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INTRODUCTION

The electoral system of Pakistan is influenced by political and constitutional arrangements which consist of a presidential and prime ministerial parliamentary system.

There are two Houses, the National Assembly and the Senate, which constitute the Parliament. The Senate is elected by the members of each Provincial Assembly on a single transferable preferential vote system and the National Assembly is elected on a first-past-the-post method.

Pakistan has a federal system of government with a central Government and provincial assemblies.

This compilation deals with the election laws governing National Assembly elections only. The relevant constitutional provisions and the other major elements forming the legislative framework for these elections are set out below.

The main election laws dealt with herein are the Representation of the People Act 1976 (RPA), the Delimitation of Constituencies Act 1974, the Electoral Rolls Act 1974 and the Political Parties Act 1962.

— Section 1 —

CONSTITUTIONAL PROVISIONS RELATING TO ELECTIONS

1.01 National Assembly

The National Assembly consists of two hundred and seven Muslim members who are elected by direct and free vote.

A person is entitled to vote if –

- (a) he is a citizen of Pakistan;
- (b) he is not less than twenty-one years of age;
- (c) his name appears on the electoral roll; and
- (d) he is not declared by a competent court to be of unsound mind.

In addition to the number of seats referred to above, there are in the National Assembly ten additional seats reserved as follows:

Christians	4
Hindus and persons belonging to scheduled castes	4
Sikh, Buddhist and Parsi communities and other non-Muslims	1
Persons belonging to the Qadiani group or the Lahori group	1

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

Until the expiration of a period of ten years from the commencing day or the holding of the third general election to the National Assembly, whichever occurs later, twenty seats, in addition to the two hundred and seven Muslim seats, are reserved for women and allocated to the Provinces in accordance with the Constitution and Law.

The members to fill seats reserved for women which are allocated to a Province must be elected in accordance with law on the basis of proportional representation by means of a single transferable vote by the electoral college consisting of the persons elected to the Assembly from that Province.¹

1.02 The Senate

The Senate consists of eighty-seven members, of whom –

- (a) fourteen are elected by the members of each Provincial Assembly;
- (b) eight are elected by the members from the Federally Administered Tribal Areas in the National Assembly;
- (c) three are elected from the Federal Capital in such manner as the President may, by Order, prescribe; and
- (d) five are elected by the members of each Provincial Assembly to represent *ulema*, technocrats and other professionals.

Elections to fill seats in the Senate allocated to each Province are held in accordance with the system of proportional representation by means of the single transferable vote.²

1.03 Qualification for Membership of Majlis-e-Shoora (Parliament)

A person is not qualified to be elected or chosen as a member of Parliament unless –

- (a) he is a citizen of Pakistan;
- (b) he is, in the case of National Assembly, not less than twenty-five years of age and is enrolled as a voter in any electoral roll for election to a Muslim seat or a non-Muslim seat, as the case may be, in that Assembly;
- (c) he is, in the case of Senate, not less than thirty years of age and is enrolled as a voter in any area in a Province or, as the case may be, the Federal Capital or the Federally Administered Tribal Areas, from where he seeks membership;
- (d) he is of good character and is not commonly known as one who violates Islamic Injunctions;

- (e) he has adequate knowledge of Islamic teachings and practises obligatory duties prescribed by Islam as well as abstains from major sins;
 - (f) he is sagacious, righteous and non-profligate and honest and *ameen*;
 - (g) he has not been convicted for a crime involving moral turpitude or for giving false evidence;
 - (h) he has not, after the establishment of Pakistan, worked against the integrity of the country or opposed the Ideology of Pakistan;
- provided that the disqualifications specified in sub-paragraphs (d) and (e) do not apply to a person who is a non-Muslim, but such a person must have good moral reputation; and
- (i) he possess such other qualifications as may be prescribed by Act of Parliament.³

1.04 Chief Election Commissioner

The Constitution establishes the office of Chief Election Commissioner who is appointed by the President in his discretion.⁴ There is also established by the Constitution, an Election Commission.⁵ (These entities are discussed below in Section 2, Election Administration.)

1.05 Election Dispute

No election to a House Assembly can be called in question except by an election petition presented to such tribunal and in such manner as may be determined by Act of Parliament.⁶

All elections under the Constitution must be by secret ballot.⁷

— Section 2 —

ELECTION ADMINISTRATION

2.01 Election Commission

The Election Commission consists of –

- (a) the Commissioner who is Chairman of the Commission; and
- (b) two members, each of whom must be a Judge of a High Court, appointed by the President after consultation with the Chief Justice of the High Court concerned and with the Commissioner.

The Election Commission has the duty to make such arrangements as are necessary to ensure that every election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against.

The Commission regulates its own procedure. If, upon any matter requiring a decision of the Commission, there is difference of opinion among its members, the opinion of the majority must prevail and the decision of the Commission must be expressed in terms of the opinion of the majority.

The Commission may exercise its powers and perform its functions notwithstanding that there is a vacancy in the office of anyone of its members or that anyone of its members is, for any reason, unable to attend its proceedings and the decision of the other two members has the effect of the decision of the Commission.

The Commission may authorise its chairman or any of its members or any of the officers of the Commission to exercise and perform all or any of its powers and functions under the Representation of the People Act, 1976.

The Commission may require all executive authorities in the Federation and in the Provinces to render such assistance to the Commission as the Commission may need in the discharge of their functions.

The Commissioner or the Commission may require any person or authority to perform such functions or render such assistance as he or it may direct in pursuance of the Act.

The Provincial Government or an officer authorised by it in this behalf may, upon a request made in this behalf by the Commission, by order in writing, requisition any such vehicle, vessel or animal as is needed or is likely to be needed for the purpose of transporting to and from any polling station ballot boxes or other election material or any officer or other person engaged for the performance of any duties in connection with election: provided that no vehicle, vessel or animal which is being used by a candidate or his election agent for any purpose connected with the election of such candidate shall be so requisitioned.

Any person authorised in this behalf by the Provincial Government may take possession of any vehicle, vessel or animal requisitioned and may for that purpose use such force, including police force, as may be reasonably necessary.

Where any vehicle, vessel or animal is requisitioned under the foregoing provisions, there must be paid to the owner thereof compensation the amount of which must be determined by the Provincial Government or the officer requisitioning the vehicle, vessel or animal on the basis of the fares and rates prevailing in the locality for its hire: provided that, where the owner of the vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application to the Provincial Government within a period of thirty days from the date the amount has been determined for the matter being referred to an arbitrator, the amount of compensation to be paid must be such as the arbitrator appointed in this behalf by the Provincial Government may determine.⁸

2.02 Election Commissioner

The office of Election Commissioner, establishment by the Constitution, must be filled by a person who is, or has been, a Judge of the Supreme Court or is, or has been, a Judge of a High Court and is qualified to be appointed a Judge of the Supreme Court.

Before entering upon office, the Commissioner must make before the Chief Justice of Pakistan oath in the prescribed form.

The Commissioner holds office for a term of three years from the day he enters upon his office: provided that the National Assembly may by resolution extend the term of the Commissioner by a period not exceeding one year.

The Commissioner cannot be removed from office except in the prescribed form for the removal from office of a Judge.

The Commissioner may, by writing addressed to the President, resign his office.

The Commissioner must not –

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

Any person who has held office as Commissioner must not hold any office of profit in the service of Pakistan before the expiration of two years after he has ceased to hold that office: provided that –

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

At any time when –

- (a) the office of Commissioner is vacant; or
- (b) the Commissioner is absent or is unable to perform the functions of his office due to any other cause,

a Judge of the Supreme Court nominated by the Chief Justice of Pakistan must act as Commissioner.

The Commissioner is charged with the duty of –

- (a) preparing electoral rolls for election to the National Assembly and Provincial Assemblies, and revising such rolls annually;
- (b) organising and conducting election to the Senate or to fill casual vacancies in a House or a Provincial Assembly; and
- (c) appointing Election Tribunals.⁹

2.03 Appointment of Election Officers

The Commission is required to appoint from amongst the officers of the Federal Government, Provincial Governments, corporations controlled by any such Government and

local authorities, a district returning officer for each district and a returning officer for each constituency. A person may be appointed as returning officer for two or more constituencies.

The Commission may appoint, from amongst the officers of the Federal Government, Provincial Governments, corporations controlled by any such Government and local authorities, as many assistant returning officers as may be necessary.

An assistant returning officer must assist the returning officer in the performance of his functions and may exercise and perform, under the control of the returning officer, the powers and functions of the returning officer.

Subject to the superintendence, direction and control of the Commission, the district returning officer must co-ordinate and supervise all work in the district in connection with the conduct of elections and must also perform such other duties and functions as may be entrusted to him by the Commission.

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

Where the Commission or the Commissioner suspends any officer, the Commission or the Commissioner must refer the matter to the appropriate authority for taking disciplinary action against such officer.

A returning officer must appoint for each polling station a presiding officer and such number of assistant presiding officers and polling officers to assist the presiding officer as the returning officer may consider necessary: provided that a person who is, or has at any time been, in the employment of any candidate must not be appointed as a presiding officer, assistant presiding officer or polling officer.

A list of such presiding officers and polling officers must be submitted to the district returning officer at least fifteen days before the polling day for its approval and no change in the personnel must be made except with the approval of the Commission.

