

[AS PASSED BY THE NATIONAL ASSEMBLY ASSEMBLY]

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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 (Second Amendment) Act, 2024.

(2) This Act shall come into force at once and shall be deemed to have taken effect on and from the commencement of the Elections Act, 2017 (XXXIII of 2017).

2. Amendment of section 66, XXXIII of 2017.- In the Elections Act, 2017 (XXXIII of 2017), hereinafter referred to as the said Act, in section 66,-

- (a) for the words "A contesting", occurring for the first time, the expression "Notwithstanding anything contained in this Act or any other law for the time being in force or any judgement, decree or order of any court including the Supreme Court and a High Court, a contesting", shall be substituted; and
- (b) for the full stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:-

"Provided that if a candidate, before seeking allotment of a prescribed symbol, has not filed a declaration before the Returning Officer about his affiliation with a particular political party by submitting party certificate from the political party confirming that he is that party's candidate, he shall be deemed to be considered as an independent candidate and not a candidate of any political party."

3. Amendment of section 104, XXXIII of 2017.- In the said Act, in section 104, in sub-section (1),-

- (a) for the words "For the", occurring for the first time, the expression "Notwithstanding anything contained in this Act or any other law for the time being in force or any judgement, decree or order of any court including the Supreme Court and a High Court, for the", shall be substituted; and
- (b) in the proviso, for the full stop at the end, a colon shall be substituted and thereafter the following second proviso shall be added, namely:-

"Provided further that if any political party fails to submit its list for reserved seats within the aforesaid prescribed time period, it shall not be eligible for the quota in the reserved seats at later stage."

4. Insertion of section 104A, Act XXXIII of 2017.- In the said Act, after section 104, the following new section 104A shall be inserted, namely:-

"104A. Consent for joining of political party by independent returned candidate to be irrevocable etc.- Notwithstanding anything contained in this Act or rules or any other law, for the time being in force, or a judgment, decree or order of any court including the Supreme Court and a High Court, the declaration, consent or affidavit, by whatever name called, of an independent returned candidate once given for joining a political party shall be irrevocable and cannot be substituted or withdrawn."

STATEMENT OF OBJECTS AND REASONS

Articles 51 and 106 of the Constitution of the Islamic Republic of Pakistan provide for allocation of seats to the National Assembly and Provincial Assemblies respectively alongwith mechanism for the elections thereto and include that the independent returned candidate or candidates may duly join a political party within three days of the publication in the official Gazette of the names of the returned candidates. The Elections Act, 2017 and rules made thereunder also provide for the right to independent returned candidate or candidates to duly join a political party at his consent. Neither the Constitution nor the Elections Act, 2017 provide for joining a political party by an independent returned candidate or candidates at subsequent stage when they have already exercised the option to join the political party at a point of time as specified in the Constitution. To provide clarity in the law in true spirit of the Constitution this Bill has been designed to expressly provide for that no independent candidate or candidates shall exercise his/their right to join a political party at a subsequent stage after the period specified for the purpose in the Constitution and the law.

Sd/-

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