular gender; in our Bill the amendment is: "in clause (b), after the word "tribe", the words "or is of a particular gender" shall be inserted." In our Bill we have included violation of section 9, i.e. entering into an		

			agreement restraining women from casting their votes in the definition of the offence of corrupt practice.		
43	172	in sub-section (2), for the words "six months" the words "three years" shall be substituted.		In our Bill, we have added at the end: "in addition to such penalty as may be imposed as a result of disciplinary action initiated by the Commission under section 55."	
43 A	184	----			In our Bill, we have proposed that if an election official, public servant or other person in service of Pakistan obstructs, or interferes etc with the poll, this will be a violation of official duty, punishable under section 188.
44	195	for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely;- "Provided that the Commission shall publish its meeting decisions and details of voting where the Commission decides the matter through majority."		If the proposed proviso is meant to apply to all decisions of the Commission, its proper place is at the end of section 3 (3), reworded as follows: "Provided further that the Commission shall publish all its decisions on its website, including details of voting by the members."	
45	202	in sub-section (2), for the words "two thousand members" the	No Ten thousand members appears		

		expression "ten thousand members, including at least twenty percent women" shall be substituted.	excessive. The number may be increased from two thousand to three thousand, with at least 20% women.		
46	203	in sub-section (4), after the words "women," the expression "persons with disabilities and transgender persons" shall be inserted.	Yes We may not oppose.		
47	213 A	After section 213, the following new section shall be inserted, namely:- "213A. Political parties to hold annual conventions. Political parties may be bound to hold regular annual conventions and submit its report to the Commission mentioning therein at least top ten problems of the country, reasons and solutions thereof, in view of the majority members of the party."	No The proposed new section 213A is self-evidently extremely offensive for all political parties, as it amounts to an annual "test" of the political parties by the Commission. The political parties' biggest test is by the people at the time of elections. For this purpose we have proposed in our Bill that a political party should be required to submit a copy of its Manifesto to the Commission (for placing on its web-site) before the elections. This will be a condition for allocation of symbol for the general		

			elections. [See proposed amendments in section 215 below.]		
47 A	215	----			"47A. Amendment in section 215, Act XXXIII of 2017.- In the Act, in section 215,- (a) in sub-section (1), after the figure "210", the words "and Manifesto of the party for the elections" shall be added. (b) in sub-section (2),- (i) For the word "entitled" the word "eligible" shall be substituted; and (ii) after the figure "210", the words "and Manifesto of the party for the elections" shall be added."
48	221	(a) in sub-section (2), in clause (c), for the word "population", the word "voters" shall be substituted; (b) in sub-section (4), in clause (c), for the word "population", the word "voters" shall be substituted; (c) in sub-section (6), in clause (c), for the word "population", the word "voters" shall be substituted; and	No For reasons mentioned in comments to section 20 (clause 11), basis for delimitation should continue to be population.		

		(d):in sub-section (8), in clause (c), for the word "population", the word "voters" shall be substituted;			
48 A	230	----			In our Bill new amendment has been proposed in section 230 in accordance with the amendment in section 60 et al regarding dependent spouses. (See comments in clause 19A.) "Amendment in section 230, Act XXXIII of 2017.- In the said Act, in section 230, in sub-section (3), after the word "his" and before the word "spouse", the word "dependent" shall be inserted."
48 B	230-A	----			In our Bill, we have proposed a very important amendment providing for filing of complaints against the Caretaker Government before the High Court (with appeal before the Supreme Court). This would include complaints against unfair/ partial action/pre-poll rigging. "230A. Complaint against Caretaker Government.- (1) Any political party which is aggrieved by any act or omission of the Caretaker Government or any authority under its control which is in violation of section 230

					may file a complaint before the concerned High Court which shall be heard summarily and decided within ten days of filing. (2) While deciding the complaint, the High Court may pass such order as it may deem appropriate. (3) Appeal against the decision of the High Court shall lie before the Supreme Court of Pakistan."
49	231	after the full stop at the end, the following explanation shall be added, namely:- "Explanation.- It is clarified that the critical or cut-off date for the purposes of assessing the qualifications or disqualifications under this section shall be the date of scrutiny. However, this provision shall take effect from the 2nd October, 2017, when the Election Act, 2017 (XXXIII of 2017) was notified."	No This so-called Explanation is contrary to relevant provisions of the Elections Act 2017 [e.g. sections 110, 156(1)(b)] as interpreted in several decisions of the Supreme Court of Pakistan [2003 SCMR 145, 2007 SCMR 507, 2016 SCMR 430 and recently PLD 2019 SC 201 in the Senators' disqualification case] which clearly establish that it is the last date for filing of nomination papers which is the cut-off date for determining qualification/ disqualification. The proposed amendment is a blatant attempt		

			to help a certain individual who was not qualified on that date but may have been qualified on the date of scrutiny. We must oppose.		
49 A	238	----			In our Bill we have proposed addition of a new sub-section providing for dispersal of observation areas of accredited election observers, for more transparency. “Amendment of section 238, Act XXXIII of 2017.- In the said Act, in section 238, after sub-section (4) the following new sub-section (5) shall be inserted, namely,- ‘(5) While granting accreditation to election observers under this section, the Commission will encourage dispersal of their respective observation areas with a view to achieving wide coverage of the voting process on the day of polling.’ “
49 B	Form A	----			Our Bill also contains an amendment in Form A in accordance with the amendment in section 60 et al regarding dependent spouses. (See comments in clause 19A.) “Amendment of Form A of Act

					XXXIII of 2017,- In the Act, in Form A,- (a) in paragraph 5, before the word "spouse(s)" the word "dependent" shall be inserted."; and (b) after paragraph 5, the following new paragraph 6 shall be added, namely,- "6. My spouse is not my dependent, and her NIC/NTN No. is:
49 C	Form B				Our Bill also contains an amendment in Form B in accordance with the amendment in section 60 et al regarding dependent spouses. (See comments in clause 19A.) "Amendment of Form B of Act XXXIII of 2017,- In the Act, in Form B,- (a) in the first paragraph, after the word "his" and before the word "spouse", the word "dependent" shall be inserted." (b) in the verification at the end, after the word "his" and before the word "spouse", the word "dependent" shall be inserted

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