



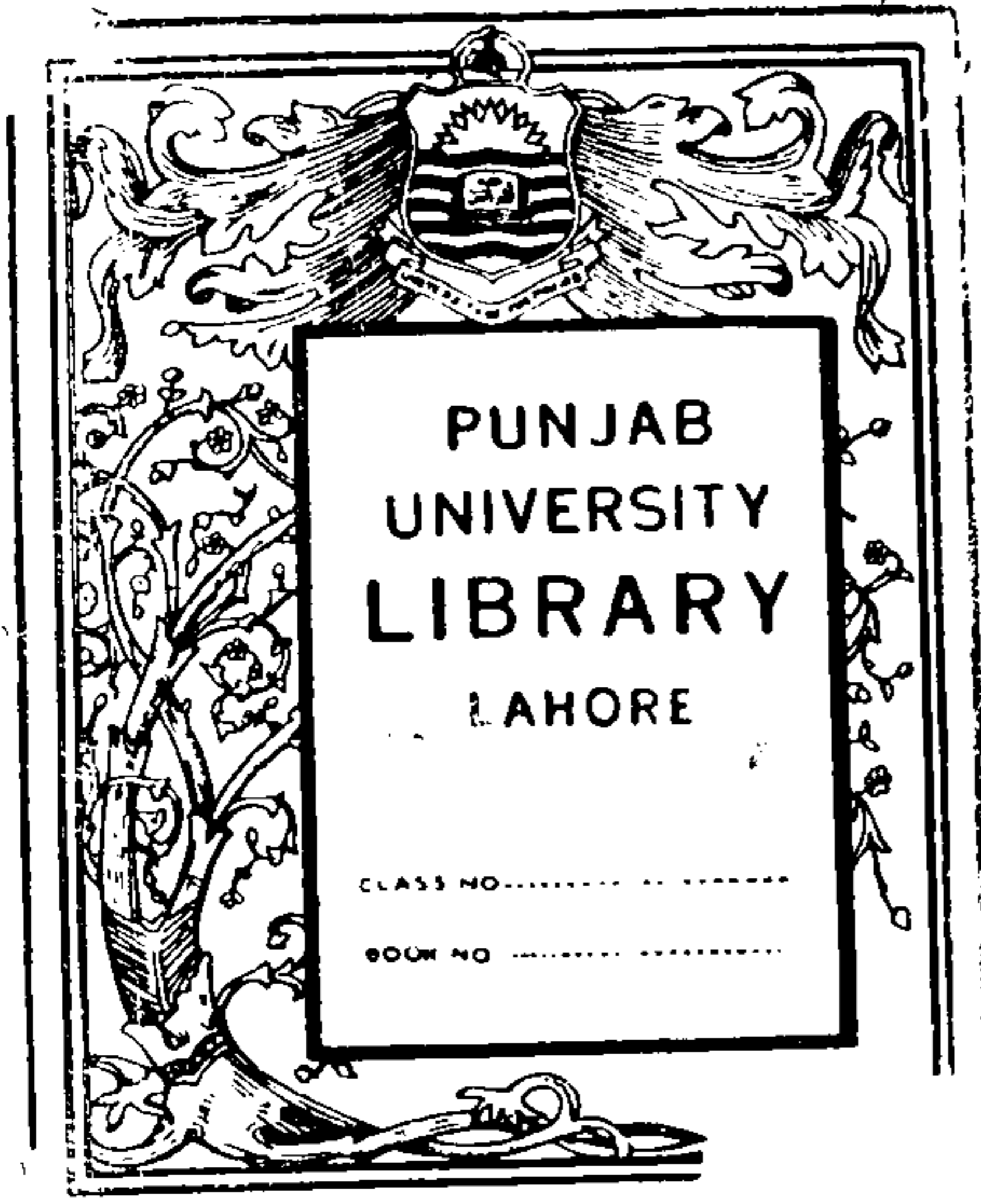
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# REPORT ON GENERAL ELECTIONS 1993



Volume-I

ELECTION COMMISSION OF PAKISTAN



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*With the Compliments  
of  
Mr. Justice (Retired) Naimuddin  
Chief Election Commissioner*

**BY**  
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## PREFACE

General Elections held in Pakistan in 1993 were acknowledged nationally as well as internationally as the fairest and freest, just and most peaceful elections ever held in the country. The opinion of the national press as expressed in their newspapers and of International Observers as expressed by them in their reports have been incorporated in this report. It gives me great satisfaction that the efforts of the Election Commission to hold transparent elections have been recognised universally. We are grateful to all of them and take the opportunity to express our gratitude to them.

The keen interest taken by various observer groups particularly those of NDI, European Community, Commonwealth and SAARC is not only appreciated by the Election Commission but also by Government and the people of Pakistan.

We are inspired by the Declaration of Independence made by the Founding Fathers of United States of America on July 4, 1776. It may be of great interest if the Declaration is quoted here:

It reads: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights Governments are instituted among Men, deriving their just powers from the consent of the governed."

Our Constitution also guarantees all fundamental rights including : life and liberty. In Article 9 it provides that no person shall be deprived of life or liberty save in accordance with the law: in Article 14 it makes dignity of man and privacy of home inviolable. It also guarantees Freedom of assembly (Article 16), Freedom of Associations and Unions (Article 17), Freedom of trade and business or profession (Article 18), Freedom of Speech (Article 19), Freedom to profess religion and to manage religious institutions (Article 20), Protection of property rights (Article 24), Equality of citizens (Article 25).

Non-discrimination in respect of access to public places (Article 26), Safeguard in principle against any discrimination in services (Article 27), and many other such rights. Protection of all these rights by the Government elected by free vote is bound to lead the people of Pakistan to happiness.

The Parliament and Provincial Assemblies are elected to make laws for the good of the people in conformity with the fundamental rights as enshrined in the Constitution. We, therefore, consider free vote as important as the Constitution which guarantees the fundamental rights itself. Accordingly Election Commission left no stone un-turned to have free, fair, just and transparent elections.

Elections 1993 were held before the term of the National Assembly elected in 1990 expired, on the dissolution of the Assembly on the advice of the then Prime Minister of Pakistan. Therefore, in accordance with the Constitution fresh general elections were required to be held within 90 days. The Acting President of Pakistan fixed the date for general elections as 6th October *i.e.* 80th day of the announcement. The Election Commission therefore suddenly came under great stress and strain to organize and conduct the elections to 700 seats to the National and Provincial Assemblies with, over 52 million voters. We had to establish over 34000 polling stations, and 115000 polling booths, and employed about 380000 polling personnel to complete the task in a short-time of 80 days.

Observer groups from Commonwealth, European Community, National Democratic Institute (NDI), SAARC and Human Rights Commission of Pakistan and other observers were allowed free access to the polling station of their choice. In their reports they have commended the work of the Election Commission which are annexed to this report as stated before.

I would be failing in my duty if I do not acknowledge the support which the Armed Forces of Pakistan gave to the Election Commission in holding free, fair and peaceful elections. It was great and selfless. It was really national service and was admired by the entire nation.

The improvements made by the Election Commission particularly by its Chairman in the procedure for declaration of the result and in checking and discouraging the malpractices were duly acknowledged by all. The first important step taken was the decision that the result of each polling station would be announced immediately after the counting of the ballot papers at the polling station was over which was so done within a few hours. Ballot boxes were not removed from the polling station and were opened within the sight of

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the candidates or their polling agents. The ballot papers were counted in the presence of the agents and officers and press representatives and the result of that polling station was announced in the presence of the candidates or their polling agents. No single complaint regarding tampering with the result was ever made. Similarly the result of the constituency-wise election was also announced mostly within 5 to 20 hours in the office of the Returning Officers.

Change of loyalties by the elected members from one party to another party which, generally speaking, may be in power is called defection or horse-trading and it must be discouraged by all.

Successful culmination of the electoral process is largely attributed to the co-operation and guidance rendered by the Members of the Election Commission, Mr. Justice Shaikh Riaz Ahmed, Judge of Lahore High Court and Mr. Justice Muhammad Bashir Jehangiri, Judge of Peshawar High Court. Despite their heavy official/court workload, they regularly attended the Commission's meetings and devoted full attention to the matters brought under discussion. I am pleased to bring on record that the Commission reached unanimous decisions in all the matters placed before them except one wherein they decided by majority.

The Election Commission is indebted to the High Courts for placing the services of the judicial officers to act as District Returning Officers, Returning Officers and Assistant Returning Officers and also of High Court judges, for the disposal of appeals and election petitions. It also goes to their credit that the elections were held in a free, fair and impartial manner and in accordance with law and were so acknowledged by all.

My thanks are also due to the Provincial Governments, the law enforcing agencies, Printing Corporation of Pakistan, Pakistan Security Printing Corporation, Pakistan Television Corporation, Pakistan Broadcasting Corporation, Telephone and Telegraph Department, Controller, Stationery and Forms, Press Information Department, WAPDA and last but not the least the Print Media, who fully co-operated with the Commission and performed their duties efficiently and diligently and helped making this election a success.

This note will remain incomplete if the efforts of the Secretary, Joint Secretaries, Provincial Election Commissioners and other officers and staff of the Election Commission are not acknowledged and lauded. They worked devotedly, untiringly and selflessly, at times, round the clock, denying themselves all the amenities of life for the efficient conduct of elections.

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In the end, I would emphasise the need for strengthening the institutions. Men may come, men may go but the institutions continue for ever. If institutions are weakened, the country is weakened. If democracy is to flourish in the country then it is imperative that institutions are strengthened. Further, all candidates should accept the verdict of the electorate with grace, dignity and with sportsman spirit and if any of them has any grievance, he should ventilate the same in accordance with the Constitution and law in the forums provided for. Any attempt by the members of the Parliament or the Members of the Provincial Assembly, to change the mandate of the voters during their term of office by changing party loyalty would be fatal for democracy and the country.

Justice (Retd.) NAIMUDDIN,  
*Chief Election Commissioner  
of Pakistan.*

ISLAMABAD:

*The 8th August, 1994.*

## CHAPTER I

### INTRODUCTION

The political system prevalent in Pakistan is that of democracy based on adult franchise.

2. The National Assembly of Pakistan and the Provincial Assemblies of Punjab, Sindh, NWFP and Balochistan came into being as a result of the general elections held on October 24, 1990 and October 27, 1990.

3. On 18th April, 1993 the National Assembly was dissolved. General elections were announced for July 14th, 1993. An interim Prime Minister, Mr. Balakh Sher Mazari was appointed. The Supreme Court decided on 26th May, 1993 that the dismissal of the government of Mr. Nawaz Sharif on 18th April, 1993 was without lawful authority and of no legal effect. So the general elections called for July were cancelled.

