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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 2nd October, 2017

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

ACT NO. XXXIII OF 2017

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

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

It is hereby enacted as follows:—

(1435)

Price: Rs. 83.50

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

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

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

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

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

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

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

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

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

CHAPTER V

CONDUCT OF ELECTIONS TO THE ASSEMBLIES

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

DECLARATIONS BY THE CANDIDATE

1. I, _____ (nominated candidate), hereby declare that,—
- (i) I have consented to the nomination and that I fulfill the qualifications specified in Article 62 of the Constitution and I am not subject to any of the disqualifications specified in Article 63 of the Constitution for being elected as a member of the National Assembly/ Senate/ Provincial Assembly; and
 - (ii) I belong to.....and certificate
(Name of political party)
from that political party showing that I am a party candidate from the above said constituency is attached or will be provided at the time of allocation of election symbol.
OR
I do not belong to any political party.
[Note: Strike off the words not applicable]
 - (iii) I believe in the absolute and unqualified finality of the Prophet-hood of Muhammad (Peace Be Upon Him), the last of the Prophets and that I am not the follower of anyone who claims to be a prophet in any sense of the word or of any description whatsoever after Prophet Muhammad (Peace Be Upon Him), and that I do not recognize such a claimant to be prophet or a religious reformer, nor do I belong to the Qadiani group or the Lahori group or call myself an Ahmadi.
[Note: This paragraph is for Muslim candidates only and is not applicable to non-Muslim candidates.]
 - (iv) I will be faithful to the declaration made by the Founder of Pakistan Quaid-e-Azam Muhammad Ali Jinnah, that Pakistan would be a democratic state based on Islamic principles of social justice. I will bear true faith and allegiance to Pakistan and uphold the sovereignty and integrity of Pakistan and that I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan.
 - (v) I have opened an exclusive Account No. _____ with _____
(Name and Branch of Scheduled Bank) for the purpose of election expenses.
2. My NIC No. is

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3. My Contact No. is _____
4. My Email address is.....
5. **My statement of assets and liabilities** including assets and liabilities of my spouse (s) and dependent children as on preceding thirtieth day of June **on Form B** is attached.

Date.....

Signature of the Candidate.....

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

BILL

to amend the Election Act, 2017

WHEREAS it is expedient to amend the Election Act, 2017 (XXXIII of 2017) for purposes hereinafter appearing;

It is hereby enacted as follows:—

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

(2) It shall come into force at once.

2. Amendment of section 241 in Act XXXIII of 2017.— In the Elections Act, 2017 (XXXIII of 2017), hereinafter referred to as the ‘said Act’, in section 241, in clause (f), before the semicolon, the expression “except Articles 1, 7B and 7C” shall be inserted.

3. Amendment in Form A of Act XXXIII of 2017.— In the said Act, in Form A, in the Declaration by the Candidate:

(1) for the heading “DECLARATIONS BY THE CANDIDATE”, the expression “DECLARATION AND OATH BY THE PERSON NOMINATED” shall be substituted;

(2) under the heading substituted above, for subparagraphs (i), (ii), (iii), (iv) and (v) of paragraph I, the following shall be substituted:

“1. I, the above mentioned candidate, hereby declare on oath that,—

(i) I have consented to the above nomination and that I fulfill the qualifications specified in Article 62 of the Constitution and I am not subject to any of the disqualifications specified in Article 63 of the Constitution or any other law for the time being in force for being elected as a member of the Senate/National Assembly/ Provincial Assembly. *

- * (ii) I belong to and
 (Name of political party)
 a certificate from that political party showing that I
 am a party candidate from the above said constituency
 is attached.

OR

I do not belong to any political party.

2. I, the above mentioned candidate, solemnly swear
 that,—

**(:) I believe in the absolute and unqualified finality
 of the Prophethood of Muhammad (peace be
 upon him), the last of the prophets and that I
 am not the follower of any one who claims to be
 a Prophet in any sense of the word or of any
 description whatsoever after Prophet
 Muhammad (peace be upon him), and that I do
 not recognize such a claimant to be Prophet or a
 religious reformer, nor do I belong to the Qadiani
 group or the Lahori group or call myself an
 Ahmadi.

(ii) I will be faithful to the declaration made by the
 Founder of Pakistan Quaid-e-Azam Muhammad
 Ali Jinnah, that Pakistan would be a democratic
 state based on Islamic principles of social
 justice. I will bear true faith and allegiance to
 Pakistan and uphold the sovereignty and
 integrity of Pakistan and that I will strive to
 preserve the Islamic Ideology which is the basis
 for the creation of Pakistan.

3. I, the above mentioned candidate, declare that I have
 opened an exclusive Account No. _____ with
 _____ (Name and Branch of Scheduled
 Bank) for the purpose of election expenses.”