A presiding officer is required to conduct the poll in accordance with the provisions of the RPA, and is responsible for maintaining order at the polling station and must report to the returning officer any fact or incident which may, in his opinion, affect the fairness of the poll. The presiding officer may entrust such of his functions as may be specified by him to any assistant presiding officer who must perform the functions so entrusted.

The returning officer may, at any time during the poll, for reasons to be recorded in writing,

suspend any presiding officer, assistant presiding officer or polling officer and make such arrangements as he may consider necessary for the performance of the functions of the officer so suspended.¹⁰

— Section 3 —

DELIMITATION OF CONSTITUENCIES

3.01 Commission to Delimit

The Election Commission is required to delimit territorial constituencies for elections to the National Assembly.¹¹

3.02 Allocation of Seats in the National Assembly

On the basis of population, the seats in the National Assembly for each Province, the Federally Administered Tribal Areas and the Federal Capital are allocated as follows:

	Muslim Seats	Seats Reserved for Women
The North-West Frontier Province	26	2
Federally Administered Tribal Areas	8	–
Federal Capital	1	–
The Punjab	115	12
Sind	46	4
Baluchistan	11	2
Total	207	20

The total reserved for women must not be effective after the holding of the third general election to the National Assembly under the Constitution.¹²

3.03 Delimitation of Constituencies

For the purpose of election to the National Assembly, the Commission must divide –

- (a) each Province into as many separate territorial constituencies as the number of Muslim seats allocated to that Province; and
- (b) the Federally Administered Tribal Areas and the Federal Capital into as many territorial constituencies as the number of Muslim seats respectively allocated to the said Areas and the Federal Capital and the delimitation of the said Areas must be as set out in the Schedule.

All constituencies for Muslim seats must as far as practicable, be delimited having regard to the distribution of population, including non-Muslims, in geographically compact areas, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies.¹³

3.04 Reports of Commission and List of Constituencies

For the purpose of delimiting constituencies, the Commission may receive and consider representations, hold inquiries, summon witnesses and record evidence, and must prepare and publish in the official Gazette a preliminary report and list of constituencies specifying the areas proposed to be included in each constituency.

Any person entitled to vote at an election to the National Assembly may, within fifteen days of the publication of the report, make a representation to the Commission in respect of the delimitation of constituencies.

The Commission must, after hearing and considering the representations, if any, received by it, make such amendments, alterations or modifications, in the preliminary list published as it thinks fit or necessary, and must publish in the official Gazette the final report and list of constituencies showing the areas included in each constituency.

The Commission may, at any time, of its own motion, make such amendments, alterations or modifications in the final list of constituencies or in the areas included in a constituency, as it thinks necessary.¹⁴

3.05 Bar of Jurisdiction

The validity of the delimitation of any constituency, or of any proceedings taken or anything done by or under the authority of the Commission, under the Delimitation of Constituencies Act cannot be called in question in any court.¹⁵

— Section 4 —

POLITICAL PARTIES

4.01 Formation of a Political Party

A political party is deemed to have been formed –

- (a) on the day of its manifesto, that is to say, its foundation document or constitution, is adopted by its general body; or
- (b) in the case of a political party which, before the day referred to above, started to indulge itself in such political activities as holding of public meetings and press conferences or taking out of processions, on such day as the Election Commission may determine having regard to the circumstances of the case.

No political party can be formed with the object of propagating any opinion, or acting in any manner, prejudicial to the Islamic Ideology, or the sovereignty or integrity of Pakistan, or morality, or the maintenance of public order.¹⁶

4.02 Political Parties to Submit Accounts, etc

Every political party must, in such manner and form and at such times as may be provided by the rules made by the Federal Government, account for the source of its funds to, and submit its finances and accounts to audit by, an officer or authority authorised by the Election Commission in this behalf.

Every political party must maintain in the form prescribed proper accounts of all its income and expenditure, assets and liabilities and must, within seventy-five days of the close of each financial year (July-June), submit a statement of its finances and accounts to be audited by an officer or authority authorised by the Election Commission: provided that every political party submits a statement of its finances and accounts at the national level to be audited within thirty days of its being formed.

A political party must furnish to the officer or authority authorised by the Election Commission such documents of finances and accounts submitted to it or him by the political party, as such officer or authority may require for the purposes of audit.

The officer or authority authorised by the Election Commission to audit the accounts of a political party must submit his audit report to the Commission within forty-five days of presentation by the political party of a statement of its finances and accounts to him.¹⁷

4.03 Lawful Political Activities

It is lawful –

- (a) for any body of individuals or association of persons to form, organise or set up a political party; or
- (b) for any person, not being in the service of Pakistan –
 - (i) to be a member or office bearer of, or be otherwise associated with, a political party; or
 - (ii) for the purposes of an election to be held under the Constitution, to hold himself out or any other person not being a person in the service of Pakistan, as member or to have the support of a political party, the formation, organisation or setting up of which is not prohibited by the Act.

If the Federal Government is of the opinion that a political party is a foreign aided party or has been formed or is operating in a manner prejudicial to the Islamic Ideology or the sovereignty or integrity of Pakistan, or morality or the maintenance of public order, it must make a declaration to that effect and publish the same in the official Gazette and, within fifteen days of such publication, refer the matter to the Supreme Court.

If, upon a reference made to it in respect of a political party, the Supreme Court is satisfied

that the party is a foreign-aided party, or has been formed or is operating in a manner referred to above, the Supreme Court must decide accordingly.

On the date of the decision of the Supreme Court in respect of a political party, the party stands dissolved and all its properties and funds stand forfeited to the Federal Government.

Where a reference has been made to the Supreme Court in respect of a political party, the Supreme Court may make such interim order prohibiting the party and its member from indulging or taking part in any political activity, or freezing the funds of the party, as the Court may deem fit.¹⁸

4.04 Disqualification on Ground of Defection

If a member of a House –

- (a) having been elected as such as a candidate or nominee of a political party, or
- (b) having been elected as such otherwise than as a candidate or nominee of a political party and having become a member of a political party after such election,

defects or withdraws himself from the political party he shall, from the date of such defection or withdrawal, be disqualified from being a member of the House for the unexpired period of his term as such member, unless he has been re-elected at a by-election held after his disqualification.

If any question arises whether a member of a House has become disqualified from being a member, the question must, on a reference by the Leader of the Parliamentary party concerned, be determined by the Election Commission.

An appeal against a decision of the Election Commission lies to the Supreme Court, within thirty days of the decision.¹⁹

4.05 Penalties

An office-bearer of a political party which contravenes the provisions requiring the submission of accounts by a political party is guilty of an offence, punishable with simple imprisonment for a term up to six months or with a fine not exceeding ten thousand rupees, or both.²⁰

— Section 5 —

THE ELECTORAL ROLLS

5.01 Registration Officers

The Commissioner is required to appoint a registration officer for an electoral area or group of electoral areas for the purpose of preparation, revision, correction and amendment of the

electoral rolls and may, for that purpose, appoint as many assistant registration officers as may be necessary.

An assistant registration officer may, under the control of the registration officer, perform the functions of a registration officer, and a registration officer may require any person to assist him in the performance of his functions.

The registration officer must appoint such number of enumerators and supervisors as may be necessary to assist.²¹

5.02 Preparation of Preliminary Electoral Rolls

Subject to the superintendence, direction and control of the Commissioner, the registration officer is required to revise the existing electoral rolls by –

- (a) including therein the name of every person entitled to be enrolled as a voter in an electoral area;
- (b) deleting therefrom the names of such voters as have died since the preparation of the existing electoral rolls; and
- (c) deleting therefrom the names of every person who is not entitled to be enrolled as a voter in any electoral area.

A person is entitled to be enrolled as a voter in an electoral area if he –

- (a) is a citizen of Pakistan;
- (b) is not less than twenty one years of age on the first day of January in the year in which the preparation or revision of the electoral rolls commences;
- (c) is not declared by a competent court to be of unsound mind; and
- (d) is, or is deemed to be resident in the electoral area.²²

5.03 Meaning of Resident

A person is deemed to be resident in an electoral area if he ordinarily resides, or owns or is in possession of a dwelling house or other immovable property, in that area.

Where a person owns or possesses dwelling houses or other immovable property in more than one electoral area, he may, at his option, be enrolled in any one such area.

A person who is in the service of Pakistan or holds any public office is deemed to be resident in the electoral area where he is posted, unless he applies in writing to the registration officer for enrolment in the electoral area in which he would have been enrolled if he had not been in such service or had not held such office. The wife of any such person and such of his children as are entitled to be enrolled are, if they ordinarily reside with such person, deemed to be residents in the electoral area in which such person is deemed to be resident.

A person who is detained in prison or held in other custody at any place in Pakistan is

deemed to be resident in the electoral area in which he would have been resident if he had not been so detained or held in such custody.²³

5.04 Information to be Supplied by Occupants of Dwelling Houses, etc

The registration officer may, for the purpose of preparing or revising the existing electoral rolls, cause to be obtained a statement in the prescribed form from persons ordinarily residing or owning or possessing a dwelling house or other immovable property, in an electoral area.

Every statement must contain a certificate from the enumerator to the effect that the statement was obtained after a personal visit to the house and also a certificate by the supervisor to the effect that the entries therein were verified or corrected in each statement after a house-to-house visit.