#### **Dissolution of the National Assembly**

4. The President again dissolved the National Assembly on 18th July, 1993, on the advice of the Prime Minister according to Article 58(1) of the Constitution, thus giving the voters once again an opportunity to freely exercise their right of franchise and elect new representatives to run the democratic system. He announced holding of fresh elections in the country on October 6 and 9, 1993 for the National and Provincial Assemblies, respectively. The Dissolution Order is reproduced below:—

#### “DATE OF HOLDING OF NEXT GENERAL ELECTIONS

(Article 48(5)(a))

WHEREAS the President, on the advice of the Prime Minister, has in exercise of powers conferred on him by Article 58(1) of the Constitution of the Islamic Republic of Pakistan dissolved the National Assembly on 18th July, 1993 and Article 48(5)(a) of the constitution requires that where the President dissolves the National Assembly he shall, in his discretion appoint a date for the holding of general election to the Assembly;

NOW, THEREFORE, in exercise of the powers conferred by Article 48(5) (a) of the Constitution of the Islamic Republic of Pakistan the President is pleased hereby to appoint 6 October 1993 and 9 October 1993 as the dates for the holding of general elections to the National Assembly and Provincial Assemblies, respectively.

Sd/-  
GHULAM ISHAQ KHAN,  
*President.*

Mr. Justice Naimuddin  
Chief Election Commissioner.

NO. 178/1 PRESIDENT OF 18TH JULY, 1993"

5. In the wake of President's order the National Assembly stood dissolved and the Prime Minister and the Cabinet ceased to hold office.

**Dissolution of the Provincial Assemblies**

6. The dissolution of the National Assembly was followed by the dissolution of the Provincial Assemblies of Sindh and Baluchistan on 19th July, 1993. The Provincial Assemblies of the Punjab and NWFP already stood dissolved. The Chief Ministers and the Provincial Cabinets also ceased to hold offices.

**Care-taker Governments**

7. To make the elections transparent, free, fair and impartial it was decided to appoint neutral care-taker governments at the federal and the provincial level. Mr. Moeen Qureshi was the new care-taker Prime Minister.

8. Care-taker Governments were also formed in each Province with new care-taker Chief Ministers.

**Appointment of Members of the Election Commission**

9. On the recommendation of the Chief Election Commissioner and the Chief Justices of the Lahore and Peshawar High Courts, the Acting President of Pakistan Mr. Wasim Sajjad, in exercise of the powers conferred on him under Article 218 of the Constitution of the Islamic Republic of Pakistan appointed Mr. Justice Sheikh Riaz Ahmed, Judge of Lahore High Court and

Mr. Justice Muhammad Bashir Khan Jehangiri, Judge of Peshawar High Court, as Members of the Election Commission for the General Elections.

10. The Election Commission, with Mr. Justice (Retd.) Naimuddin as Chairman and Mr. Justice Sh. Riaz Ahmed and Mr. Justice Muhammad Bashir Khan Jehangiri as its members, organised and made all the necessary arrangements for conduct of the general elections in October, 1993.

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## CHAPTER-II

**THE POLITICAL SCENARIO AFTER  
THE 1990 GENERAL ELECTIONS**

As a result of 1990 general elections, the IJI having secured 106 seats emerged as the single largest party in the National Assembly. The PDA captured 44, MQM 15, JUI(F) 6, PNP 6, JUI(N)3, PNP and JWP 2 seats each, PKMAP 1 and independent candidates won 22 seats. Resultantly, the IJI formed Government at the federal level. Similarly, the IJI having secured the highest number of seats in the Provincial Assembly of the Punjab, formed Government in that Province. In case of Sindh, the IJI and MQM formed coalition Government. The IJI and ANP joined hands to form the government in the NWFP. A coalition Government, dominated by JWP, was formed in Baluchistan province.

2. Comfortable position of the IJI in the federal and provincial legislatures led to the general belief that political stability had, at last, been restored in the country and that this party would remain saddled in power till completion of the normal term as envisaged under the Constitution.

3. The PDA, however, from the very outset, repeatedly alleged that the 1990 general elections were rigged and that the IJI had, therefore, no right to rule the country. The Election Commission, in its Report on the 1990 General Elections, dealt with all such allegations at length to prove, on the basis of facts and figures, that these elections were held in a free, fair and impartial manner. No substantial proof of rigging was produced by any candidate or political party in support of these allegations. Apart from other factors, as elaborated in that Report, one factor alone is sufficient to prove that the allegations of rigging are not based on facts. In all 145 election petitions were filed by the defeated candidates. These petitions were tried by 27 Election Tribunals who were Judges of the High Courts. Only one petition succeeded on technical grounds and the remaining 144 election petitions were dismissed by the Election Tribunals as the petitioners failed to prove the allegations made by them, in the court of law.

4. Polarisation between the party in power and the opposition gradually mounted and no consensus could be reached even on major national issues. With the passage of time, the situation was further aggravated due mainly to frequent boycott of sessions of the National Assembly, slow pace of legislation, call for 'long march', controversy on Eighth Amendment,

nomination of candidate for the forthcoming presidential election, threat of mass resignations by members of the National Assembly and similar other events.

5. There is no denying the fact that the political system, which is based on sound political institutions and well established political parties, and where elections results are accepted with open hearts by the contesting parties vying for elections, does sail smoothly. But if the system is not strong enough, it is bound to crumble, sooner or later, under its own weight. The government-opposition tussle started immediately after elections in November, 1990 and culminated in the dissolution of National Assembly by the President of Pakistan in April, 1993.

6. In this backdrop, strains emerged in the relations between the President and the Prime Minister in January, 1993. Efforts made by some political leaders and others concerned to bridge the gap and to establish normal working relationship between two pillars of the State were not crowned with success. Relations between them steadily deteriorated and with the address of the Prime Minister to the nation over the radio and Television on 17th April, 1993, ultimately reached a point of no return leaving no room for compromise. The President dissolved the National Assembly, dismissed the Prime Minister and the Cabinet for the reasons stated in his detailed order issued on 18-4-1993 under clause (2)(b) of Article 58 of the Constitution. In another order, reproduced below, the President appointed the date for holding fresh general election to the National Assembly:—

“WHEREAS the President has in exercise of powers conferred on him by Article 58(2)(b) of the Constitution of Islamic Republic of Pakistan dissolved the National Assembly on 18-4-1993, and Article 48(5)(a) of the Constitution requires that where the President dissolves the National Assembly, he shall, in his discretion, appoint a date for the holding of General Election to the Assembly:

NOW, THEREFORE, in exercise of the powers conferred by Article 48(5)(a) of the Constitution of the Islamic Republic of Pakistan, the President is pleased hereby to appoint 14 July, 1993 as the date for the holding of General Elections.

Sd -  
(GHULAM ISHAQ KHAN)  
*President.*

MR. JUSTICE NAIMUDDIN,  
*Chief Election Commissioner*”

7. The out-going Prime Minister challenged the order in the Supreme Court of Pakistan through a Constitutional Petition, filed on 25th April, 1993. After hearing the parties at length, the Supreme Court in its order dated 26th May, 1993, by majority allowed the petition and restored the National Assembly and its functioning.

8. The Governor of Punjab dissolved the Provincial Assembly, Punjab, on the advice of the Chief Minister, on 29th May, 1993. This order was challenged in the Lahore High Court by Ch. Pervaiz Ilahi on 30th May, 1993. In its interim order dated 9th June, 1993, the High Court ordered restoration of the Provincial Assembly, and confirmed this order in the final judgment passed on 28th June, 1993. On the advice of the Chief Minister, Punjab, the Governor again dissolved the Provincial Assembly, the same evening.

9. On the advice of the Chief Minister, NWFP, the Governor dissolved the Provincial Assembly, NWFP, on 30th May, 1993, under clause (1) of Article 112 of the Constitution. The order was challenged by Nawabzada Mohsin Ali Khan and others in three writ petitions filed before the Peshawar High Court. In its order dated 14-7-1993, the High Court dismissed the writ petitions and upheld the dissolution order of the Governor.

10. The political crisis, which had gripped the entire country for the last several months reached its climax on 18th July, 1993, at the conclusion of protracted negotiations between the President, the Prime Minister and the Chief of Army Staff and several political leaders and the following decisions were taken:—

- (1) The Prime Minister will advise the President to dissolve the National Assembly.
- (2) The President and the Prime Minister will relinquish their offices.
- (3) Fresh polls will be held to the National Assembly and Provincial Assemblies.
- (4) Mr. Wasim Sajjad, Chairman, Senate, will assume office as Acting President.
- (5) Mr. Moeen Qureshi, a well-known economist, will be appointed as Caretaker Prime Minister.
- (6) The present Governors and Chief Ministers will be replaced by non-political and neutral persons in all the four Provinces.



11. Consequently, the President issued the following Order on 18th July, 1993:—

“WHEREAS the President, on the advice of the Prime Minister, has in exercise of powers conferred on him by Article 58(1) of the Constitution of the Islamic Republic of Pakistan dissolved the National Assembly on 18th July, 1993 and Article 48(5) (a) of the Constitution requires that where the President dissolves the National Assembly, he shall, in his discretion appoint a date for the holding of general election to the Assembly:

NOW, THEREFORE, in exercise of the powers conferred by Article 48(5) (a) of the Constitution of the Islamic Republic of Pakistan, the President is pleased hereby to appoint 6 October 1993 and 9 October 1993 as the dates for the holding of general election to the National Assembly and Provincial Assemblies respectively.

Sd/-  
(GHULAM ISHAQ KHAN)  
*President.*

MR. JUSTICE NAIMUDDIN,  
*Chief Election Commissioner.*”

12. Simultaneously, the President relinquished his office by addressing the following communication to the Speaker, National Assembly of Pakistan:—

“In order to uphold the national interest and in the firm belief that it shall help resolve the current political crisis, I have decided to voluntarily resign my office in terms of Article 44(3).

(2) In compliance with Article 49(1), therefore, Mr. Wasim Sajjad, Chairman Senate shall act as the President until a President is elected in accordance with clause (3) of Article 41.

(3) In pursuance of second proviso to section 12 of The President’s Salary, Allowances and Privileges Act 1975 (LVIII of 1975) I shall avail myself of four months leave due to me from the

date of laying down my office which shall commence with immediate effect, *i.e.* 19th July, 1993 (FN).

Sd/-

(GHULAM ISHAQ KHAN)

*President.*

The Speaker National Assembly”

13. The Governor of Sindh dissolved the Provincial Assembly, Sindh, as per advice of Syed Muzafar Hussain Shah, Chief Minister, Sindh on 19th July, 1993, under Article 112 of the Constitution.

