

[AS PASSED BY 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), in the manner and for the purposes hereinafter appearing;

It is hereby enacted as follows: -

**1. Short title and commencement.** — (1) This Act shall be called the Elections (Amendment) Act, 2023.

(2) It shall come into force at once.

**2. Amendment of section 57, Act XXXIII of 2017.**— In the Election Act, 2017 (XXXIII of 2017), hereinafter referred to as said Act, in section 57, for sub-section (1), the following shall be substituted namely:-

"(1) Subject to the Constitution the Commission shall by notification in the official gazette announce the date or dates, as the case may be, of the general elections."

**3. Amendment of section 58, Act XXXIII of 2017.**— In the said Act, in section 58, for sub-section (1), the following shall be substituted, namely: -

"(1) Subject to the Constitution Notwithstanding anything contained in section 57, the Commission may, at any time after the issuance of the notification under sub-section (1) of that section, make such alterations in the election programme announced in that notification for different stages of the election or may issue a fresh election programme with fresh poll date or dates as may, in its opinion to be recorded in writing, be necessary for the purposes of this Act."

**"4. Substitution of section 232, Act XXXIII of 2017.**- In the said Act, for section 232, the following shall be substituted and shall, notwithstanding anything contained in sub-section (3) of section 1 of the said Act, always be deemed to have been so substituted on and from commencement of the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010), namely; -

**"232. Qualifications and disqualifications.**- (1) The qualifications and disqualifications of a person to be elected, chosen or to remain as a member of the *Majlis-e-Shoora* (Parliament) or a Provincial Assembly shall be such as provided for in Articles 62 and 63 of the Constitution:

Provided that the procedure, manner and duration of the qualifications and disqualifications under this section shall be such as specifically provided for in the relevant provisions of Articles 62 and 63 of the Constitution and where no such procedure, manner or duration has been provided for therein, the provisions of this Act shall apply.

(2) Notwithstanding anything contained in any other provisions of this Act, any other law for the time being in force and judgment, order or decree of any court, including the Supreme Court and a High Court, the disqualification of a person to be elected, chosen or to remain as a member of the Majlis-e-Shoora (Parliament) or a Provincial Assembly under paragraph (f) of clause (1) of Article 62 of the Constitution shall be for a period not exceeding five years from the declaration by the court of law in that regard and such declaration shall be subject to the due process of law.”.

### **STATEMENT OF OBJECTS AND REASONS**

Article 218 (3) of the Constitution envisages duty of the Election Commission of Pakistan to organize and conduct the elections and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law and that corrupt practices are guarded against. The Election Commission of Pakistan enjoys administrative and functional autonomy under the provisions of the Constitution and the Elections Act, 2017 which facilitate the ECP in fulfilling its core obligation of free and fair elections. To further strengthen the Commission, amendments in Section 57(1) and 58(1) are required to be made allowing ECP to announce poll date(s) for general election at its own, subject to the Constitution.

2. Parliamentary Committee constituted by the Chairman of the Senate, also examined the proposed amendments and recommended that the Federal Government shall initiate the process of tabling the legislation for the purpose, subject to the Constitution.

3. The Bill seeks to achieve the above objects.

**(MURTAZA JAVED ABBASI)**  
Minister for Parliamentary Affairs