(3) the remaining paragraphs 2, 3, 4 and 5 shall be renumbered
 as 4, 5, 6 and 7; and

- (4) at the bottom of the page, the following expression shall be inserted:

** Strike off the words not applicable

** For Muslim candidates only”.

STATEMENT OF OBJECTS AND REASONS

Subsequent to the enactment of the Election Act, 2017 (XXXIII of 2017), misgivings have been expressed in the National Assembly and also reported in the media regarding the wording of the “DECLARATIONS BY THE CANDIDATE” in the nomination form (FORM A) attached with the Act.

2. In order to avoid further controversy, there is consensus amongst the political parties in the National Assembly that the original text of “DECLARATION AND OATH BY THE PERSON NOMINATED”, included in original Form-IA, should be restored in toto.

3. Misgivings have also been expressed regarding the omission of Articles 7B and 7C consequent upon the repeal of the Conduct of General Elections Order, 2002 (Chief Executive’s Order No.7 of 2002). Again to avoid further controversy, there is consensus amongst the political parties that the provisions of Article 7B and 7C *ibid* be retained through amendment in section 241 of the Election Act, 2017. Hence this Bill.

MR. ZAHID HAMID,
Minister for Law and Justice
Minister-in-Charge

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

BILL

to amend the Elections Act, 2017

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

It is hereby enacted as follows:-

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

(2) It shall come into force at once.

2. Insertion of section 48A in Act XXXIII of 2017.— In the Elections Act, 2017 (XXXIII of 2017), hereinafter referred to as the 'said Act', after section 48, the following section 48A shall be inserted:

“48A. Status of Ahmadis etc. to remain unchanged.— (1) Notwithstanding anything contained in this Act or any other law for the time being in force including Rules or forms prescribed thereunder, the status of Qadiani Group or the Lahori Group (who call themselves 'Ahmadis' or by any other name) or a person who does not believe in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him), the last of the prophets or claimed or claims to be a Prophet, in any sense of the word or of any description whatsoever, after Muhammad (peace be upon him) or recognizes such a claimant as a Prophet or religious reformer shall remain the same as provided in the Constitution of the Islamic Republic of Pakistan, 1973.

(2) If a person has got himself enrolled as voter and objection is filed before the Revising Authority notified under this Act that such a voter is not a Muslim, the Revising Authority shall issue a notice to him to appear before it within fifteen days and require him to sign a declaration reproduced below regarding his belief about the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him). In case he refuses to sign the declaration as aforesaid, he shall be deemed to be a non-Muslim and his name shall be deleted from the joint electoral rolls and added to a supplementary list of voters in the same electoral area as non-Muslim. In case the voter does not turn up in spite of service of notice, an *ex-parte* order may be passed against him.

Declaration and oath :

I, _____ (name of the voter), do solemnly swear that I believe in the absolute and unqualified finality of the Prophethood of Muhammad (Peace be upon him), the last of the prophets and that I am not the follower of anyone who claims to be a Prophet in any sense of the word or of any description whatsoever after prophet Muhammad (Peace be upon him), and that I do not recognize such a claimant to be prophet or a religious reformer, nor do I belong to the Qadiani group or the Lahori group or call myself an Ahmadi.

(Name and Signature of Voter)

حلف نامہ و اقرار نامہ

میں _____ (ووٹر کا نام) حلفیہ اقرار کرتا / کرتی ہوں کہ میں خاتم النبیین حضرت محمد صلی اللہ علیہ وسلم کی ختم نبوت پر مکمل اور غیر مشروط طور پر ایمان رکھتا / رکھتی ہوں۔ اور یہ کہ میں کسی ایسے شخص کا / کی پیروکار نہیں ہوں جو حضرت محمد صلی اللہ علیہ وسلم کے بعد اس لفظ کے کسی بھی مفہوم یا کسی بھی تشریح کے لحاظ سے پیغمبر ہونے کا دعویدار ہو۔ اور نہ ہی میں ایسے دعویدار کو پیغمبر یا مذہبی مصلح مانتا / مانتی ہوں۔ نہ ہی میں قادیانی گروپ یا لاہوری گروپ سے تعلق رکھتا / رکھتی ہوں یا خود کو احمدی کہتا / کہتی ہوں۔ (ووٹر کا نام و دستخط)

3. **Amendment of section 241 in Act XXXIII of 2017.**— In the said Act, in section 241, in clause (f), before the semicolon, the expression “except Articles 1, 7B and 7C” shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to incorporate and reaffirm the provisions of Articles 7B and 7C of the Conduct of General Elections Order, 2002 (Chief Executive’s Order No.7 of 2002) through addition of a new section 48A in the Elections Act, 2017. This Bill is in accordance with the suggestion earlier made by the Government in this regard. Hence, this Bill.