14. As advised by Nawab Zulfiqar Ali Magsi, Chief Minister, Baluchistan, the Governor of Baluchistan, dissolved the Provincial Assembly, Baluchistan, the same day under the same provision of the Constitution.

15. The Provincial Assembly, NWFP and the Provincial Assembly, Punjab, already stood dissolved with effect from 30th May, 1993 and 28th June, 1993, respectively.

16. In consequence, the Election Commission was required to gear up its entire machinery to organize and conduct the general elections to the National Assembly on 6th October, 1993 and to the Provincial Assemblies on 9th October, 1993.

## CHAPTER III

### COMPOSITION OF THE PARLIAMENT AND PROVINCIAL ASSEMBLIES AND MODE OF ELECTIONS

For quicker and better comprehension of the discussion in the Report, it is essential to give a preview of the composition of legislative houses at the national and provincial levels, besides basic information on the form of government and its ingredients in the country.

#### **Form of Government**

2. The Constitution of the Islamic Republic of Pakistan envisages a federal form of the Government for the country. The federating units are the provinces of Baluchistan, the North-West Frontier, the Punjab, Sindh, the Islamabad Capital Territory and the Federally Administered Tribal Areas.

#### **Election by Secret Ballot**

3. All elections under the Constitution are held by secret ballot.

#### **Separate Electorates**

4. Election to the National Assembly and the Provincial Assemblies is held on the basis of separate electorates for the Muslims and the minority communities by direct and free vote. Persons enrolled on the electoral rolls for the Muslims vote for election of Muslim members and the persons enrolled on the electoral rolls of a particular community of the non-Muslims are entitled to vote for election of members of that community in the National Assembly or a Provincial Assembly.

#### **The Parliament**

5. At the federal level, the legislature is called the Parliament (Majlis-e-Shoora) which is bicameral. The Parliament of Pakistan consists of the President and two Houses known as the National Assembly and the Senate.

#### **The President**

6. The President is the Head of State and represents the integrity of the Republic. He is elected by an electoral college consisting of the members of the National Assembly, the Senate and the Provincial Assemblies. The term of

office of the President is five years. A person holding office as President is eligible for re-election to that office for another term. No person can hold that office for more than two consecutive terms.

### Composition of the Senate

7. The Senate which is the upper house of the Parliament has a total membership of 87. Seats are allocated to the Provinces on equal representation basis without taking into account the population factor. Each Province has 14 general seats and five special seats for Ulema, technocrats and other professionals. Three seats have been allocated to the Federal Capital and eight seats have been assigned to the Federally Administered Tribal Areas.

8. The composition of the Senate is indicated in the following table:---

Province/Area	General Seats	Special seats for Ulema, technocrats and other Professionals	Total
1	2	3	4
The Federal Capital	3		3
Federally Administered Tribal Areas	8		8
Punjab	14	5	19
Sindh	14	5	19
NWFP	14	5	19
Baluchistan	14	5	19
Total:	67	20	87

### Mode of Election to the Senate

9. Election to the seats allocated to a Province in the Senate is held in accordance with the system of proportional representation by means of a single transferable vote by the electoral college consisting of members of the Provincial Assembly concerned.

10. The members of the Senate from the Federal Capital are elected by the members of the National Assembly in accordance with the system of proportional representation by means of a single transferable vote.

11. The members of the Senate from the Federally Administered Tribal Areas are elected by the members of the National Assembly representing these areas, each member of the National Assembly having as many votes as the number of seats to be filled. Candidates securing the highest number of votes are declared elected according to the number of vacant seats.

### Composition of the National Assembly

12. The National Assembly has a total number of 217 seats. Of these, 207 Muslim seats are allocated to the Provinces on the basis of population and ten seats have been reserved for the minority communities as is shown in the following table:—

Province/Area	Muslim Seats
The Federal Capital	1
The Federally Administered Tribal Areas	8
Punjab	115
Sindh	46
N.W.F.P.	26
Baluchistan	11
Total Muslim Seats =	
Seats reserved for minority communities =	
Grand Total =	
	217

13. Detail of the ten seats reserved in the National Assembly for the minority communities is as under:—

1. Christians	4
2. Hindus and persons belonging to the Scheduled Castes.	4
3. Sikh, Budhist and Parsi communities and other non-Muslims.	1
4. Persons belonging to the Qadiani group or the Lahori group (who call themselves Ahmadis).	1

### Mode of Election to the National Assembly

14. Members of the National Assembly from the Muslim seats are elected by the Muslim voters on the basis of single member territorial constituencies. The non-Muslim members of each minority community are elected by the voters belonging to that community and the whole of Pakistan forms one multi-member constituency with as many seats as are reserved for a community.

### Provincial Assemblies

15. Each Province has its own legislature called the Provincial Assembly. The Provincial Assemblies are unicameral. The Federal Capital and the Federally Administered Tribal Areas do not have representation in any of the four Provincial Assemblies.

### Composition of the Provincial Assemblies

16. Composition of the Provincial Assemblies is tabulated below:—

Provincial Assembly	Muslim Castes	Seats reserved for the minority communities					Total seats reserved for minority communities	Total
		Christians	Hindus & persons belonging to the Scheduled Cases	Sikh, Budhist and Parsi communities and other non-Muslims	Persons belonging to the Qadiani group or the Lahori group (who call themselves Ahmadis)			
1	2	3	4	5	6	7	8	
Punjab	240	5	1	1	1	8	248	
Sindh	100	2	5	1	1	9	109	
NWFP	80	1	—	1	1	3	83	
Baluchistan	40	1	1	1	—	3	43	
Total:	460	9	7	4	3	23	483	

### Mode of Election to the Provincial Assemblies

17. As in case of the National Assembly, members of the Provincial Assemblies for the Muslim seats are elected by the Muslim voters on the basis of single member territorial constituencies. The members of each minority community are elected by the voters enrolled on the electoral roll of that community and the whole of Province forms one multi-member constituency with as many seats as are allocated under the Constitution to it in the Assembly of that Province.

## CHAPTER IV

### ELECTION COMMISSION OF PAKISTAN

The Election Commission of Pakistan is a constitutional body, which is set up for accomplishing a delicate task of national importance. It has been laid down in Article 218 of the Constitution of Islamic Republic of Pakistan that for the purpose of each general election to the National Assembly and to a Provincial Assembly, an Election Commission shall be constituted in accordance with the said Article. The Election Commission so constituted consists of—

- (i) The Chief Election Commissioner, who is Chairman of the Commission and
- (ii) Two Members each of whom is a Judge of a High Court.

2. The Chief Election Commissioner is appointed by the President of Pakistan in his discretion under Article 213 of the Constitution. The Members are appointed by the President after consultation with the Chief Justice of the High Court concerned and with the Chief Election Commissioner in accordance with provisions of Article 218 (b) of the Constitution.

3. As per Notification issued by the Government of Pakistan, Ministry of Justice and Parliamentary Affairs (Parliamentary Affairs Division) No. F. 12 (10)/93-P.A. dated the 26th July, 1993, Mr. Justice Sheikh Riaz Ahmed, Judge of Lahore High Court and Mr. Justice Muhammad Bashir Khan Jehangiri, Judge of Peshawar High Court were appointed as Members of the Election Commission for the general elections.

#### Functions of the Election Commission

4. In accordance with Article 218 (3) of the Constitution, it is the duty of the Election Commission constituted in relation to an election to organise and conduct the election 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.

### **Duties and Functions of Chief Election Commissioner**

5. Under Article 219 of the Constitution, the Chief Election Commissioner is charged with the duty of,—

- (a) preparing electoral rolls for election to the National Assembly and the Provincial Assemblies and revising such rolls annually;
- (b) organising and conducting election to the Senate or to fill casual vacancies in a House or a Provincial Assembly; and
- (c) appointing Election Tribunals.

### **Role of Executive Authorities**

6. As laid down in Article 220 of the Constitution, it is the duty of all executive authorities in the Federation and in the Provinces to assist the Chief Election Commissioner and the Election Commission in the discharge of his or their functions.

### **Organisational Structure**

7. The Election Commission of Pakistan has its Secretariat at Islamabad with offices of Provincial Election Commissioners at all the four Provincial Headquarters. Besides, there are offices of Deputy Election Commissioners at all Divisional Headquarters and offices of the Assistant Election Commissioners/Election Officers at District Headquarters. The Secretariat is headed by the Secretary, Election Commission and consist of three main wings dealing with matters relating to Elections, Administration and Budget. All the three wings work in a well-knit integrated organisation. Each wing is headed by a Joint Secretary, who is assisted by Deputy Secretaries and Section Officers. The Director, Public Relations is responsible for the publicity matters. The present organisational structure of the Election Commission has been raised in phases extending over a period of 25 years. The present organisation is working quite smoothly and efficiently.

8. The Election Commission of Pakistan headed by Mr. Justice (Retired) Naimuddin, Chief Election Commissioner with Mr. Justice Sheikh Riaz Ahmed and Mr. Justice Muhammad Bashir Khan Jehangiri as two Members worked day and night in deciding and taking all necessary measures for conducting free, fair and transparent General Elections in the country in October, 1993. The Election Commission also disposed of all complaints, petitions under section 103AA of the Representation of the People Act, 1976 and other petitions under other provisions thereof within the time prescribed by law.



## CHAPTER V

## LEGAL FRAMEWORK FOR ELECTIONS

An overview of the statutory basis is always helpful in comprehending the mechanism of the general elections held in a country. In fact, the legal structure is of the same importance and significance as the basic structure of a beautiful and magnificent building.

2. Articles 213 to 221 of the Constitution of the Islamic Republic of Pakistan embody the provisions relating to Chief Election Commissioner and Election Commission of Pakistan. Article 218 of the Constitution lays down that an Election Commission consisting of Chief Election Commissioner of Pakistan as its Chairman, and two Members either of whom shall be a Judge of a High Court, shall be constituted for the purpose of each general election to the National Assembly and to a Provincial Assembly. It is the duty of the Election Commission constituted in relation to an election to organize and conduct the election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly and fairly in accordance with law and that corrupt practices are guarded against.

#### Amendment to the Representation of the People Act, 1976

3. The Representation of the People Act, 1976, which has been the basic law since 1977 for conduct of elections in the country, continued as the statutory basis for 1993 General Elections as well. However, the procedure differed in some respects due to a few amendments made in the law. In order to understand the correct perspective, it seems relevant to discuss hereunder some of the major amendments made in the Representation of the People Act, 1976 on the eve of 1993 general elections:—

- (1) In the elections held to the National and Provincial Assemblies prior to 1993 general elections, the Nomination Forms contained a declaration to be signed by the candidate that he had consented to the nomination and that he was not subject to any disqualification for being elected as a member. The relevant section dealing with 'Nomination for election', *i.e.*, section 12 of the Representation of the People Act, 1976 was amended and a few additional declarations regarding obtaining of loans by the candidates, their spouse, dependents, etc. from any bank, financial institution, co-operative society or corporate body and with regard to default on account of non-payment of such loans, were prescribed. This was

a new concept, which was introduced for the first time in the electoral history of Pakistan.

