

[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, 2024.

(2) It shall come into force at once and shall be deemed to have taken effect from the commencement of the Elections (Second Amendment) Act, 2023 (XLIV of 2023).

2. **Amendment of section 140, Act XXXIII of 2017.-** In the Elections Act, 2017 (XXXIII of 2017), in section 140,-

(A) in sub-section (2),-

(i) in clause (a), after the word "is", the words "or has been"; shall be inserted;

(ii) in clause (b),-

(a) after the expression "government", the words "a person who is or has been", shall be inserted; and

(b) after the word "or", the words "a person who is or has been", shall be inserted.

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

"(3) In case of appointment of a sitting Judge as the Election Tribunal, the Commission shall consult with the Chief Justice of the High Court concerned."

STATEMENT OF OBJECT AND REASONS

For the purpose of election to National Assembly, the Senate, the Provincial Assemblies and the local governments, about eight laws were in force prior to the year 2017. All political parties with collective wisdom had deliberated various issues requiring address in respect of elections and with consensus the law was enacted as the Elections Act, 2017 (XXXIII of 2017) repealing the earlier laws. Section 140 of the Elections Act, 2017 (XXXIII of 2017) provided for Constitution of Election Tribunals comprising, in the case of an election to an Assembly or the Senate, a person who is or has been a Judge of a High Court and in the case of an election to a local government, a District and Sessions Judge or an Additional District and Sessions Judge. In the year 2023, through the Elections (Amendment) Act, 2023 (XLIV of 2023), an amendment was made in the said section 140 to make only the serving Judge of a High Court as member of the Election Tribunal in respect of cases of an election to an Assembly or the Senate. But the fact of work load of High Courts in pending litigation was overlooked, which work load in heavy pendency of cases still exists and it is very difficult for the serving Judges of the High Courts to spare required time for swift adjudication of election petitions. As such, it is appropriate to restore the original provision of the said section 140 so as also to make retired Judges of High Courts eligible for appointment as member of the Election Tribunal for hearing of election petitions in respect of election to the National Assembly, the Senate and Provincial Assemblies. Similarly, for consistency it is desirable to make retired District and Sessions Judges and retired Additional District and Sessions Judges eligible for appointment as member of the Election Tribunal for hearing of election petitions in respect of election to a local government.

2. The Bill has been designed to achieve the aforesaid objective.


(SENATOR AZAM NAZEER TARAR)
Federal Minister for Parliamentary Affairs