The draft electoral roll or the list of additions to, deletions from and corrections of, the electoral roll for the time being in force for the purposes of annual revision, must not be published until the entries in the draft roll or the roll under revision have been verified for the extent of at least ten per cent by a house-to-house visit by a person other than the persons obtaining and verifying the statement.²⁴

5.05 Preliminary Publication

The preliminary electoral rolls together with a notice inviting claims and objections and applications for corrections, if any, with respect thereto, must be published and displayed in such manner and form as may be prescribed.²⁵

5.06 Revising Authorities, Claims and Objections

The Commissioner is required to appoint a Revising Authority for any electoral area or group of electoral areas, for the purpose of receiving and deciding claims, objections and applications for corrections relating thereto.

Every claim for inclusion of a name in the electoral roll, and every objection to, or application for correction of, any entry therein must be made to the Revising Authority on the prescribed form within a period of twenty-one days next following the date of the publication of the preliminary electoral rolls.

A claim or objection must be addressed to the Revising Authority of the electoral area concerned and must either be presented to that Authority or to the registration officer of the electoral area or to such other officer as may be designated in that behalf by the Commissioner or be sent by post to the Revising Authority.

A claim must be signed by the person making it and must, unless sent by post, be presented by the claimant himself or by any agent authorised by him in writing in this behalf.

No person can prefer an objection to the inclusion of any name in the electoral roll unless his name is entered in that electoral roll.

A person claiming to be enrolled in the electoral roll of an electoral area or objecting to the inclusion of any name in the electoral roll may furnish such proof in the relevant prescribed form, as he may like to adduce in support of his claim or objection.

Where an objection is made to the inclusion in the electoral roll of any person whose name appears therein, such objection must contain in respect of such person all the particulars required to fill in the roll.

A person may apply for transfer of his name from the electoral roll of one electoral area to the electoral roll of another by filing –

- (a) an objection to the inclusion of his name in the roll in which it has been included, and
 - (b) a claim for the inclusion of his name in the other,
- with the appropriate Revising Authority or Revising Authorities, if it is preferred before the final publication of the electoral roll or with the appropriate registration officer or registration officers, if it is preferred after such final publication.

The claim or objection or application for correction not made within the period specified or in the prescribed manner must be rejected.

A registration officer may apply to the Revising Authority –

- (a) for the inclusion in the electoral roll of the name of any person left out due to inadvertence or the absence of timely information while preparing the preliminary electoral rolls; or
- (b) for the exclusion of any name from the electoral roll or any correction of clerical, printing or other error which he is himself authorised to make.

Except where a claim or objection or an application for correction is rejected or is decided without further inquiry as being valid *prima facie*, the Revising Authority must, give its decision after holding a summary inquiry into each claim, objection or application, after giving notice to the parties concerned.

Every decision of the Revising Authority is final and must be communicated to the appropriate registration officer.²⁶

5.07 Correction of Electoral Rolls

The registration officer –

- (a) must correct the electoral roll in accordance with the decisions of the Revising Authority, and
- (b) may further correct any clerical, printing or other error subsequently discovered

in the roll, but not so as to include therein, or exclude therefrom, the name of any elector.²⁷

5.08 Final Publication

After making additions, deletions, modifications or corrections, if any, the registration officer is required to publish in the prescribed manner and form the final electoral roll for each electoral area.²⁸

5.09 Annual Revision of Electoral Roll

An electoral roll must be revised and corrected annually in the prescribed manner and form –

- (a) so as to include the name of any qualified person whose name does not appear on such roll, or
- (b) so as to delete the name of any person who has died or who is or has become disqualified for enrolment, or
- (c) for correcting any entry or for supplying any omission in such roll.

If, however, for any reason, the electoral roll for any electoral area is not revised, the validity or continued operation of the electoral roll is not affected thereby.²⁹

5.10 Enrolment and Correction at a Time Other than the Annual Revision

Any person whose name is not included in an electoral roll for the time being in force and who claims that he was or is entitled to be enrolled on that roll may apply to the appropriate registration officer for inclusion of his name therein, and if the registration officer is satisfied after giving such notice and making such inquiry as he may consider necessary that the applicant was or is entitled to have his name enrolled, he must for the purpose of correcting the roll insert the name of such person in that roll.

Any person may apply to the registration officer for the correction of any entry in an electoral roll for the time being in force; and –

- (a) if the entry relates to the applicant and the registration officer is satisfied after giving such notice and making such inquiry as he may consider necessary that the entry relates to the application and is erroneous or defective in any particular, he must correct the roll accordingly; and
- (b) if the entry does not relate to the applicant and the registration officer is satisfied after making such inquiry as he may consider necessary that the entry is erroneous or defective or should be deleted, he must correct the roll accordingly.³⁰

5.11 Preparation of Rolls Afresh

If the Commissioner, on account of any gross error or irregularity in or in the preparation of an electoral roll for any electoral area or a part thereof, considers it necessary so to do, he

may by order direct that the roll for such area or part stands cancelled and that a fresh electoral roll for that area or part be prepared.³¹

5.12 Cut-off Date for Corrections

No revision or correction of any electoral roll for an electoral area can be made at any time after the constituency of which such electoral area forms part has been called upon to elect its representative and before such representative has been elected.³²

5.13 Maintenance of Electoral Rolls

An electoral roll as revised and corrected must be maintained in the prescribed manner and kept open to public inspection; and copies of such roll must be supplied to any person applying therefor, on payment of such fee as may be prescribed.³³

5.14 Access to Register of Births and Deaths, etc

The person in charge of any register of births and deaths and any authority to whom an application for registration is to be made under the National Registration Act must at the request of a registration officer furnish him with such information, including extracts from such register or, as the case may be, application, as may be necessary.³⁴

5.15 Multiple Registration Prohibited

No person must be enrolled –

- (a) on the electoral roll for any electoral area more than once, or
- (b) on the electoral rolls for more than one electoral area.³⁵

5.16 Validity of Electoral Rolls Not Affected by any Mistake

An electoral roll is not invalid by reason of any misdescription of a person enrolled thereon or of omission of the name of any person entitled to be so enrolled or of inclusion of the name of any person not so entitled.³⁶

5.17 Commissioner's Power to Include a Name in an Electoral Roll

The Commissioner may, subject to cut-off time provisions, at any time order –

- (a) the inclusion in an electoral roll of the name of any person entitled to be enrolled on such electoral roll, and such name must, from the date of the order, form part of the electoral roll;
- (b) the exclusion from an electoral roll of the name of any person who has died or has become disqualified to be a voter, and such name must, from the date of such order, stand excluded from the roll; and
- (c) the removal of the name of any person from an electoral roll where such removal becomes necessary due to the repetition of the name in the same electoral roll or in the electoral rolls of more than one electoral area.³⁷

5.18 Bar of Jurisdiction

No court shall question the validity of the electoral rolls prepared or revised under this Act or the legality or propriety of any proceedings or action taken thereunder by or under the authority of the Commissioner or a registration officer.³⁸

— Section 6 —

CONDUCT OF ELECTIONS

6.01 Notification of Election

As soon as the President makes an announcement of the date on which the polls will be taken, the Election Commission must, by notification in the official Gazette, call upon a constituency to elect a representative and appoint –

- (a) the last date for making nominations, which must be the sixth day after the date of publication of the notification or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- (b) the dates for the scrutiny of nominations, which shall be the two days immediately following the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- (c) the last date for filing of appeals against acceptance or rejection of nominations, which must be the fourth day following the last date for the scrutiny of nominations or, if that day is a public holiday the next succeeding day which is not a public holiday;
- (d) the last date for decision of appeals, which must be the sixth day following the last date for filing of appeals or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- (e) the last date for the withdrawal of candidature, which must be the day following the last date for decision of appeals or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- (f) the last date for publication of the revised list of candidates, which must be the second day following the last date for decision of appeals; and
- (g) the date or dates on which a poll, if necessary will be taken, which or the first of which must be a date not earlier the twenty-second day after the publication of the revised list of candidates.

A returning officer must, as soon as may be after the publication of a notification of the election date, give public notice of the dates specified by the Commission in respect of the constituency or constituencies of which he is returning officer; and the public notice must be published at some prominent place or places within the constituency to which it relates.³⁹

6.02 Nomination for Election

A returning officer must, by the public notice referred to in the foregoing provisions, invite

nominations specifying the time by which and the place at which nomination papers will be received by him.

Any elector of a constituency may propose or second the name of any duly qualified person to be a member for that constituency.

Every nomination must be made by a separate nomination paper in the prescribed form which has to be signed by both the proposer and the seconder and must contain, duly signed by the candidate –

- (a) a declaration that he has consented to that nomination and that he is not subject to any disqualification for being elected as a member;
- (b) a declaration about his party affiliation, if any;
- (c) a declaration that an amount of loan, as may be prescribed, obtained from any bank, financial institution, co-operative society or corporate body in his own name or in the name of his spouse or dependant or any business concern mainly owned by the aforesaid, does not remain unpaid for more than one year from the due date; and
- (d) a declaration that no loan, the amount of which may be prescribed, obtained by him, his spouse or dependant or a business concern mainly owned by him or anyone of the aforesaid from any bank, financial institution, co-operative society or corporate body was written off or such amount which was written off has since been paid. This declaration must be made in respect of a loan written off after the twenty-third day of March 1985.