Thus, sub-section (2) of section 12 of the above said Act was substituted by a new sub-section by the Representation of the People (Amendment) Ordinance, 1993 (Ordinance No. XVI of 1993) issued on the 19th August, 1993. The amended sub-section prescribed the following additional declarations to be signed by the candidate:—

- (a) a declaration about his party affiliation, if any;
  - (b) a declaration that an amount of loan, as might be prescribed, obtained from any bank, financial institution, co-operative society or corporate body in his own name or in the name of his spouse or dependents or any business concern mainly owned by the aforesaid, did not remain unpaid for more than one year from the due date; and
  - (c) a declaration that no loan, the amount of which might be prescribed, obtained by him, his spouse or dependents or a business concern mainly owned by him or anyone of the aforesaid from any bank, financial institution, cooperative society or corporate body was written off or such amount which was written off had since been paid.
- (2) With regard to the bank loans, their payments, etc a few other conditions were laid down by further amending the law. After sub-section (2) of section 12 *ibid*, four new sub-sections, namely, sub-section (2A), (2B), (2C) and (2D), were inserted by the Representation of the People (Second Amendment) Ordinance, 1993 (Ordinance No. XX of 1993), which was issued on 27-8-1993. All these added new sub-sections, which related to various aspects of loans, are reproduced below for the facility of ready reference:—

“(2A) The declaration specified in clause (iv) of sub-section (2) shall be made in respect of the loan written off after the twenty-third day of March, 1985.

(2B) Where a candidate desires to make payment of any loan specified in clause (iii) and (iv) of sub-section (2A) and give

an undertaking to the Returning Officer for payment of such loan before the 13th day of September, 1993, the Returning Officer shall allow such candidate to file nomination paper without the declarations specified in the aforesaid clause.

- (2C) Where a candidate pays back the loan in respect of which he has given an undertaking under sub-section (2B), the earlier non-payment or writing off the loan shall not be deemed to be corrupt practice for the purpose of section 78.
- (2D) Where a candidate does not make payment of loan in respect of which he has given an under-taking under sub-section (2B) within the period specified therein, in addition to any penalty which may be levied upon him under any law for the time being in force, his name shall not be published in the list of contesting candidates required to be published by the Returning Officer under sub-section (1) of section 16 nor shall his name appear in the ballot paper.”

(3) The following explanation was added to section 12(7) of the Act by the aforesaid Representation of the People (Second Amendment) Ordinance, 1993 (Ordinance No. XX of 1993)—

“*Explanation.*—For the purpose of this section, the expression ‘mainly owned’ shall mean ownership of fifty-one percent or more shares in a business concern”.

- (4) The Nomination Paper, the form whereof is set out under rule 3 of the Representation of the People (Conduct of Election) Rules, 1977 was amended *vide* Notification SRO No. 705(I)/93, dated the 19th August, 1993 in order to bring it in line with the amended provision of section 12 of Representation of the People Act, 1976. The amount of loan was prescribed as one million rupees or more. The nomination Form-I (for Muslims) and Form I-A (for non-Muslims) were amended and got printed by the Election Commission accordingly.

Another amendment was made in the part titled ‘Authorisation’ in the Nomination Form in order to mention the name of the candidate in Urdu, which he proposed to be printed in the ballot paper.

These revised Nomination Forms were used in elections to the National and Provincial Assemblies in 1993.

- (5) A few more amendments were made in various provisions of the above said Act by the Representation of the People (Amendment) Ordinance, 1993 (Ordinance No. XVI of 1993) issued on the 19th August, 1993. The details of these amendments are briefly mentioned hereunder:—

- (a) A new sub-section (3A) with a proviso was added to section 42 regarding submission by each elected candidate to the Chief Election Commissioner a statement of assets and liabilities of his own, spouse and dependents. There was no such requirement in previous elections. This being an important amendment/change, is reproduced below for the facility of ready reference:—

“(3A) A candidate securing the highest number of votes specified in section 39 or section 41 shall, within seven days from the poll of an election or within such time as the Commissioner may allow, submit a statement of assets and liabilities of his own, spouse and dependents to the Commissioner.

Provided that the result of a candidate shall not be published who fails to submit the statement of assets and liabilities specified in sub-section (3A).”

- (b) Sections 48, 49, 50 and 51 laying down definition of election expenses, restrictions on election expenses, time limit for filing returns of election expenses and inspection of election expenses returns, were inserted after section 47-A in Chapter VI of the Act;
- (c) In order to make the expeditious disposal of election petitions mandatory the following sub-section (1A) was added after section 67(1):—

“(1A) The trial of the election petition shall proceed day to day and the decision shall be taken by the Tribunal within six months from the date of its receipt from the Commissioner.”;

- (d) The contravention of provisions of section 49, *i.e.*, restriction on election expenses was made a corrupt practice by adding clause (1) in section 78.
- (e) The publication of a false statement of assets and liabilities or a declaration specified in sub-section (2) of section 12 was termed as corrupt practice by adding a new sub-section (d) in clause (3) of section 78;
- (f) By amending section 82 of the Representation of the People Act, 1976 the maximum term of punishment for corrupt practices was raised from three to five years and the limit of fine from Rs. 5,000 to Rs. 10,000;
- (g) The words, 'and pays his debts specified in sub-section (2) of section 12' were added to clause (f) of section 99(1). According to the amended provision, a person is not qualified to be elected or chosen as a member of an Assembly unless he is sagacious, righteous, non-profligate, honest, *ameen* and lays his debts specified in sub-section (2) of section 12;
- (h) Section 102 of the Act was re-worded and the Chief Election Commissioner was empowered to condone any mistake or omission in any statement or declaration, if he was satisfied that such failure, error, omission or mistake was *bona fide* or due to circumstances beyond the control of the applicant. The re-worded provision reads as under:—

“102. *Removal and remission of disqualification.*—The Commissioner may, on an application made in this behalf,—

- (a) remit any disqualification for failure to submit the return of election expenses or for any error or incorrect statement in such return; and
- (b) condone any mistake or omission in any statement or declaration, if the Commissioner is satisfied that such failure, error, omission or mistake had occurred or incorrect statement made was *bona fide* or due to circumstances beyond the control of the applicant.”

4. All amendments made through Representation of the People (Amendment) Ordinance, 1993 (Ordinance No. XVI of 1993), dated the 19th August, 1993 stood repealed under Article 89 of the Constitution and were re-enacted and given effect from the 15th December, 1993. These amendments, which were again going to lapse on 14-4-1994 were once again re-enacted *vide* Ordinance No. XXVII of 1994, dated 5-4-1994 and were given effect from 5-4-1994. However, the amendments made through Representation of the People (Second Amendment) Ordinance, 1993 (Ordinance No. XX of 1993) lapsed at the expiration of four months on 26-12-1993. Consequently, the amendments made in the Act through Ordinance No. XX of 1993, *i.e.* sub-sections (2A), (2B), (2C) and (2D) of section 12 and Explanation, which was added after section 12(7), are no more part of the law.

5. The broader legal canvas of 1990 general elections and that of 1993 general elections remained identical except for some of the main amendments/changes, which were made during and after 1993 general elections and have been mentioned at some length in preceding paragraphs. It is pertinent to mention here that a few amendments were also made in the Representation of the People Act, 1976 *vide* Representation of the People (Amendment) Act, 1991 (Act No. IX of 1991) in section 11, 14 and 21 relating to Notification for election, scrutiny, etc. As the details thereof are not significant, the same are not given here.

#### **Amendments in the Representation of the People (Conduct of Election) Rules, 1977.**

6. Some amendments were made in the Representation of the People (Conduct of Election) Rules, 1977 *vide* Election Commission of Pakistan Notification No. 705(1)/93, dated the 19th August, 1993, which are briefly described hereunder:—

- (1) By amending sub-rule (1) of rule 9 five new symbols, namely, Bunch of Grapes, Fist, Football, Gun and Hukkah were added at Sl. Nos. 11A, 24A, 25A, 27A and 30A ;
- (2) As the number of candidates for minority seats is generally very large, the Election Commission was empowered by adding sub-rule (3) to rule 9, to allot a multiple symbol specified in sub-rule (1) to the candidate for a seat reserved for minority communities ;
- (3) A column regarding National Identity Card number of the elector was added in Form-VII and Form-VIIA, *i.e.* format of Postal Ballot Papers for Muslims and non-Muslims ;

- (4) In form-VIII after the words "signature of elector", a column regarding "Name of elector with his National Identity Card number....." was added ;
- (5) A column was provided in Form-XIV, *i.e.*, the Statement of the count for name and designation of the Presiding Officer and his thumb impression. This column played an important role in eliminating possibilities of forging statements of count.

7. In spite of the fact that new symbols were added to the list from time to time, there was still need to add some more symbols to the existing list in order to cater for the requirements of large number of prospective independent candidates desirous of contesting election from the general seats, seats from Federally Administered Tribal Areas and minority seats. Thus, another amendment was made in the Representation of the People (Conduct of Election) Rules, 1977 and sub-rule (1) of rule 9 was substituted by new sub-rule *vide* SRO 751(I)/93, dated the 30th August, 1993. The new list contained 96 symbols as against previous 82 symbols.

### **Recomendations**

8. As has been widely acknowledged in the national and international press, 1993 general elections were conducted in a free, fair, impartial and transparent manner. This proved the effectiveness of legal basis provided for 1993 general elections. Thus, the need for giving permanent effect by way of an amendment/Act to some of the important amendments made in 1993 in the Representation of the People Act, 1976 cannot be over-emphasised so that the amendments made through amending Ordinance do not lapse.

9. According to the new concept, which has been introduced by inserting sub-section (3A) in section 42 of the said Act, the elected MNAs and MPAs have filed with the Chief Election Commissioner of Pakistan the statements of assets and liabilities of their own, spouse and dependents. No Form under the Representation of the People (Conduct of Election) Rules, 1977 has been prescribed with the result that each MNA and MPA has filed the statements in different manner. It will be of advantage if a Form is prescribed for the purpose to give it a proper format and uniformity.

## CHAPTER VI

## THE ELECTORAL ROLLS

**Legal Framework**

Article 219(a) of the 1973 Constitution contemplates that the Chief Election Commissioner shall be charged with the duty to prepare the electoral rolls for election to the National Assembly and the Provincial Assemblies. He shall also revise such rolls annually. The relevant law for preparation, amendment and revision of electoral rolls is embodied in the Electoral Rolls Act, 1974 and the Electoral Rolls Rules, 1974 framed thereunder.

