

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

BILL

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:—

**CHAPTER I
PRELIMINARY**

1. **Short title, extent and commencement.**— (1) This Act may be called the Elections Act, 2017.
 - (2) It extends to the whole of Pakistan.
 - (3) It shall come into force at once.
2. **Definitions.**— In this Act, unless there is anything repugnant in the subject or context,—
 - (i) “*aalim*” means a Muslim scholar who—
 - (a) holds a degree or a *sanad* requiring conclusion of at least sixteen years of education recognized by the Higher Education Commission; and
 - (b) has at least twenty years’ experience as a teacher or researcher in fields relating to the principles and philosophy of Islam and Islamic law;
 - (ii) “applicable local government law” means an Act of *Majlis-e-Shoora* (Parliament) or of a Provincial Assembly for establishment of a local government and includes an Ordinance;
 - (iii) “Article” means Article of the Constitution;
 - (iv) “Assembly” means the National Assembly or a Provincial Assembly;
 - (v) “bye-election” means an election to fill a casual vacancy;
 - (vi) “candidate” means a person proposed as a candidate for, or seeking, election as a Member;
 - (vii) “Code” means the Code of Criminal Procedure, 1898 (Act V of 1898);
 - (viii) “Commission” means the Election Commission of Pakistan constituted under Article 218;
 - (ix) “Commissioner” means the Chief Election Commissioner appointed under Article 213 and includes an Acting Chief Election Commissioner appointed under Article 217;
 - (x) “constituency” means a constituency delimited under this Act;
 - (xi) “Constitution” means the Constitution of the Islamic Republic of Pakistan;
 - (xii) “contesting candidate” means a validly nominated candidate who has not withdrawn his candidature;
 - (xiii) “election agent” means a person appointed by a candidate as election agent under

- this Act, and, where no such appointment is made, the candidate acting as his own election agent;
- (xiv) "election expenses" means any expenditure incurred before, during and after an election or payment made, whether by way of gift, loan, advance, deposit or otherwise, for the arrangement, conduct or benefit of, or in connection with or incidental to the election of a candidate, including the expenditure on account of issuing circulars or publications but does not include the deposit made under section 61 or section 111;
- (xv) "electoral area" means—
- (a) in rural areas, a village or a census block;
 - (b) in urban areas,—
 - I. where there is a municipal ward or census block, such ward or census block;
 - II. where there is no municipal ward or a census block, a well-defined *Mohallah* or a street;
 - III. where the ward or census block, *Mohallah* or street is too big, a well-defined part thereof:
Provided that a census block shall not be divided except in exceptional circumstances for reasons to be recorded;
 - (c) such other area as may be determined by the Commission;
- (xvi) "Election Programme" means an Election Programme notified by the Commission under this Act;
- (xvii) "election observer" means a person authorized by the Commission to observe the conduct of an election;
- (xviii) "election official" includes an officer or official of the Commission, a District Returning Officer, a Returning Officer, an Assistant Returning Officer, a Presiding Officer, an Assistant Presiding Officer, a Polling Officer or any officer or official of law enforcing agency or other agencies or any other official appointed or deputed to perform duties in connection with an election;
- (xix) "electoral roll" means an electoral roll prepared, revised or corrected under this Act and includes the electoral rolls prepared under the Electoral Rolls Act 1974 (XXI of 1974), existing immediately before the commencement of this Act;
- (xx) "Form" means the nomination Form appended to this Act;
- (xxi) "Government" means the Federal Government and 'any Government' means the Federal Government, a Provincial Government or a local government;
- (xxii) "government dues and utility expenses" for the purpose of section 60 and section 110 *inter alia*, include rent, charges of rest houses or lodges or other accommodation owned by any Government or a body owned or controlled by any Government but shall not include the government dues and utility expenses the recovery of which has been stayed by any order of a court; or tribunal;
- (xxiii) "loan", for the purpose of section 60 and section 110, means any loan, advance, credit or finance obtained or written off on or after 31st December, 1985 but shall not include the loan the recovery of which has been stayed by a court or tribunal;
- (xxiv) "local government" means a local government, by whatever name called,