Where a candidate desires to make payment of any loan specified in (c) and (d) above and gives an undertaking to the returning officer for payment of such loan before the 13th day of September 1993, the returning officer must allow such candidate to file nomination paper without the declarations specified in the foregoing provisions.

Where a candidate pays back the loan in respect of which he has given an undertaking, the earlier non-payment or writing off of the loan is not deemed to be corrupt practice.

Where a candidate does not make payment of loan in respect of which he has given an undertaking within the period specified, in addition to any penalty which may be levied upon him under any law for the time being in force, his name must not be published in the list of contesting candidates required to be published by the returning officer and his name must not appear in the ballot paper.

Every nomination paper must be delivered to the returning officer by the candidate or by his proposer or seconder or, if so authorised in writing by the candidate, by his nominee, and the returning officer must acknowledge receipt of the nomination paper specifying the date and time of receipt.

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

The returning officer must assign a serial number to every nomination paper and endorse

thereon the name of the person presenting it, and the date and time of its receipt, and inform such person of the time and place at which he will hold scrutiny.

The returning officer must cause to be fixed at a conspicuous place in his office a notice of every nomination paper received by him containing the particulars of the candidate as shown in the nomination paper.

No nomination paper must be accepted unless –

- (a) a sum of rupees (four thousand) for election to a seat in the National Assembly is deposited in cash by the candidate or by any person on his behalf at the time of its delivery; or
- (b) it is accompanied by a bank draft for a sum as aforesaid drawn in favour of the returning officer or a receipt showing that a sum as aforesaid has been deposited by the candidate or by any person on his behalf at any branch of the National Bank of Pakistan or at a Government Treasury or sub-Treasury.

The candidates, their election agents, the proposers and seconders and one other person authorised in this behalf by each candidate may attend the scrutiny of nomination papers, and the returning officer must give them reasonable opportunity for examining all nomination papers delivered to him.

The returning officer must, in the presence of the persons attending the scrutiny, examine the nomination papers and decide any objection raised by any such person to any nomination.

The returning officer may, either of his own motion, or upon any objection by any other person, conduct such summary enquiry as he may think fit and may reject a nomination paper if he is satisfied that –

- (a) the candidate is not qualified to be elected as a member;
- (b) the proposer or the seconder is not qualified to subscribe to the nomination paper;
- (c) the procedure has not been followed;
- (d) the signature of the proposer or the seconder is not genuine, provided that –
 - (i) the rejection of a nomination paper does not invalidate the nomination of a candidate by any other valid nomination paper;
 - (ii) the returning officer must not reject a nomination paper on the ground of any defect which is not of a substantial nature and may allow any such defect to be remedied forthwith, including an error in regard to the name, serial number in the electoral roll or other particulars of the candidate or his proposer or seconder so as to bring them in conformity with the corresponding entries in the electoral roll; and
 - (iii) the returning officer must not enquire into the correctness or validity of any entry in the electoral roll.

The returning officer must endorse on each nomination paper his decision accepting or rejecting it and shall, in the case of rejection, record brief reasons therefor.

A candidate may prefer an appeal against the decision of the returning officer rejecting or, as the case may be, accepting the nomination paper of the candidate to the Tribunal constituted for the constituency to which the nomination relates and consisting of not less than two nor more than three Judges of the High Court nominated by the Commissioner, with the approval of the President; and such appeal must be summarily decided within such time as may be notified by the Commission and any order passed thereon is final.

An announcement of the day and time appointed for the hearing of an appeal over the radio or television or by publication in the Press is deemed to be sufficient notice of the day and time so appointed.

The returning officer must, after the scrutiny of nomination papers, prepare and publish in the prescribed form a list of validly nominated candidates.

In case an appeal against the decision of the returning officer is accepted by the Tribunal, the returning officer must revise the list of validly nominated candidates accordingly.

The returning officer must, on the second day following the last date for decision of appeal prepare and publish in the prescribed manner the revised list of validly nominated candidates.

Any validly nominated candidate may, by notice in writing signed by him and delivered to the returning officer on or before the withdrawal date either by the candidate himself or through an advocate duly authorised in writing by him, withdraw his candidature. A notice of withdrawal is not open to recall or cancellation.

On receiving a notice of withdrawal, the returning officer must, if he is satisfied that the signature on the notice is that of the candidate, cause a copy of the notice to be affixed at a conspicuous place in his office.

The returning officer must, on the withdrawal day, prepare and publish in the prescribed manner a list of contesting candidates which shall, if there are more than one contesting candidates, indicate their respective symbols and supply a copy of the list to each of them.

A contesting candidate may retire from the contest by a notice in writing signed by him and delivered to the returning officer on any day not later than four days before the polling day either by such candidate in person or by an agent authorised in this behalf in writing by such candidate. No person who has given a notice of retirement can cancel the notice.

The returning officer must, upon receiving a notice of retirement, cause a copy thereof to be affixed at some conspicuous place in his office and also to be published in such manner as he may think fit. A person in respect of whom a notice of retirement has been published is deemed to have withdrawn his candidature.

If a contesting candidate dies before the day for taking of the poll, the returning officer must, by notice, terminate the proceedings relating to the election.

Where the proceedings relating to an election have been terminated, fresh proceedings must be commenced in accordance with the provisions of the Act, as if for a new election: provided that it is not necessary for other contesting candidates to file fresh nomination papers or make a further deposit.

Where, after scrutiny, there remains only one validly nominated candidate or where after withdrawal or retirement, there remains only one contesting candidate, the returning officer must, by public notice, declare such candidate to be elected to the seat: provided that, if after scrutiny any candidate indicates that he intends to file an appeal against the rejection of his nomination paper, no person must be declared elected until the period appointed for filing such appeal has expired and no such appeal has been filed or, where an appeal is filed, until the disposal of such appeal.

The returning officer is required to submit to the Commission a return of the election in respect of which he has made a declaration.

The Commission must, after such inquiry as it may deem necessary in any case, publish in the official Gazette the name of the candidate declared elected.⁴⁰

6.03 Contested Election and Allocation of Symbols

If there are more contesting candidates than one in respect of any constituency, the returning officer must –

- (a) allocate, subject to any direction of the Commission, one of the prescribed symbols to each contesting candidate; and in so doing shall, so far as possible, have regard for any preference indicated by the candidate at the time of filing his nomination papers;
- (b) publish in such manner as the Commission may direct the names of the contesting candidates arranged in the Urdu alphabetical order specifying against each the symbol allocated to him; and
- (c) give public notice of the poll,

provided that the Commission may, on an application made to it in this behalf, allot one of the prescribed symbols to any political party or a combination of two or more political parties who have agreed to put up joint candidates for election. The returning officer must arrange to exhibit prominently at each polling station the name of and symbol of each contesting candidate.⁴¹

6.04 Election Agent

A candidate may appoint a person qualified to be elected as a member to be his election agent.

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

When an election agent is appointed, the candidate is required to send to the returning

officer a notice in writing of the appointment containing the name, father's name and address of the election agent.

Where no appointment of an election agent is made, a candidate is deemed to be his own election agent and must, so far as the circumstances permit, be subject to the Act, both as a candidate and as an election agent.⁴²

6.05 Polling Agent

The contesting candidate or his election agent may, before the commencement of the poll, appoint for each polling station as many polling agents as may be prescribed and must give notice thereof in writing to the presiding officer.

The appointment of a polling agent may at any time be revoked by the candidate or his election agent and, when it is so revoked or the polling agent dies, another person may be appointed by the candidate or the election agent to be a polling agent, and a notice of such appointment must be given to the presiding officer.⁴³

6.06 The Poll – Duration and Time

Polls for a general election for an Assembly must be held on the same day, but if the Commission is satisfied that polls cannot take place in a constituency on account of a natural calamity or for any other reason beyond its control, the Commission may fix another day for holding the poll in that constituency.

The Commission must fix the hours, which must not be less than eight, during which the poll must be held and the returning officer must give public notice of the hours so fixed and hold the poll accordingly.

The presiding officer of a polling station may stop the poll and inform the returning officer that he has done so if –

- (a) the poll at the polling station is, at any time, so interrupted or obstructed for reasons beyond the control of the presiding officer that it cannot be resumed during the polling hours fixed; and
- (b) any ballot box used at the polling station is unlawfully taken out of the custody of the presiding officer, or is accidentally or intentionally destroyed, or is lost or is damaged or tampered with to such an extent that the result of the polling station cannot be ascertained.

Where a poll has been stopped, the returning officer must immediately report the circumstances to the Commission and the Commission must direct a fresh poll at that polling station, unless it is satisfied that the result of the election has been determined by the polling that has already taken place at that polling station, taken with the result of the polling at other polling stations, in the same constituency.

Where the Commission orders a fresh poll, it shall, by notification in the official Gazette –

- (a) appoint a day for a fresh poll and fix the place at which and the hours during which such fresh poll shall be taken; and
- (b) the returning officer must give public notice of the day so appointed and the place and hours so fixed.