**Qualification of a Voter**

2. Clause (2) of Article 51 and clause (2) of Article 106 of the Constitution prescribe that a person shall be entitled to vote if—

- (a) he is a citizen of Pakistan;
- (b) he is not less than 21 years of age;
- (c) his name appears on the electoral rolls; and
- (d) he is not declared by a competent court to be of unsound mind.

3. Section 6(2) of the Electoral Rolls Act, 1974 also requires that a person shall be entitled to be enrolled as voter in an electoral area if he—

- (a) is a citizen of Pakistan;
- (b) is not less than 21 years of age on the first day of January in the year in which the preparation or revision of the electoral rolls commences under this Act;
- (c) is not declared by a competent court to be of unsound mind; and
- (d) is, or is deemed under section 7 to be, resident in the electoral area.

**Use of Electoral Rolls**

4. The electoral rolls are required to be prepared and used for the following purposes:—

- (a) Election to the National Assembly of Pakistan.

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- (b) Election to the Provincial Assemblies of the Punjab, Sindh, NWFP and Baluchistan.
- (c) Conduct of the Referendum if called under the Constitution.
- (d) Election to the local bodies by the Provincial Governments.

### **Concept of Separate Electorate**

5. Article 51 (2-A) and Article 106(3) of the Constitution divided the non-Muslims into four categories and accordingly reserved the number of seats for them in the National Assembly and the Provincial Assemblies. The detail of minority communities is as under :—

- (1) Christians.
- (2) Hindu and persons belonging to the Scheduled Castes.
- (3) Sikh, Budhist and Parsi Communities and other non-Muslims.
- (4) Persons belonging to the Quadiani group or the Lahori group (who call themselves Ahmadis).

The separate electorate system envisages that the Muslim voters are entitled to vote at an election to a Muslim seat while the non-Muslim voters, belonging to either of the above Communities, vote for election of member of that Community in an Assembly. The electoral rolls are, therefore, prepared separately for the Muslim voters and the voters of each of the above minority Communities.

### **The Existing Electoral Rolls**

6. The existing electoral rolls were prepared in 1986-87 with the first of January, 1986, as the qualifying date for enrolment of voters. These electoral rolls, which were finally published on October 8, 1987, formed basis for election to the local councils held in 1987 and 1991-92, the general elections to the National Assembly and the Provincial Assemblies held in November, 1988, in October, 1990 and 1993. The electrical rolls were however, revised in 1991 by the Chief Election Commissioner, as was required under the Constitution.

### **Enrolment and Correction**

7. In order to upkeep and update the electoral rolls, amendments by way of additions, deletions and corrections are made in it continuously under

section 18 of the Electoral Rolls Act, 1974. A person, who attains 21 years of age and also fulfills the other requirements of law can get himself registered as a voter by making an application to the Registration Officer, along with photostat copy of his identity card. Similarly, erroneous or defective entry of a voter can be corrected and the name of a voter can be deleted from the electoral roll if an application is made in this behalf to the Registration Officer and the Registration Officer is satisfied after making the necessary enquiry that the application/complaint is correct, he will order accordingly. The process of amendment/correction of the electoral roll by the Registration Officer under section 18, however, remains suspended during the period when the process of annual revision under section 17 remains operative as also when the constituencies are called upon to elect their representatives and before such representatives are elected, meaning thereby no addition, deletion or correction of a name is permissible in the electoral roll, once the process of election starts and till the result of election is notified.

### **Revision of Electoral Rolls—1991**

8. The task of annual revision of electoral rolls, 1991 was undertaken under the directions and able guidance of Mr. Justice Naimuddin, Chief Election Commissioner of Pakistan. In this connection, the main steps taken for successful completion of the whole operation are briefly enumerated below :—

#### *Allocation of Funds and Administrative arrangements*

- (a) With the optimum efforts of the Chief Election Commissioner, a sum of rupees forty million was got released from the Government of Pakistan in August, 1991 for annual revision of electoral rolls. Immediately after this allocation, the Election Commission finalized arrangements for the procurement of six essential items of stationery and the printing of ten different types of forms, seven types of registers and three types of manual of instructions (detail whereof has already been given in the Report on Annual Revision of Electoral Rolls, 1991 published on 31st January, 1993) with the concerned agencies of the Government on priority basis.

#### *Economy Measures*

- (b) Conscious of the time and the financial constraints, the Chief Election Commissioner explored the possibilities of effecting

economy in the expenditure. In order to achieve this objective, sub-rules (2) and (3) of rule 17 of the Electoral Rolls Rules, 1974 were amended enabling the Chief Election Commissioner to adopt a simplified procedure for annual revision, which ultimately resulted in saving a sum of Rs. 13.5 million approximately. The Form of application for inclusion of names *i.e.* Form-II for Muslims and Form-VIII for non-Muslims were revised and adopted for this purpose.

- (c) Amendment to sub-rule (3) of rule 17 empowered the Chief Election Commissioner of Pakistan to publish manuscript of the lists of amendments or photostat thereof instead of printed lists. The amendment further economized the expenditure to the extent of ten million on the printing of supplementary lists of additions, deletions and corrections every year.

*Printing and Distribution of Forms and Registers etc.*

- (d) The Forms, Registers and Manual of Instructions for the guidance of Registration Officers, Revising Authorities, etc. were printed through the Printing Corporation of Pakistan (Pvt) Limited, Islamabad, Karachi and Lahore and distributed to the Registration Officers, Assistant Registration Officers, Revising Authorities and Verifying Officials well before the commencement of revision operation. The Forms for inclusion of names were supplied to the public free of cost. A total sum of Rs. 87,61,768.56 was paid to the PCP on account of printing of Forms and Registers, whereas the Manuals were printed at a total cost of Rs. 4,92,280.

*Procurement and Distribution of Stationery*

- (e) Six essential items of stationery namely :—
1. Rice papers.
  2. Carbon papers.
  3. Ball point pens. (Blue)
  4. Needles (Large).
  5. Thread balls.
  6. Wrapping papers.

were procured through the Controller, Stationery and Forms, Government of Pakistan, Karachi and supplied to the Verifying Officials. A total expenditure of Rs. 7,10,991 was incurred on the stationery items.

*Appointment of Registration Staff*

- (f) For the purpose of annual revision, the Chief Election Commissioner appointed the District Registration Officers, (Deputy Commissioners) Registration Officers, Assistant Registration Officers and Verifying Officials for their respective districts. The Registration Officers were appointed from amongst the Additional Deputy Commissioners, Additional District Magistrates, Assistant Commissioners, Extra Assistant Commissioners and Officers of equivalent status. The Assistant Registration Officers were drawn from Tehsildars, Mukhtiar-kars, Assistant Education Officers and Headmasters of High Schools. The Verifying Officials were appointed for field operation and were drawn from various departments of Federal and Provincial Governments. Verifying official was assigned one electoral area or a group of electoral areas for the purpose of verification of applications for enrolment and also for verification of claims, objections and applications, preparation of supplementary lists for draft publication of the rolls in his office. The name and address of Verifying Official was given wide publicity locally for information of the general public. The Chief Election Commissioner also appointed, with the approval of the Hon'able Chief Justice of the High Court concerned, the officers drawn from Judiciary as Revising Authorities for disposal of claims, objections and applications for corrections in accordance with law. Province-wise detail with regard to number of Revising Authorities, Registration Officers, Assistant Registration Officers and the Verifying Officials is given in the following table :—

Province/Area	No. of Revising Authorities	No. of Registration Officers	No. of Assistant Registration Officers	No. of Verifying Officials
(1) Federal Capital.	3	3	3	154
(2) Punjab	134	152	518	21,126
(3) Sindh	92	78	285	6,191
(4) NWFP	39	50	168	3,973
(5) Baluchistan	24	54	129	2,255
Total :	292	337	1,099	33,699

*Lahore High Court allowed concurrent operation of the Process under section 17 and 18.*

- (g) During the revision process, the Government of Punjab announced holding of election to the local councils in the province on 28th December, 1991. Resultantly, a large number of interested voters applied to the Registration Officers for transfer of their names from one electoral area to another. Some of the persons, who had applied for enrolment during the proceedings of annual revision desired that their names should be registered forthwith to enable them to participate in these elections as candidate or voters. The Registration Officers declined to accept their applications due to legal bar during the process of annual revision. Resultantly, 464 Constitutional petitions were filed in the Lahore High Court and were accordingly allowed by an order dated 1-10-1991, that there was no embargo on the Registration Officers to exercise their powers under Section 18 *ibid* during the operation of annual revision under Section 17 and that both the proceedings could run concurrently.
- (h) The result was that the Registration Officers, in addition to enrolment of voters under Section 18, started taking cognizance of such claims also as were adjudicated upon by the Revising Authorities under Section 17. Thus, in a large number of cases, double enrolment of voters was made in two different electoral units/areas. Consequently, the electoral rolls relating mainly to the province of Punjab were distorted. Aggrieved with the orders passed by the Lahore High Court, the Chief Election Commissioner preferred 27 petitions for leave to appeal in the Supreme Court of Pakistan and the Supreme Court of Pakistan granted leave to appeal and finally allowed all the appeals and set aside the orders of High Court by the Judgement dated 16-3-1992, holding that the Registration Officers are not competent to exercise powers under Section 18 when process of annual revision of electoral rolls under Section 17 is in progress. Decision of the Supreme Court was immediately communicated to the Registration Officers for compliance.

#### *Complaints and their Disposal*

- (i) As per schedule, the draft rolls were published on 16-10-1991. In all 2,147 complaints were received against enrolment of names of

ineligible persons, multiple enrolment and deletion of names of genuine voters from the electoral rolls. Each and every complaint was examined by the Chief Election Commissioner in the light of the relevant law and rules. Out of which 1,099 complaints were disposed of at the office level as they did not warrant an inquiry and 1,048 complaints were referred to the authorities concerned for inquiry/comments. Sequel to the inquiries, 90 complaints were found valid, 458 were found partially correct and 487 complaints were proved to be false. Province-wise position of complaints has been tabulated in the Report on the Annual Revision of Electoral Rolls—1991.

*Disposal of Complaints by the Chief Election Commissioner under Section 27.*

- (j) The Chief Election Commissioner decided 11 complaints of glaring mistakes or omission under section 27 of the electoral Rolls Act, 1974 and referred a number of others to the Registration Officers for action under section 18 of the Electoral Rolls Act, 1974, with a view to provide necessary relief to the voters at their door steps, otherwise personal appearance of a large number of complainants and the respondents before the Chief Election Commissioner at a central place would have caused great inconvenience to them as also burdened them with travelling expenses.

