

I-1

SENATE OF PAKISTAN
HOUSE OF THE FEDERATION

REPORT NO. 02 / 2018



**REPORT OF THE SENATE STANDING COMMITTEE ON
PARLIAMENTARY AFFAIRS ON THE ELECTIONS
(AMENDMENT) BILL, 2018.**

PRESENTED BY:

**SENATOR SASSUI PALIJO
CHAIRPERSON COMMITTEE**

SENATE SECRETARIAT

REPORT OF THE SENATE STANDING COMMITTEE ON PARLIAMENTARY AFFAIRS ON 'THE ELECTIONS (AMENDMENT) BILL, 2018.

I, Senator Sassui Palijo, Chairperson Standing Committee on Parliamentary Affairs have the honor to present on behalf of the Committee, this report on the Bill titled "The Elections (Amendment) Bill, 2018", laid by Senator Syed Shibli Faraz, Leader of the House, on behalf of Advisor to the Prime Minister on Parliamentary Affairs on 31st August, 2018.

2. The composition of the Committee is as under:-

1.	Senator Sassui Palijo	Chairperson
2.	Senator Musadik Masood Malik	Member
3.	Senator Pervaiz Rashid	Member
4.	Senator Mirza Muhammad Afridi	Member
5.	Senator Khanzada Khan	Member
6.	Senator Farooq Hamid Naek	Member
7.	Senator Dr. Sikandar Mandhro	Member
8.	Senator Taj Muhammad Afridi	Member
9.	Senator Anwar ul Haq Kakar	Member
10.	Senator Mir Muhammad Yousaf Badini	Member
11.	Senator Abida Muhammad Azeem	Member
13.	Minister for Parliamentary Affairs	Ex-officio Member

3. The Bill was taken up by the Committee in its meeting held on 10th October, 2018 which was attended by the following members:

1.	Senator Sassui Palijo	Chairperson
2.	Senator Mirza Muhammad Afridi	Member
3.	Senator Khanzada Khan	Member
4.	Senator Dr. Sikandar Mandhro	Member
5.	Senator Mir Muhammad Yousaf Badini	Member
6.	Minister for Parliamentary Affairs	Ex-Officio Member
7.	Senator Muhammad Javed Abbasi	Special Invitee
8.	Senator Abdul Rehman Malik	Special Invitee
9.	Senator Faisal Javed	Special Invitee
10.	Senator Gianchand	Special Invitee
11.	Senator Lt. Gen. (R) Abdul Qayyum	Special Invitee

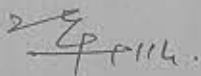
4. The Minister of State for Parliamentary Affairs and the officials of the Ministry of Parliamentary Affairs briefed the Committee about the features/purpose of the Bill. The Committee was informed that sub-section (3) of section 6 of the Elections Act, 2017 provided for constitution of a Bench of the Election Commission of Pakistan (ECP) consisting of 3 or more Members of the Commission to decide various complaints, applications, petitions or appeals etc. submitted to it. But due to this provision only one bench could be constituted since the total number of members of the ECP including the Chairman is five. Thus the Commission was facing



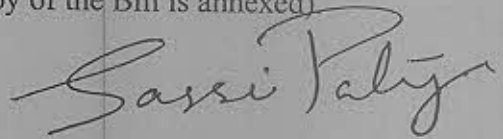
immense difficulties in disposal of higher number of complaints, petitions and appeals through a single Bench. Keeping this in view, an amendment was made, through an Ordinance in July, 2018, in the aforementioned section of the Elections Act, 2017 substituting the word "three" with "two" for the constitution of a bench of the Commission comprising of two members in order to enable it to constitute more benches at a time to expedite the disposal of complaints, petitions or appeals submitted to the ECP. The Ordinance was laid first in the Senate of Pakistan in terms of Article 89 (3) (b) of the Constitution of Islamic Republic of Pakistan, 1973 and hence treated as Bill introduced in the Senate.

5. The Committee held extended deliberations and all Members present voted in favour of the Bill.

6. Accordingly, the Committee recommends that the Elections (Amendment) Bill, 2018, as introduced in the Senate, may be passed by the House (copy of the Bill is annexed)



(RAFIULLAH)
Secretary Committee



(SENATOR SASSUI PALIJO)
Chairperson Committee

Islamabad, the
17th October, 2018.

[AS INTRODUCED IN THE SENATE]

A

BILL

further to amend the Elections Act, 2017

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

AND WHEREAS existing provision of section 6 (3) of the Elections Act, 2017 authorizes the Election Commission to constitute a bench comprising three or more members of the Commission to hear and decide complaints, applications, petitions or appeal etc. but due to said provision only one bench can be constituted since the total number of members of the Commission including the Chairman is five. The Commission is, therefore, facing immense difficulty in disposing of higher numbers of such complaints, petitions or appeal etc. through a singly bench. Hence, the instant amendment is necessary to take immediate action to facilitate the Commission for constitution of more benches to effectively dispose of such complaints, petitions or appeals etc.;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Elections (Amendment) Act, 2018.

(2) It shall come into force at once.

2. Amendment of section 6, Act XXXIII of 2017.- In the Elections Act, 2017 (XXXIII of 2017), in section 6, in sub-section (3), for the word "three" the word "two" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Existing provision of Section 6 (3) of the Elections Act, 2017 authorizes the Election Commission to constitute a bench comprising three or more members of the Commission to hear and decide complaints, applications, petitions or appeal etc.

2. The Commission faces immense difficulty in disposing of higher numbers of such appeals / complaints etc. through a single bench. Hence, the instant amendment is incorporated into the Act to facilitate the Commission for constitution of more benches to effectively dispose of such complaints / petitions / appeal.

SYED ALI ZAFAR
Minister for Law and Justice