At a fresh poll taken at a polling station all electors entitled to vote thereat must be allowed to vote and no vote cast at the poll stopped can be counted.⁴⁴

6.07 Election by Secret Ballot

An election must be decided by secret ballot.⁴⁵

6.08 Postal Ballot

The following persons may cast their votes by postal ballot in such manner as may be prescribed, namely –

- (a) a person or the spouse of a person in the service of Pakistan or who holds any public office, and a person detained in prison or held in other custody at any place in Pakistan; and
- (b) a person appointed by the returning officer, including police personnel, for the performance of any duty in connection with an election at polling station other than the one at which he is entitled to cast his vote.

An elector who, being entitled to do so, intends to cast his vote by postal ballot must –

- (a) in the case of a person referred to at paragraph (a) above within the time specified; and
- (b) in the case of a person referred to at paragraph (b) above as soon as may be after his appointment,

apply to the returning officer of the constituency in which he is an elector for a ballot paper for voting by postal ballot; and every such application must specify the name of the elector, his address and his serial number in the electoral roll.

The returning officer must immediately upon the receipt of an application by an elector send by post to such elector a ballot paper and envelope bearing on its face a form of certificate of posting, showing the date thereof to be filled in by the proper official of the Post Office at the time of posting by the elector.

An elector on receiving his ballot paper for voting by postal ballot must record his vote in the prescribed manner and, after so recording, post the ballot paper to the returning officer in the envelope sent to him, so as to reach the returning officer before the consolidation of results by him.⁴⁶

6.09 Ballot Boxes

The returning officer must provide each presiding officer with such number of ballot boxes as may be necessary.

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

Before the time fixed for the commencement of the poll, the presiding officer must –

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

If one ballot box is full or cannot further be used for receiving ballot papers, the presiding officer must seal that ballot box with his own seal and with the seals of the candidates or their polling agents who may wish to seal it and keep it in a secure place in the polling station and use another ballot box in the manner laid down.

A presiding officer must make such arrangements at the polling station that every elector may be able to secretly mark his ballot paper before folding and inserting it in the ballot box.⁴⁷

6.10 Maintenance of Order at the Polling Station

The presiding officer must keep order at the polling station and may remove or cause to be removed any person who misconducts himself at a polling station or fails to obey any lawful orders of the presiding officer.

Any person removed from a polling station must not, without the permission of the presiding officer, again enter the polling station during the poll and is, if he is accused of an offence in the polling station, liable to be arrested without a warrant by a police officer.

The foregoing powers must not be exercised in such a way as to deprive an elector of an opportunity to cast his vote at the polling station at which he is entitled to vote.⁴⁸

6.11 Voting Procedure

Where an elector presents himself at the polling station to vote, the Presiding Officer must issue a ballot paper to the elector after satisfying himself about the identity of the elector and must, for that purpose, require the elector to produce his identity card provided for in the National Registration Act of 1973.

Before a ballot paper is issued to an elector –

- (a) the number and name of the elector as entered in the electoral roll must be called out;

- (b) the entry relating to the elector on the electoral roll must be struck off to indicate that a ballot paper has been issued to him;
- (c) he shall be required to receive a personal mark, made with indelible ink, on any finger of either hand as indicated by the Commission;
- (d) the ballot paper must be stamped on its back with the official mark and signed by the presiding officer; and
- (e) the presiding officer must record on the counterfoil of the ballot paper the number of the elector on the electoral roll, stamp it with the official mark, sign it and obtain on it the thumb impression of the elector.

A ballot paper must not be issued to a person who –

- (a) fails or refuses to produce his identity card provided for in the National Registration Act;
- (b) refuses to have his identity card punched by the presiding officer or polling officer to indicate the issue of a ballot paper to him;
- (c) refuses to put his thumb impression on the counterfoil or whose thumb bears traces of its having already been used for putting an impression; or
- (d) refuses to receive the personal mark with indelible ink or who already bears such a mark or traces of such a mark.

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

On receiving the ballot paper, the elector must –

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

The elector must vote without undue delay and must leave the polling station immediately after he has inserted his ballot paper in the ballot box.

Where an elector is blind or is otherwise so incapacitated that he cannot vote without the assistance of a companion, the presiding officer must allow him such assistance and thereupon such elector may do with such assistance anything which an elector is required or permitted to do under the Act.⁴⁹

6.12 Tendered Ballot Papers

If a person representing himself to be an elector applies for a ballot paper when another person has already represented himself to be that elector and has voted under the name of the person so applying, he shall be entitled to receive a ballot paper (referred to as “tendered ballot paper”) in the same manner as any other elector.

A ballot paper issued pursuant to the foregoing provisions must, after it has been marked and folded by the elector, be placed in the same condition in separate packet bearing the label "Tendered Ballot Paper" instead of being placed in the ballot box and must not be included in the count by the presiding officer or the returning officer.

The name of the person applying for a ballot paper and his number on the electoral roll must be entered in a list ("the tendered votes list") to be prepared by the presiding officer.⁵⁰

6.13 Challenge of Electors

If, at the time a person applies for ballot paper for the purpose of voting, a candidate or his polling agent declares to the presiding officer that he has reasonable cause to believe that person has already voted at the election, at the same or another polling station, or is not the person against whose name entered in the electoral roll he is seeking to vote, and undertakes to prove the charge in a court of law and deposits with the presiding officer in cash a sum of two rupees, the presiding officer may, after warning the person of the consequences and obtaining on the counterfoil, his thumb impression and if he is literate also his signature, issue a ballot paper to that person.

If the presiding officer issues a ballot paper to such person he must enter the name and address of that person in a list to be prepared by him and obtain thereon the thumb impression and, if he is literate, also the signature of that person.

A ballot paper issued under the foregoing provisions must, after it has been marked and folded by the elector, be placed in the same condition in a separate packet bearing the label "Challenged Ballot Papers", instead of being placed in the ballot box.⁵¹

6.14 Spoilt Ballot Paper

An elector who has inadvertently so spoilt his ballot paper that it cannot be used as a valid ballot paper may, upon proving the fact of inadvertence to the satisfaction of the presiding officer and returning the ballot paper to him, obtain another ballot paper and cast his vote by such other ballot paper.

The presiding officer must forthwith cancel the ballot paper returned to him, make a note to that effect on the counterfoil over his own signature and sign the cancelled ballot paper, and place it in a separate packet bearing the label "Spoilt Ballot Papers".⁵²

6.15 Voting after Close of Poll

No person can be given any ballot paper or be permitted to vote after the hour fixed for the close of the poll, except the persons who at that hour are present within the building, room, tent or enclosure in which the polling station is situated and have not voted but are waiting to vote.⁵³

6.16 Proceedings at the Close of Poll

The presiding officer must count the votes immediately after the close of the poll in the

presence of such of the contesting candidates, election agents and polling agents as may be present.

The presiding officer must give such of the contesting candidates, election agents and polling agents as may be present, reasonable facility of observing the count and give them such information with respect thereto as can be given consistent with the orderly conduct of the count and the discharge of his duties in connection therewith.

No person other than the presiding officer, the polling officer, any other person on duty in connection with the poll, the contesting candidates, their election agents and polling agents is allowed to be present at the count.

The presiding officer must –

- (a) open the used ballot box or ballot boxes and count the entire lot of ballot papers taken out therefrom;
- (b) open the packet bearing the label “Challenged Ballot Papers” and count them;
- (c) count, in such manner as may be prescribed, the votes cast in favour of each contesting candidate excluding from the count the ballot papers which bear –
 - (i) no official mark and signature of the presiding officer;
 - (ii) any writing or any mark other than the official mark, the signature of the presiding officer and the prescribed mark or to which a piece of paper or any other object of any kind has been attached;
 - (iii) no prescribed mark to indicate the contesting candidate for whom the elector has voted; or
 - (iv) any mark from which it is not clear for whom the elector has voted,

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

The presiding officer may recount the votes –

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

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

The ballot papers excluded from the count must be put in a separate packet indicating thereon the total number both in letters and figures of the ballot papers, contained therein.

The presiding officer must, immediately after the count, prepare a statement of the count in

such form as may be prescribed showing therein the number of valid votes polled by each contesting candidate and the ballot papers excluded from the count.

The presiding officer must also prepare in the prescribed form a ballot paper account showing separately –

- (a) the number of ballot papers entrusted to him;
- (b) the number of unissued ballot papers;
- (c) the number of ballot papers taken out of the ballot box or boxes and counted;
- (d) the number of tendered ballot papers;
- (e) the number of challenged ballot papers; and
- (f) the number of spoilt ballot papers.

The presiding officer must give a certified copy of the statement of the count and the ballot paper account to such of the candidates, their election agents or polling agents as may be present and obtain a receipt for such copy.

The presiding officer must seal in separate packets –

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

The presiding officer must obtain on each statement and packet prepared pursuant to the foregoing provisions the signature of such of the contesting candidates or their election agents or polling agents as may be present and, if any such person refuses to sign, the presiding officer must record that fact.

A person required to sign a packet or statement may, if he so desires, also affix his seal to it.

After the close of the proceedings, the presiding officer must, in compliance with such instructions as may be given by the Commission in this behalf cause the packets, the statement of the count and the ballot paper account prepared by him to be sent to the returning officer together with such other records as the Commission may direct.⁵⁴

6.17 Consolidation of Results

The returning officer must give the contesting candidates and their election agents a notice in writing of the day, time and place fixed for the consolidation of the results, and, in the presence of such of the contesting candidates and election agents as may be present consolidate in the prescribed manner the results of the count furnished by the

presiding officers, including therein the postal ballots received by him before the time aforesaid.