*Abnormal Addition/Deletion of Names in Electoral Area.*

- (k) Besides, numerous complaints respecting abnormal, multiple and fictitious enrolment of voters in the electoral rolls were received and dealt with on merit. Almost in all the cases enquiries were ordered to be held by the Provincial Election Commissioners or Registration Officers or comments were called for from them. In certain cases comments were obtained from the Revising Authorities as well. On receipt of the inquiries/comments, the Registration Officers concerned were directed to take action under section 18 of Electoral Rolls Act, 1974. Complainants, who furnished incomplete particulars were advised to approach directly to the Registration Officer concerned for seeking remedy under section 18 of the Electoral Rolls Act, 1974.

*Grant of Honoraria*

- (l) A total amount of Rs. 6,739,800 was paid to 33,699 Verifying Officials at the rate of Rs. 200 per head after successful completion of the revision operation as per detail given below :—

Provinces/Area	No. of Verifying Officials	Total payment made. Rs.
Federal Capital.	154	30,800
Punjab.	21,126	4,225,200
Sindh.	6,191	1,238,200
NWFP	3,973	794,600
Balochistan	2,255	451,000
Total :	33,699	6,739,800

**Schedule for the Annual Revision, 1991**

9. The following schedule was announced by the Chief Election Commissioner for the annual revision of electoral rolls during the calendar year 1991 :—

- |  |                              |
|--|------------------------------|
| (i) Display of existing electoral rolls for public inspection and filing of applications for enrolment by eligible persons.  | 31-8-1991<br>to<br>30-9-1991 |
| (ii) submission of reports by Verifying Officials on applications for enrolment to Assistant Registration Officer.   | 8-10-1991                    |
| (iii) Preparation of supplementary lists of additional names.  | 15-10-1991                   |
| (iv) Publication of draft rolls, alongwith supplementary lists of additional names for inviting claims, objections and applications for correction for disposal by Revising Authorities. | 16-10-1991                   |
| (v) Filing of claims/objections/applications for correction in the rolls.  | 6-11-1991                    |
| (vi) Submission of verification reports by Verifying Officials to Revising Authorities (through Assistant Registration Officer)  | 16-11-1991                   |

- |        |  |                               |
|--------|--|-------------------------------|
| (vii)  | Disposal of claims/objections/applications by Revising Authorities after issue of notices to parties and summary inquiry as provided under rule 12 of the Electoral Rolls Rules, 1974. | 30-11-1991                    |
| (viii) | Preparation of manuscript of the supplementary lists of additions, deletions and corrections by Verifying Officials on the basis of decisions of the Revising Authorities.             | 7-12-1991                     |
| (ix)   | Printing of Supplementary lists.   | Dates were to be fixed later. |
| (x)    | Final publication of electoral rolls, alongwith supplementary lists of additions, deletions and corrections.   |                               |

10. According to the schedule notified by the Chief Election Commissioner, it will be seen that the process of annual revision commenced throughout the country with effect from 31st August, 1991 and ended at the publication of revised electoral rolls on 3-5-1992 in case of Baluchistan, on 7-7-1992 in respect of NWFP and Sindh and on 20-10-1992 for the Punjab and Federal Capital.

11. In order to ensure the supply of rolls to the Provincial Governments for ensuing elections to local councils, schedule for some phases of the annual revision of electoral rolls was later on revised as under:—

- |       |  |            |
|-------|--|------------|
| (i)   | Submission of verification reports by Verifying Officials to Revising Authorities (through Assistant Registration Officers).   | 7-11-1991  |
| (ii)  | Disposal of claims/objections/applications by Revising Authorities after issue of notices to parties and summary inquiry ( <i>see</i> Rule 12 of the Electoral Rolls Rules, 1974). | 10-11-1991 |
| (iii) | Preparation of manuscript of the supplementary lists of additions, deletions and corrections by Verifying Officials on the basis of decisions of the Revising Authorities.         | 15-11-1991 |



### Registration of Voters on Draft Roll

12. The existing electoral rolls were displayed for a period of one month for 31st August to 30th September, 1991 to give an opportunity to the general public and those persons who had become eligible to be enrolled as voter and/or whose names did not appear on the roll to inspect the roll and apply for enrolment on the prescribed form. The printed forms for enrolment of names of the eligible persons were made available, free of charge by the Registration staff. Thus a total number of 30,71,855 voters were added in the electoral roll during the said period, as per detail given below :—

Federal Capital	7,494
Punjab	15,83,320
Sindh	9,00,335
NWFP	3,60,870
Baluchistan	2,19,836
Total :—	<u>30,71,855</u>

### Publication of Preliminary Electoral Roll

13. The existing rolls alongwith the list of such persons as were newly registered were published for public inspection as preliminary roll throughout the country on 16th October, 1991 for the purpose of inviting claims for fresh enrolment of the persons still not enrolled, objections to the names already enrolled, and applications for correction of any defective or erroneous entries appearing therein. The preliminary roll remained displayed for 21 days. Wide publicity was arranged through the print and electronic media and by local announcements.

### Filing and Disposal of Claims, Objections and Applications for Corrections.

14. A total number of 3,86,215 claims, 2,95,684 objections and 89,833 applications for correction were filed during the period, which were duly examined and disposed of by the Revising Authorities after holding summary enquiries and affording opportunity of personal hearing to the parties in respect of each claim, objection and application. The decisions were conveyed to the Registration Officers, who prepared the supplementary lists of additions, deletions and corrections separately for the male and female voters — the Muslims and each category of non-Muslims. The Province-wise break-

up of the claims, objections and applications filed and adjudicated upon by the Revising Authorities is given below:—

Province/ Area	Claims			Objections			Applications for corrections		
	Filed	Accepted	Rejected	Filed	Accepted	Rejected	Filed	Accepted	Rejected
Islamabad	1,793	890	903	1,309	239	1,070	165	128	37
Punjab	2,60,672	1,27,821	1,32,851	2,46,670	1,18,518	1,28,152	60,799	51,404	9,395
Sindh	55,938	34,738	21,200	29,669	14,314	15,355	9,056	6,152	2,904
NWFP	9,048	4,938	4,110	13,343	6,579	6,764	12,836	10,474	2,362
Baluchistan	58,764	50,842	7,922	4,693	1,928	2,765	6,977	4,892	2,085
Total:—	3,86,215	2,19,229	1,66,986	2,95,684	1,41,578	1,54,106	89,833	73,050	16,783

### Effect of Annual Revision on Voting Strength

15. The total number of voters as on 30-11-1991 stood as 5,20,45,939 which included 39,211 additions made by the Registration Officers under section 18 of the Act, on the basis of the orders of the Lahore High Court.

16. The final position as on 30-11-1991, which emerged as a result of adjudication of the claims/objections and applications by the Revising Authorities, was that 2,19,229 new voters were registered and the names of 1,14,578 ineligible voters were excluded and the names of 39,211 voters were enrolled under section 18 made by the Registration Officers. Percentage of increase of voters with reference to the voting strength as stood on 30-8-1991 and population of 1981 is given below:—

Province/ Area	Population 1981	Total number of voters as on 30-8-91	Net increase during revision operation from 31-8-1991 to 30-11-1991				Total number of votes as on 30-11-91 (Total Col. 3+7)	Percentage increase of voters (Col. 7) to total registered votes as on 30-8-91 (Col. 3)	Percentage of votes registered on 30-11-91 in relation to 1981 population
			Additions upto 30-9-91 during the first phase	Additions made by registration officers under section 18	Additions made by revising Authorities under section 17	Votes registered from 31-8-91 to 30-11-91 (Total of Col. 4+5+6)			
1	2	3	4	5	6	7	8	9	10
Federal Capital Islamabad	3,40,286	1,96,637	7,494	613	651	8,758	2,05,395	4.45%	60.36
Punjab	4,72,92,441	2,91,65,547	15,83,320	37,656	9,303	16,30,279	3,07,95,826	5.59%	65.12
Sindh	1,90,28,666	1,10,26,453	9,00,335	—	20,424	9,20,759	1,19,47,212	8.35%	62.79
N.W.F.P.	1,10,61,328	60,01,701	3,60,870	867	(—)1,641*	3,60,096	63,61,797	6.00%	57.51
Baluchistan	43,32,376	24,66,884	2,19,836	75	48,914	2,68,825	27,35,769	10.90%	63.15
Total	8,20,55,097	4,88,57,222	30,71,855	39,211	77,651	31,88,717	5,20,45,939	6.53%	63.43

\*In case of NWFP, 4,938 claims for fresh enrolment were accepted whereas 6,579 names were deleted as a result of acceptance objections by Revising Authorities. There was thus a decrease of 1,641 voters.

### **Annual Revision of Electoral Rolls in FATA**

17. Procedure for annual revision of electoral rolls in respect of the Federally Administered Tribal Areas and amendment/correction etc. thereof has been laid down under Articles 4 and 5 of the Preparation of Electoral Rolls (FATA) Order, 1975 (P.O. No. 1 of 1975), respectively. Under this Order, the right of franchise is restricted to the Maliks only, who are in receipt of Maliki Allowance or Lungi Allowance and those who are Mowajib Elders and are not less than 21 years of age. Since the right of franchise in the FATA is limited only to Maliks, Mowajib Elders and Lungi Allowance holders and in view of the fact that Maliki Allowance or Lungi Allowance is granted by the Government to very few persons, the amendments/corrections involved in the electoral rolls relating to FATA are very small. For this reason, the exercise of annual revision of electoral rolls in FATA as envisaged under Article 4 of the Electoral Rolls (FATA) Order, 1975 was not considered necessary. Amendments/Corrections are, however, made from time to time in the electoral rolls of FATA on the recommendations of the Political Agent/Deputy Commissioner concerned, by order of the Chief Election Commissioner under Article 5 *ibid*, which provides for continuous process of amendments and corrections in the electoral rolls of FATA.

### **Revision of Electoral Rolls during 1992**

18. Annual revision of electoral rolls during the year 1992 could not be undertaken for the following reasons:—

- (1) Printing of supplementary lists prepared as a result of 1991 annual revision was completed by the Printing Corporation of Pakistan in November, 1992 and the revised electoral rolls pertaining to the Punjab Province were, therefore, finally published on November 20, 1992. It was not possible to accomplish the task of annual revision during the remaining period of the year.
- (2) Unprecedented rainfall and floods made it impossible for the Chief Election Commissioner to undertake the annual revision as the administration and voters both were pre-occupied with relief and rehabilitation work.
- (3) Requisite funds for annual revision were not provided in time due to ban on supplementary grant.