The consolidation proceedings must be held without any avoidable delay as soon as possible after the polling day.

Before consolidating the results of the count, the returning officer must examine the ballot papers excluded from the count by the presiding officer and, if he finds that any such ballot paper should not have been so excluded, count it as a ballot paper cast in favour of the contesting candidate for whom the vote has been cast thereby.

The returning officer must also count the ballot papers received by him by post in such manner as may be prescribed and include the votes cast in favour of each contesting candidate in the consolidated statement except those which he may reject on any of the grounds set out in the law.

The ballot papers rejected by the returning officer must be shown separately in the consolidated statement.

The returning officer may recount the ballot papers –

- (a) upon the request of, or challenge in writing made by, a contesting candidate or his election agent, if the returning officer is satisfied that the request or the challenge is reasonable; or
- (b) if so directed by the Commission, in which case the recount must be held in such a manner and at such place as may be directed by the Commission.⁵⁵

6.18 Equality of Votes

Where, after consolidation of the results of the count, it appears that there is equality of votes between two or more contesting candidates and the addition of one vote for one such candidate would entitle him to be declared elected, the returning officer or the Commission, as the case may be, must forthwith draw a lot in respect of such candidates and the candidate on whom the lot falls is deemed to have received the highest number of votes entitling him to be declared elected.

The lot must be drawn in the presence of such of the contesting candidates and their election agents as may be present.

The returning officer or the Commission, as the case may be, must keep, record of the proceedings and obtain thereon the signature of such of the candidates and election agents as have been witness to the proceedings, and if any such person refuses to sign, such fact must be recorded.⁵⁶

6.19 Declaration of Results

The returning officer must, after obtaining the results of the count or of the draw of the lots,

intimate the results of the count to the Commission which must declare by public notice the contesting candidate who has or is deemed to have received the highest number of votes to be elected.

The public notice must contain the name of, and the total number of votes received by, each contesting candidate.

The returning officer must, immediately after the count, submit to the Commission a copy of the consolidated statement in the prescribed form.

A candidate securing the highest number of votes must, within seven days from the poll of an election or within such time as the Commission may allow, submit a statement of assets and liabilities of his own, spouse and dependants to the Commission.

The Commission must publish in the official Gazette the name of the returned candidate: provided that the result of a candidate shall not be published who fails to submit the statement of assets and liabilities.⁵⁷

6.20 Return or Forfeiture of Deposit

After the termination of the proceedings relating to an election and the contesting candidate does not want to utilise his security deposit for a subsequent election, or after the declaration of the result of an election, the deposit in respect of any candidate must be returned to the person making the deposit or to his legal representative, except the deposit in respect of a candidate who has received less than one-eighth of the total number of votes cast at the election.

A deposit which is not required to be returned is forfeited to the Federal Government.⁵⁸

6.21 Election Documents

The returning officer must forward to the Commission –

- (a) the packets containing the ballot papers each of which must be sealed with the seal of the presiding officer, or, if opened by the returning officer, with the seal of the returning officer;
- (b) the packets containing the counterfoils of issued ballot papers;
- (c) the packets containing the marked copies of the electoral rolls;
- (d) the packets containing the ballot paper account;
- (e) the packets containing the tendered ballot papers, the challenged ballot papers, the tendered votes list and the challenged votes list; and
- (f) such other papers as the Commission may direct.

The Commission must retain the documents received from the returning officer for a period of one year from the date of their receipt and thereafter, unless otherwise directed by a Tribunal, cause them to be destroyed.

The documents retained by the Commission, except the ballot papers, are open to public

inspection at such time and subject to such conditions as may be prescribed, and the Commission must, upon an application made in this behalf and on payment of such fee and subject to such conditions as may be prescribed, furnish copies of, or extracts from, those documents.

A Tribunal may order the opening of packets of counterfoils and certificates or the inspection of any counted ballot papers.

An order may be made subject to such conditions as to persons, time, place and mode of inspection, production of documents and opening of packets as the Tribunal making the order may think expedient: provided that in making and carrying into effect an order for the inspection of counted ballot papers, care must be taken that no vote is disclosed until it has been held by the Tribunal to be invalid.

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

The production from proper custody of a ballot paper purporting to have been used at an election and of a numbered counterfoil bearing the signature or thumb impression of the elector must be prima facie evidence that the elector whose vote was given by that ballot paper was the elector who had on the electoral rolls the same number as was written on the counterfoil.⁵⁹

— Section 7 —

ELECTION TO SEATS RESERVED FOR NON-MUSLIMS

The members for seats reserved for persons belonging to the Christian, Hindu, Sikh, Buddhist and Parsi Communities and persons of the Qadiani group or the Lahori group (who call themselves "Ahmadis") and other non-Muslims and persons belonging to the scheduled castes (referred to as the non-Muslim seats) must be elected, through a direct and free vote, by electors who are enrolled on the electoral rolls for non-Muslims and who belong to the community or communities for which the said seats are reserved so that each elector has only one non-transferable vote for a constituency of the National Assembly.

For the purpose of election to non-Muslim seats in the National Assembly, the whole of Pakistan, excluding the Federally Administered Tribal Areas, shall constitute a constituency with as many seats as there are non-Muslim seats in the National Assembly.

The Commission is required to hold and conduct the election to fill the non-Muslim seats in the Assembly in such manner as may be prescribed.⁶⁰

— *Section 8* —

ELECTION EXPENSES

8.01 Restriction on Election Expenses

No person other than the candidate can incur any election expenses of such candidate: provided that any person may, if so authorised by a contesting candidate in writing specifying a maximum amount, to the extent of such amount, make payment for stationery, postage, telegram and other petty expenses.

No election expenses of a contesting candidate must exceed, in the case of an election to a seat in the National Assembly, one million rupees.

Where any authorised person incurs any expenditure on behalf of a candidate, he must send, within fourteen days of the declaration of the result of the election, to the candidate a statement of such expenditure.

A candidate must, by a bill stating the particulars and by a receipt, vouch for every payment made in respect of election expenses except where the amount is less than 500 rupees.⁶¹

8.02 Return of Election Expenses

Every contesting candidate must within thirty days after the publication of the name of the returned candidate, submit to the returning officer a return of election expenses in the prescribed form containing –

- (a) a statement of all payments made by the contesting candidate together with all the bills and receipts;
- (b) a statement of all disputed claims of which the contesting candidate is aware;
- (c) a statement of all unpaid claims, if any, of which the contesting candidate is aware; and
- (d) a statement of all money, securities, or equivalent of money received from any person for the purpose of election expenses specifying the name of every such person.

The return submitted must be accompanied by affidavit in the prescribed form sworn by the contesting candidate.⁶²

8.03 Inspection of Returns, etc

The return and documents submitted must be kept by the returning officer in his office or at such other convenient place as he may think fit and must, during one year from the date of their receipt by him, be open to inspection by any person on payment of the prescribed fee.

The returning officer must, on an application made in this behalf and payment of the prescribed fee, give any person copies of any return or document kept under the foregoing provision or of any part thereof.⁶³

— *Section 9* —

ELECTION DISPUTES

9.01 Election Petition

No election can be called in question except by an election petition made by a candidate for that election (referred to as the petitioner).

An election petition must be presented to the Commissioner within forty-five days of the publication in the official Gazette of the name of the returned candidate and must be accompanied by a receipt showing that the petitioner has deposited at any branch of the National Bank of Pakistan or at a Government Treasury or sub-Treasury in favour of the Commissioner, under the prescribed head of account, as security for the costs of the petition, a sum of one thousand rupees.⁶⁴

9.02 Presentation of Petition

An election petition must be presented by a petitioner and must be deemed to have been presented –

- (a) when it is delivered in person to the Secretary to the Commission or to such other officer as may be appointed by the Commission in that behalf –
 - (i) by the petitioner; or
 - (ii) by a person authorised in writing in this behalf by the petitioner; or
- (b) when delivered by registered post to the Secretary to the Commission or to such other officer as aforesaid.

An election petition, if sent by registered post, is deemed to have been presented in time if it is posted within the period specified.⁶⁵

9.03 Parties to the Petition

The petitioner must join as respondents to his election petition –

- (a) all contesting candidates; and
- (b) any other candidate against whom any allegation of any corrupt or illegal practice is made and must serve personally or by registered post on each such respondent a copy of the petition.⁶⁶

9.04 Contents of Petition

Every election petition must contain –

- (a) a precise statement of the material facts on which the petitioner relies;
- (b) full particulars of any corrupt or illegal practice or other illegal act alleged to have been committed, including as full a statement as possible of the names of the

- parties alleged to have committed such corrupt or illegal practice or illegal act and the date and place of the commission of such practice or act; and
- (c) the relief claimed by the petitioner.

A petitioner may claim as relief any of the following declarations, namely –

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

Every election petition and every schedule or annex to that petition must be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908, for the verification of pleadings.⁶⁷

9.05 Role of the Commissioner

If the Commissioner finds that any of the relevant provisions of the Act have not been complied with, the petition must be dismissed forthwith. If the petition is not dismissed on the ground above stated, the Commissioner must refer it for trial to a Tribunal.

For the trial of election petitions, the Commissioner must appoint as many Election Tribunals as may be necessary. An Election Tribunal consists of a person who has been, or is, or, at the time of his retirement as a District and Sessions Judge, was qualified to be, a Judge of a High Court.

The Commissioner, either of his own motion or on an application made in this behalf by any of the parties, may, at any stage, transfer an election petition from one Tribunal to another Tribunal and the Tribunal to which the election petition is so transferred –

- (a) must proceed with the trial of the petition from the stage from which it is transferred; and
- (b) may, if it thinks fit, recall and examine any of the witnesses already examined.⁶⁸

9.06 Role of the Tribunal

The trial of an election petition is held at such place or places as the Tribunal may think fit.

The Advocate-General for a Province must, if a Tribunal so requires, assist the Tribunal at the hearing of an election petition in such manner as it may require.

Any appearance, application or act before a Tribunal may be made or done by a party in person or by an advocate or any other person entitled or allowed to plead in any civil court and duly appointed to act on his behalf: provided that the Tribunal may, where it considers it necessary, direct any party to appear in person.

Every election petition is tried in accordance with the Act and the procedure laid down

by the Election Commission. The Evidence Act 1872 applies to the trial of an election petition.

The Tribunal may, at any time, upon such terms and on the payment of such fee as it may direct, allow a petition to be amended in such manner as may, in its opinion, be necessary for ensuring a fair and effective trial and for determining the real questions at issue, so however that no new ground of challenge to the election is permitted to be raised.

The Tribunal must dismiss an election petition, if –

- (a) the provisions of section 54 (parties to the petition) or section 55 (contents of petition) have not been complied with; or
- (b) if the petitioner fails to make any further deposit ordered by the Tribunal.

The Tribunal has all the powers of a civil court trying a suit under the Code of Civil Procedure.⁶⁹

9.07 Evidence and Witnesses

No document is inadmissible in evidence at the trial of an election petition only on the ground that it is not duly stamped or registered. No witness must be excused from answering any question as to any matter in issue, or relevant to a matter in issue, in the trial of an election petition upon the ground that the answer to such question may incriminate or tend to incriminate him or that it may expose or tend to expose him to any penalty or forfeiture; but no witness will be required or permitted to state for whom he has voted at an election.

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

A certificate of indemnity granted to any witness may be pleaded by him in any court and is a full and complete defence to or upon any charge arising out of the matters to which such certificate relates, but it shall not be deemed to relieve him from any disqualification in connection with an election imposed by any law for the time being in force.

The reasonable expenses incurred by any person in attending to give evidence may be allowed to him by the Tribunal and, unless the Tribunal otherwise directs, is deemed to be part of the costs.⁷⁰

9.08 Recrimination Where Seat is Claimed

Where in an election petition a declaration is claimed that a candidate other than the returned candidate has been duly elected, the returned candidate or any other party may produce evidence to prove that the election of such other candidate would have been

declared void had he been the returned candidate and had a petition been presented calling his election in question: provided that the returned candidate or such other party as aforesaid is not entitled to give such evidence unless he or it has, within fourteen days next following the commencement of the trial, given notice to the Tribunal of his intention so to do and has deposited the security required for the purpose.

Every notice given in pursuance of the foregoing provision must be accompanied by a statement of the case, and all the provisions relating to the contents, verification, trial and procedure of an election petition, or to the security deposit in respect of an election petition, apply to such a statement as if it were an election petition.⁷¹

9.09 Decision of the Tribunal

The Tribunal may upon the conclusion of the trial of an election petition, make an order –

- (a) dismissing the petition;
- (b) declaring the election of the returned candidate to be void;
- (c) declaring the election of the returned candidate to be void and the petitioner or any other contesting candidate to have been duly elected; or
- (d) declaring the election as a whole to be void.

The trial of the election petition must proceed day to day and the decision thereof must be taken by the Tribunal within six months from the date of its receipt from the Commissioner.

Any person aggrieved by a decision of the Tribunal may, within 30 days of the announcement of the decision, appeal to the Supreme Court and the decision of the Supreme Court on such appeal is final.

The Tribunal must declare the election of the returned candidate to be void if it is satisfied that –

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

The election of a returned candidate must not be declared void on the ground –

- (a) that any corrupt or illegal practice has been committed, if the Tribunal is satisfied that it was not committed by, or with the consent or connivance of that candidate or his election agent and that the candidate and the election agent took all reasonable precaution to prevent its commission; or
- (b) that any of the other contesting candidates was, on the nomination day, not qualified for or was disqualified from being elected as a member.

The Tribunal must declare the election of the returned candidate to be void and the petitioner or any other contesting candidate to have been duly elected, if it is so claimed by the petitioner or any of the respondents and the Tribunal is satisfied that the petitioner or such other contesting candidate was entitled to be declared elected.

The Tribunal must declare the election as a whole to be void if it is satisfied that the result of the election has been materially affected by reason of –

- (a) the failure of any person to comply with the provisions of the Act or the rules; or
- (b) the prevalence of extensive corrupt or illegal practice at the election.⁷²

9.10 Decision in Case of Equality of Votes

Where, after the conclusion of the trial, it appears that there is an equality of votes between two or more contesting candidates and the addition of one vote for one such candidate would entitle him to be declared elected, the Tribunal must draw a lot in respect of such candidates and the candidate on whom the lot falls is deemed to have received the highest number of votes entitling him to be declared elected. Before proceeding to draw a lot, the Tribunal must give notice to the contesting candidates between whom there is an equality of votes and proceed to draw a lot on the day and at the time and place stated in the notice: provided that, if the contesting candidates are present when it appears that there is equality of votes between them, the Tribunal may proceed forthwith to draw a lot without giving notice as aforesaid.⁷³

9.11 Order of Tribunal

An order of the Tribunal takes effect on the date on which it is made and must be communicated to the Commissioner who must publish it in the official Gazette.

The record of an election petition after the petition has been disposed of must be sent to the Commissioner who is required to retain it for a period of five years from the date of its receipt.

The Tribunal must when making an order, also determine, in its discretion, the costs and specify the persons by and to whom such costs are to be paid.⁷⁴

— Section 10 —

ELECTION OFFENCES

10.01 Corrupt Practice

A person is guilty of corrupt practice if he –

- (a) contravenes the provisions of section 49 (restriction on election expenses) of the Act;
- (b) is guilty of bribery, personation or undue influence;
- (c) makes or publishes a false statement –

- (i) concerning the personal character of a candidate or any of his relation calculated to adversely affect the election of such candidate or for the purpose of promoting or procuring the election of another candidate, unless he proves that he had reasonable grounds for believing, and did believe, the statement to be true;
- (ii) relating to the symbol of a candidate whether or not such symbol has been allocated to such candidate;
- (iii) regarding the withdrawal of a candidate; or
- (iv) of assets and liabilities or a declaration specified in sub-section (2) of section 12 (declaration respecting loans in nomination papers);
- (d) calls upon or persuades any person to vote, or to refrain from voting, for any candidate on the ground that he belongs to a particular religion, province, community, race, caste, *bradari*, sect or tribe;
- (e) knowingly, in order to support or oppose a candidate lets, lends, employs, hires, borrows or uses any vehicle or vessel for the purpose of conveying to or from the polling station any elector except himself and members of his immediate family; or
- (f) causes or attempts to cause any person present and waiting to vote at the polling station to depart without voting.⁷⁵

10.02 Bribery

A person is guilty of bribery, if he, directly or indirectly, by himself or by any other person on his behalf –

- (a) receives or agrees to receive or contracts for any gratification for voting or refraining from voting, or for being or refraining from being a candidate at, or for withdrawing from, an election;
- (b) gives, offers or promises any gratification to any person –
 - (i) for the purpose of inducing –
 - (aa) a person to be, or refrain from being, a candidate at an election;
 - (bb) an elector to vote, or refrain from voting, at an election; or
 - (ii) for the purpose of rewarding –
 - (aa) a person for having been, or for having refrained from being, a candidate at an election;
 - (bb) an elector for having voted or refrained from voting at an election; or
 - (cc) a candidate for having withdrawn from an election.⁷⁶

10.03 Personation

A person is guilty of personation, if he votes, or applies for a ballot paper for voting, as some other person whether that other person is living or dead or fictitious.⁷⁷

10.04 Undue Influence

A person is guilty of undue influence, if he –

- (a) in order to induce or compel any person to vote or refrain from voting, or to offer

himself as a candidate, or to withdraw his candidature, at an election, directly or indirectly, by himself or by any other person on his behalf –

- (i) makes or threatens to make use of force, violence or restraint;
 - (ii) inflicts or threatens to inflict any injury, damage, harm or loss;
 - (iii) calls down or threatens to call down divine displeasure or the displeasure or disapprobation of any saint or *pir*;
 - (iv) gives or threatens to give any religious sentence;
 - (v) uses any official influence or governmental patronage; or
 - (vi) maligns the Armed Forces of Pakistan; or
- (b) on account of any person having voted or refrained from voting, or having offered himself as candidate or having withdrawn his candidature, does any of the acts set out above; or
- (c) directly or indirectly, by himself or by any other person on his behalf –
- (i) uses any place of religious worship, or any place reserved for the performance of religious rites, for the purpose of canvassing for votes or for persuading electors to vote, or not to vote, at an election or for a particular candidate; or
 - (ii) for any of the purposes specified in the provisions at (i) above, by words, spoken or written, or by signs or visible representation, publishes anything or does any act prejudicial to the glory of Islam or the integrity, security or defence of Pakistan or any part thereof; or
- (d) by abduction, duress or any fraudulent device or contrivance –
- (i) impedes or prevents the free exercise of the franchise by an elector; or
 - (ii) compels, induces or prevails upon any elector to vote or refrain from voting.⁷⁸

10.05 Penalty for Corrupt Practice

Any person guilty of corrupt practice is liable to be punished with imprisonment for a term which may extend to five years, or with a fine not exceeding ten thousand rupees, or with both.⁷⁹

10.06 Illegal Practice

A person is guilty of illegal practice if he –

- (a) fails to comply with the provisions of section 50 (return of election expenses);
- (b) obtains or procures or attempts to obtain or procure, the assistance of any person in the service of Pakistan to further or hinder the election of a candidate;
- (c) votes or applies for a ballot paper for voting at an election knowing that he is not qualified for, or is disqualified from, voting;
- (d) votes or applies for a ballot paper for voting more than once in the same polling station;
- (e) votes or applies for a ballot paper for voting in more than one polling station for the same election;
- (f) removes a ballot paper from a polling station during the poll; or
- (g) knowingly induces or procures any person to do any of the aforesaid acts.