## Voting Strength

19. On the eve of general elections 1993, total number of registered voters was 5,23,26,021 and at the time of final publication of electoral rolls on 3rd May, 1992 in Baluchistan, 7th July, 1992 in Sind, 7th July, 1992 in NWFP and 20th October, 1992 in Punjab and as revised in 1991, the registered voters stood 5,20,81,117 (including FATAs) which means that 2,44,904 fresh voters were registered within a period of 21 months, whereas at the time of 1990 general elections, voting strength was 4,86,48,960. Thus, 36,77,061 votes were registered within a period of three years between 1990 and 1993 elections. The percentage increase between 1990 and 1993 elections comes to 7.55%. National Assembly constituency-wise average increase comes to 16,945 votes per constituency whereas in case of Provincial Assembly constituency the average increase comes to 7,613 votes.

20. For further comparison, the number of registered voters during the previous elections and the percentage of increase in registered voters during the intervening period is given below:—

1970	=	2,57,30,280 (then West Pakistan)
1977	=	3,08,99,152 (20.09%)
1985	=	3,43,96,661 (11.32%)
1988	=	4,80,61,670 (39.73%)
1990	=	4,86,48,960 ( 1.22%)
1993	=	5,23,26,021 ( 7.55%)

## Population and Registered Voters

21. The following table would indicate the population as recorded by 1981 Census and the voting strength of each Province, the Federal Capital and FATA at the time of commencement of the process of general election on 22-8-1993:—

Province/Area	Population as per 1981 Census	No. of registered voters as on 22-8-1993	Percentage of registered voters to population
Federal Capital	3,40,286	2,16,834	63.72%
Punjab	4,72,92,441	3,08,99,314	65.34%
Sindh	1,90,28,666	1,20,11,935	63.13%
NWFP	1,10,61,328	63,85,908	57.73%
FATA	21,98,547	35,552	1.62%
Baluchistan	43,32,376	27,76,478	64.09%
Total:—	8,42,53,644	5,23,26,021	62.11%

### Statistics Relating to Registered Voters

22. At the commencement of the process of general elections on 22nd August, 1993, the total number of male voters was 2,85,14,081 and that of female voters was 2,38,11,940. Detail of registered voters by sex is as under :—

Name of Province/Area	Muslim voters		
	Male	Female	Total
1	2	3	4
Federal Capital	1,16,839	94,982	2,11,821
Punjab	1,62,05,937	1,40,58,829	3,02,64,766
Sindh	61,74,925	50,27,442	1,12,02,367
NWFP	36,88,513	26,80,012	63,68,525
FATA	35,552	—	35,552
Baluchistan	14,86,900	12,66,129	27,53,029
Total:—	2,77,08,666	2,31,27,394	5,08,36,060

### No. of extracts of electoral rolls issued and the amount realized on this account

23. The electoral rolls are finally published under rule 15 of the Electoral Rolls Rules, 1974 and copies thereof are available for sale on payment of usual fee under the rules to any person who makes an application to this effect. During the year 1993, a sum of Rs. 3,40,293 was realized on account of sale proceeds of 1,65,504 extracts of the electoral rolls. Province-wise break-up of the amount and the number of extracts issued is given hereunder :—

Province/Area	Total number of extracts of electoral rolls issued	Total amount realized
Punjab including Federal Capital	67,322	Rs. 1,44,728
Sindh	76,769	Rs. 1,53,409
N-W.F.P.	6,106	Rs. 0,11,570
Baluchistan	15,307	Rs. 0,30,586
Total:—	1,65,504	Rs. 3,40,293

### Additions/Deletions made in the electoral rolls

24. Province-wise detail of additions and deletions made in the electoral rolls during the period between dissolution of Assemblies (18th July, 1993) and announcement of schedule of the general elections (23rd August, 1993) is given below:—

Province	Total number of	
	Additions	Deletions
1	2	3
Punjab	1,86,772	48,880
Sindh	96,222	69,995
N-W.F.P.	18,644	571
Baluchistan	37,438	26,856
Total:—	3,40,076	1,46,302

25. Detail of voters community-wise is as under:—

Name of Province/Area	Christians			Hindus and Scheduled Caste			Sikhs, Bodhist, Parsi and Other Non-Muslims			Quadianis		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
1	2	3	4	5	6	7	8	9	10	11	12	13
Federal Capital	2729	2160	4889	2	2	4	6	5	11	54	55	109
Punjab	318909	268790	587699	22154	19817	41971	785	682	1467	1978	1433	3411
Sindh	52234	41806	94040	381268	328252	709520	2441	2321	4762	844	402	1246
NWFP	6871	5731	12602	1179	955	2134	1308	1039	2347	227	73	300
Baluchistan	4502	3344	7846	7555	7404	14959	351	271	622	17	5	22
TOTAL:	385245	321831	707076	412158	356430	768588	4891	4318	9209	3120	1968	5088

26. Total voting strength of each federating units is given below:—

Name of Province/Area	Male	Female	Total
Federal Capital	1,19,630	97,204	2,16,834
Punjab	1,65,49,763	1,43,49,551	3,08,99,314
Sindh	66,11,712	54,00,223	1,20,11,935
NWFP	36,98,099	26,87,809	63,85,908
F.A.T.A	35,552	—	35,552
Baluchistan	14,99,325	12,77,153	27,76,478
Total:—	2,85,14,081	2,38,11,940	5,23,26,021

### Voters and ID Cards

27. As against the voting strength of 5,23,26,021, the total number of identity cards issued by the National Registration Organization was 5,55,16,936 on the eve of general elections. The number of identity cards was higher than the voters because of the fact that the identity card is issued to a person of the age of 18 years and above whereas the voting age is 21 years. In order to ensure that all the registered voters had their identity cards for polling purpose, special arrangements were made by the National Registration Organization to process applications for identity cards as expeditiously as possible. Mobile teams were constituted to visit the far flung areas and all other facilities were extended to the public under a crash-programme. Total number of National Identity Cards issued to the citizens of Pakistan by the Registration Organization under the National Registration Act, 1973 during the period from 18th July, 1993 to 6th October, 1993 (between the dissolution of Assemblies and date of polling for National Assembly elections) is as under:—

<i>Province/Area</i>	<i>Identity Cards issued</i>
Punjab	10,00,123
Sindh	5,55,950
N-W.F.P.	2,91,140
Baluchistan	1,50,766
Rawalpindi	1,29,384
Islamabad	21,035
Computerized Identity Cards issued	21,48,398

## Recommendations

28. The Chief Election Commissioner has always laid great emphasis upon the authenticity and accuracy of electoral rolls. In order to achieve this objective, he has made many important recommendations in the Report on the Annual Revision of Electoral Rolls, 1991. A few of the important recommendations are recapitulated as under :—

- (1) While discussing the problem of multiple or double enrolment in the above said report, it has been stressed that the political parties, elected representatives of the people at all level and public at large should inspect the electoral rolls well in time and bring the cases of double enrolment to the notice of the Chief Election Commissioner. It has been further recommended that if found necessary, legislative and penal measures may also be taken to provide effective checks against multiple enrolment.
- (2) There is a tendency that the political parties, prospective candidates and the public at large inspect the electoral rolls only after the election schedule is announced with the result that hardly any time is left with them for making the applications under section 18 of the Electoral Rolls Act, 1974. It is also not possible for the Registration Officers to adjudicate upon all the applications which are received by them in bulk. It is, therefore, recommended that during normal days wide publicity should be given to the provisions of section 18 of the Electoral Rolls Act, 1974 so that the public can avail of the opportunity of getting the names of voters enrolled and for carrying out corrections in the existing entries well in time. If this section is made more effective and operative, the objective of attaining a continuous process of amendments of electoral rolls can be achieved.
- (3) Sometime baseless or unreasonable allegations are made against the Chief Election Commissioner, who has not been vested with powers to punish for contempts under the Electoral Rolls Act, 1974. It is accordingly recommended that suitable powers may be given to the Chief Election Commissioner as has been done under section 103-A of the Representation of the People Act, 1976. This will act as a deterrent against the false allegations, which also otherwise mislead general public in the matter of preparation of electoral rolls.
- (4) The Chief Election Commissioner is required to appoint a large number of Registration Officers, Assistant Registration Officers,



Enumerators and Verifying Officials from various departments of the Federal and Provincial Governments. In case of misconduct or dereliction from duty by such officers, the Chief Election Commissioner does not have the necessary powers under the law to take disciplinary action against the defaulters. It has, therefore, been recommended that the Chief Election Commissioner may be empowered to place under suspension and to take disciplinary proceedings against the officials, who do not perform their duties properly in connection with the preparation and revision of electoral rolls. An amendment to this effect may be made in the Electoral Rolls Act, 1974 and the similar powers, as have been given to the Election Commission and the Chief Election Commissioner under sub-sections (6) and (7) of section 7 of the Representation of the People Act, 1976 may also be given in the matter of preparation of electoral rolls.

- (5) It has been recommended by the Chief Election Commissioner in his report on the Annual Revision of Electoral Rolls, 1991 that the Forms on which the electoral rolls are to be printed, in future, should be reviewed/re-examined and a column for the National Identity Card number should be provided therein so as to check the impersonation.
- (6) It has been further recommended by the Chief Election Commissioner that conventional time-consuming and manually operated process of preparation and revision of electoral rolls should be dispensed with and the process should be computerized in a phased programme. As per views of the Chief Election Commissioner, a scheme of automation of the national registration system and preparation of electoral rolls as by-product thereof, can be jointly prepared by the Election Commission of Pakistan and the Registration Organization, Government of Pakistan to save time and expenditure on two country-wide operations.

## CHAPTER VII

### DELIMITATION OF CONSTITUENCIES

#### Legal Frame Work

Clause (1) of Article 51 of the Constitution of the Islamic Republic of Pakistan provides that the National Assembly shall consist of two hundred and seven Muslim members and clause (2A) of Article 51 provides ten additional seats for non-Muslims. The total membership of the National Assembly thus comes to 217. Break-up of the seats for non-Muslims is as follows :—

(a) Christians	4
(b) Hindus and persons belonging to the Scheduled Castes.....	4
(c) Sikh, Budhist and Parsi Communities and other non-Muslims.....	1
(d) Persons belonging to the Quadiani group or the Lahori group (who call themselves Ahmadis).....	1

2. Clause (3) of Article 51 of the Constitution further requires that the seats in the National Assembly shall be allocated to each Province, the FATA and the Federal Capital on the basis of population in accordance with the last preceding Census, officially published.