Any person guilty of an illegal practice is liable to a fine not exceeding two thousand rupees.⁸⁰

10.07 Prohibition of Political Meetings at Close of Campaign

No person is to convene, hold or attend any public meeting, and no person must promote or join in any procession, within the area of any constituency during a period of forty-eight hours ending at midnight following the conclusion of the poll for any election in that constituency. Any person who is guilty of this offence is liable to a fine not exceeding one thousand rupees or imprisonment not exceeding six months, or both.⁸¹

10.08 Prohibitions in or Near to a Polling Station

A person is guilty of an offence punishable with a fine not exceeding one thousand rupees if he, within a radius of four hundred yards of the polling station, on polling day –

- (a) canvasses for votes;
- (b) solicits the vote of any elector;
- (c) persuades any elector not to vote at the election or for a particular candidate; or
- (d) exhibits, except with the permission of the returning officer and at a place reserved for the candidate or his election agent beyond the radius of one hundred yards of the polling station, any notice, sign, banner or flag designed to encourage the electors to vote or discourage the electors from voting, for any contesting candidate.

A person is guilty of an offence punishable with imprisonment for a term which may not exceed three months, or with a fine not exceeding one thousand rupees, or with both, if he, on polling day –

- (a) uses, in such manner as to be audible within the polling station, any gramophone, megaphone, loudspeaker or other apparatus for reproducing or amplifying sounds;
- (b) persistently shouts in such a manner as to be audible within the polling station;
- (c) does any act which –
 - (i) disturbs or causes annoyance to any elector visiting a polling station for the purpose of voting; or
 - (ii) interferes with the performance of the duty of a presiding officer, assistant presiding officer, polling officer or any person performing any duty at a polling station; or
- (d) abets the doing of any of the aforesaid acts.⁸²

10.09 Tampering with Papers

A person is guilty of an offence punishable with a fine not exceeding one thousand rupees or imprisonment not exceeding six months, or both, if he –

- (a) intentionally defaces or destroys any nomination paper, ballot paper or official mark on a ballot paper;
- (b) intentionally takes out of the polling station any ballot paper or puts into any ballot

- box any ballot paper other than the ballot paper he is authorised by law to put in;
- (c) without due authority –
 - (i) supplies any ballot paper to any person;
 - (ii) destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers in use for the purpose of election; or
 - (iii) breaks any seal affixed;
 - (d) forges any ballot paper or official mark; or
 - (e) causes any delay or interruption in the beginning, conduct or completion of the procedure required to be immediately carried out on the close of the poll.

Where an election officer is found guilty of any of the foregoing offences he may be imprisoned for up to two years or fined one thousand rupees, or both.⁸³

10.10 Offences Relating to Secrecy

A person is guilty of an offence punishable with imprisonment not exceeding six months or a fine not exceeding five hundred rupees, or both, if he –

- (a) interferes or attempts to interfere with an elector when he records his vote;
- (b) in any manner obtains or attempts to obtain in a polling station information as to the candidate for whom an elector is about to vote or has voted; or
- (c) communicates at any time any information obtained in a polling station as to the candidate for whom an elector is about to vote or has voted.

A returning officer, assistant returning officer, presiding officer, assistant presiding officer, polling officer, or any candidate, election agent or polling agent attending a polling station or any person attending at the counting of the votes is guilty of an offence punishable with imprisonment not exceeding six months or with a fine not exceeding one thousand rupees, or both, if he –

- (a) fails to maintain or aid in maintaining the secrecy of voting;
- (b) communicates, except for any purpose authorised by any law, to any person before the poll is closed, any information as to the official marks; or
- (c) communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.⁸⁴

— Section 11 —

DISQUALIFICATIONS

11.01 Disqualification on Account of Certain Offences

Where a person has been convicted for having exceeded the limit of election expenses laid down in the Act or having failed to file the return of election expenses or for any other offence under the Act, or has been found guilty of any corrupt or illegal practice by a Tribunal, he must, if the Commissioner makes an order to that effect, be disqualified, for

such period not exceeding five years as may be specified in the order from being or being elected as, a member of an Assembly.⁸⁵

11.02 Disqualification for Being Election Agent

Any person who is for any period disqualified under the foregoing provisions for being, or being elected as, a member of an Assembly must also stand disqualified for that period for being appointed as an election agent.⁸⁶

11.03 Removal and Remission of Disqualification

The Commissioner may, on an application made in this behalf –

- (a) remit any disqualification for failure to submit the return of election expenses or for any error or incorrect statement in such return; and
 - (b) condone any mistake or omission in any statement or declaration,
- if the Commissioner is satisfied that such failure, error, omission or mistake had occurred or incorrect statement made was bona fide or due to circumstances beyond the control of the applicant.⁸⁷

NOTES

1. Constitution of Pakistan, see article 51
2. Ibid., see article 59
3. Ibid., see article 62
4. Ibid., see article 213
5. Ibid., see article 218
6. Ibid., see article 225
7. Ibid., see article 226
8. See article 218 of the Constitution and sections 3-6 of the Representation of the People Act (RPA) 1976
9. Constitution of Pakistan, see articles 213-217 and 219
10. RPA 1976, see sections 7-9
11. Delimitation of Constituencies Act 1974, see section 3
12. Ibid., see section 7
13. Ibid., see sections 8 and 9
14. Ibid., see sections 10 and 10A
15. Ibid., see section 11
16. See section 3 of the Political Parties Act 1962 and rule 3 of the Political Parties Rules 1986
17. See section 3A of the Political Parties Act 1962 and rules 4-6 of the Political Parties Rules 1986
18. Political Parties Act 1962, see sections 4 and 6
19. Ibid., see section 8B
20. Ibid., see section 7
21. See section 5 of the Electoral Rolls Act 1974 and rule 4 of the Electoral Rolls Rules 1974
22. Electoral Rolls Act 1974, see section 6
23. Ibid., see section 7
24. Electoral Rolls Rules 1974, see rule 5
25. Electoral Rolls Act 1974, see section 8
26. See sections 9 and 14 of the Electoral Rolls Act 1974 and rule 10 of the Electoral Rolls Rules 1974
27. Electoral Rolls Act 1974, see section 15
28. Ibid., see section 16
29. Ibid., see section 17
30. Ibid., see section 18
31. Ibid., see section 19
32. Ibid., see section 20
33. Ibid., see section 21
34. Ibid., see section 24
35. Ibid., see section 25
36. Ibid., see section 26
37. Ibid., see section 27
38. Ibid., see section 29
39. RPA 1976, see section 11
40. Ibid., see sections 12-20
41. Ibid., see section 21

42. Ibid., see section 22
43. Ibid., see section 23
44. Ibid., see sections 25-27
45. Ibid., see section 28
46. Ibid., see section 29
47. Ibid., see section 30
48. Ibid., see section 32
49. Ibid., see section 33
50. Ibid., see section 34
51. Ibid., see section 35
52. Ibid., see section 36
53. Ibid., see section 37
54. Ibid., see section 38
55. Ibid., see section 39
56. Ibid., see section 41
57. Ibid., see section 42
58. Ibid., see section 43
59. Ibid., see sections 44-46
60. Ibid., see section 47
61. Ibid., see section 49
62. Ibid., see section 50
63. Ibid., see section 51
64. Ibid., see section 52
65. Ibid., see section 53
66. Ibid., see section 54
67. Ibid., see section 55
68. Ibid., see sections 56-58
69. Ibid., see sections 59-64
70. Ibid., see section 65
71. Ibid., see section 66
72. Ibid., see sections 67-70
73. Ibid., see section 71
74. Ibid., see sections 72 and 77
75. Ibid., see section 78
76. Ibid., see section 79
77. Ibid., see section 80
78. Ibid., see section 81
79. Ibid., see section 82
80. Ibid., see section 83
81. Ibid., see section 84
82. Ibid., see sections 85 and 86
83. Ibid., see section 87
84. Ibid., see sections 88 and 89
85. Ibid., see section 100
86. Ibid., see section 101
87. Ibid., see section 102