3. Similarly, clause (1) of Article 106 of the Constitution envisages that there shall be a Provincial Assembly for each Province consisting of the number of members as stated below :—

(i) Balochistan	40
(ii) N.W.F.P.	80
(iii) Punjab	240
(iv) Sindh	100

4. Clause (3) of Article 106 further specifies the number of seats reserved for minority communities in the four Provincial Assemblies as stated hereunder:—

Province	Christians	Hindus and persons belonging to the Scheduled Castes	Sikh, Budhists and Parsi Communities and other Non-Muslims	Persons belonging to Quadiani group or Lahori group (who call themselves Ahmadis)	Total
Balochistan	1	1	1	—	3
N.W.F.P.	1	—	1	1	3
Punjab	5	1	1	1	8
Sindh	2	5	1	1	9

5. Under the Constitution, the number of seats in the Provincial Assemblies, both for the Muslims and non-Muslims is fixed. In case of the National Assembly, the total number of seats for Muslims and for non-Muslims are specified. Province-wise allocation of Muslim seats is, however, made under section 7 of the Delimitation of Constituencies Act, 1974, on the basis of population and these seats are subject to further re-allocation after each succeeding census.

### Single-member territorial constituencies

6. Article 222 of the Constitution provides that subject to the Constitution, Majlis-e-Shoora (Parliament) may by law provide *inter alia* for the delimitation of constituencies by the Election Commission. The law relating to the delimitation of constituencies is embodied in the Delimitation of Constituencies Act, 1974. Section 3 of the Act lays down that the Commission shall delimit territorial constituencies for elections to the National Assembly and to each Provincial Assembly in accordance with the provisions of the Constitution and the Act. Election to the National Assembly and Provincial Assemblies is therefore, held on the basis of single-member territorial constituencies delimited by the Commission on the basis of population.

### Principles of Delimitation

7. Section 9 of the Delimitation of Constituencies Act, lays down the various principles according to which all the constituencies for Muslim seats shall, as far as practicable, be delimited having regard to the distribution of

population (including non-Muslims) in geographically compact areas, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies.

### **Delimitation of seats Reserved for Minority Communities**

8. As regards the delimitation of seats reserved for minorities Communities in the National Assembly and the Provincial Assemblies of Punjab, Sindh, NWFP and Balochistan, no provision has been made in the Delimitation of Constituencies Act, 1974 for that purpose. However, sub-section (2) of section 47-A of the Representation of the People Act, 1976 provides that

“For the purpose of election to a non-Muslim seat:—

- (a) in the National Assembly, the whole of Pakistan, excluding the FATAs, shall constitute a constituency with as many seats as there are non-Muslim seats in the National Assembly; and
- (b) in a Provincial Assembly, each Province shall constitute a constituency with as many seats as there are non-Muslim seats in the Provincial Assembly for that Province.”

Election to the non-Muslim seats is, therefore, held on the basis of multi member constituencies.

9. Section 10-A of the Delimitation of Constituencies Act, 1974 empowers the Election Commission to make, at any time, of its own motion, such amendments, alterations or modifications in the final list of constituencies published under sub-section (3) of section 10 *ibid* showing in the areas included in each constituency, as it thinks fit or necessary.

10. With this legal back ground, complex process of delimitation of constituencies is carried out for providing due representation to the population of an area in the legislatures. Since the promulgation of Delimitation of Constituencies Act, 1974, the Election Commission has undertaken the country-wide exercise of delimitation of constituencies on four different occasions and modifications/re-description of constituencies thereafter on two occasions. First delimitation of constituencies was undertaken in 1975-77 and the final list of constituencies was published in January, 1977 for the general elections held in March, 1977. Second such exercise was finalized in August,

1979 for the abortive elections of November, 1979. Third and fourth delimitation was completed in January, 1985 and October, 1988 respectively for the general election held in February, 1985 and November, 1988. The list of constituencies notified in October, 1988 was modified in September, 1990 due to creation of new districts. The 1990 general elections were, therefore, held in accordance with the constituencies delimited in 1988 and modified/re-described in 1990 in consequence of creation of Nowshera, Pakpattan, Naushero Feroze and Killa Saifullah districts.

11. After the 1990 general elections, the following 19 new districts were created by the Provincial Governments by re-adjustment of boundaries of existing districts as detailed below:—

### PUNJAB PROVINCE

#### *New Districts*

- (1) Narowal
- (2) Lodhran
- (3) Mandi Bahauddin
- (4) Hafizabad

#### *Parent Districts*

- Sialkot  
Multan  
Gujrat/Jhelum  
Gujranwala

### SINDH PROVINCE

- (1) Ghotki
- (2) Mirpurkhas
- (3) Umerkot
- (4) Thar at Mithi

- Sukkur  
Tharparkar

### N-W.F.P.

- (1) Haripur
- (2) Bunair
- (3) Tank
- (4) Lakki
- (5) Battagram

- Abbottabad  
Swat  
D. I. Khan  
Bannu  
Mansehra

### BALUCHISTAN PROVINCE

- (1) Musa Khel
- (2) Barkhan
- (3) Mastung
- (4) Awaran
- (5) Bolan
- (6) Killa Abdullah

- Loralai  
Kalat  
Khuzdar  
Kachhi  
Pishin

12. Soon after the first dissolution of the National Assembly on 18th April, 1993, the Election Commission considered the effect of creation of new districts on the existing delimitation of constituencies and decided to hear the interested persons in that behalf. Accordingly, the Commission heard public representatives and prospective candidates from Sindh at Karachi on 23rd and 24th May, 1993 and from Balochistan at Quetta on 25th and 26th May, 1993. After hearing them, the Commission ordered that existing boundaries of the constituencies shall remain unchanged and that constituencies effected by the creation of new districts will be re-named or, as the case may be, redescribed in accordance with the position on ground. The Commission was due to hold similar hearing at Lahore and Peshawar to consider the representations from Punjab and NWFP when, in the mean-time, the National Assembly was restored by the supreme Court on 26th May, 1993. Therefore, the remaining exercise relating to redescription of constituencies was postponed.

13. The National Assembly was for the second time, dissolved by the President of Pakistan on the advice of the Prime Minister on 18th July, 1993, followed by dissolution of the Provincial Assemblies. The National Assembly constituencies of Punjab and NWFP and constituencies of the Provincial Assemblies were, therefore, required to be re-described/re-designated by the Election Commission for the general elections due to be held on 6th and 9th October, 1993.

14. The question of re-description/redesignation of National Assembly constituencies and constituencies of the Provincial Assemblies was accordingly discussed in the meeting of the officers of the Election Commission held on 25-7-1993 and it was recommended that the extent of the existing constituencies may not be changed at that stage and that the nomenclature of constituencies might be changed wherever necessary. These recommendations were approved by the Commission in its meeting held at Islamabad on 1st August, 1993 and it was decided to modify the nomenclature of existing constituencies after public hearing. The Commission further decided to hear the persons filing representations for change of existing boundaries of the constituencies at the Provincial headquarters according to the following schedule:—

<i>Province</i>	<i>Place of hearing</i>	<i>Date of hearing</i>
Sindh	Karachi	12-8-1993
NWFP	Islamabad	15-8-1993
Punjab	Islamabad	16-8-1993

15. As per programme, the Election Commission heard various persons at Karachi on 12-8-1993 and considered the representations made in respect of delimitation of constituencies by the former Chief Minister of Sindh and several other prominent persons.

16. After hearing the applicants for re-allocation of seats and fresh delimitation of constituencies, the Commission held that in view of Article 51(3) of the Constitution and section 7(2) of the Delimitation of Constituencies Act, 1974 it was neither possible nor feasible to entertain such representations. The Commission further held that due to time constraints it was not possible to invite objections on the delimitation of constituencies as required under section 10 of the Delimitation of Constituencies Act, 1974. The Commission, therefore, ordered that the existing boundaries of the constituencies as delimited in 1990 shall be maintained for the purpose of 1993 general elections and that the constituencies of newly created districts will be redescribed-re-named where-ever necessary.

17. The Election Commission in its meeting held at Islamabad on 15-8-1993, heard the interested persons making the representations for re-allocation of seats and delimitation of constituencies from NWFP. In all 15 representations were received from this Province. On 16-8-1993, the Commission considered similar proposals in respect of Punjab Province. In all, seven representations relating to Rahimyar Khan, Gujrat, Jhelum, Lodhran and Multan districts were filed.

18. After hearing the parties, the Commission held that in view of Article 51(3) of the Constitution and section 7(2) of the Delimitation of Constituencies Act, 1974 the acceptance of these representations was not permissible. The Commission decided to maintain the extent of the existing constituencies as were notified on 1-10-1988 and modified on 5-9-1990. The Commission, however, approved the proposals to redescribe the constituencies necessitated due to the creation of new districts so as to bring them in conformity with the position existing on ground.

19. As already stated, the National Assembly constituencies of the newly created districts of Balochistan were re-described by the Election Commission by its order dated 26-5-1993. The constituencies of Provincial Assembly, Balochistan were redescribed by the Election Commission *vide* its order dated 16-8-1993.

20. The detail of National Assembly Constituencies and the constituencies of the Provincial Assemblies, the nomenclature where-of was

changed or extent of the constituency was re-described in accordance with the position on ground on account of creation of new districts is given as under :—

### National Assembly

- (a) Constituencies No. NA-11 Abbottabad-I, NA-12 Abbottabad-II, NA-13 Abbottabad-III, NA-15 Mansehra-I, NA-16 Mansehra-II, NA-18 D. I. Khan, NA-19 Bannu-I, NA-20 Bannu-II, NA-22 Swat-II, NA-23 Swat-III, in NWFP and NA-34 Tribal Area-VIII in Federally Administered Tribal Areas ;
- (b) NA-50 Sargodha-IV, NA-75 Gujranwala-II, NA-84 Gujrat-V, NA-90 Sialkot-VI, NA-91 Sialkot-VII, NA-108 Kasur-III, NA-109 Kasur-IV, NA-117 Multan-IV, NA-119 Multan-VII, NA-135 Muzaffargarh-I, NA-136 Muzaffargarh-II and NA-143 Bahawalpur-III in Punjab Province.
- (c) NA-151 Sukkur-I, NA-152 Sukkur-II, NA-153 Sukkur-III, NA-155 Shikarpur-II, NA-157 Jacobabad-II, NA-162 Khairpur-I, NA-163 Khairpur-II, NA-170 Hyderabad-IV, NA-171 Hyderabad-V, NA-172 Badin-I, NA-173 Badin-II, NA-174 Tharparkar-I, NA-175 Tharparkar-II, NA-176 Tharparkar-III, NA-180 Sanghar-I and NA-181 Sanghar-II in Sindh Province.
- (d) NA-199 Loralai, NA-201 Kachhi, NA-203 Jaffarabad-cum-Tambo, NA-204 Kalat-cum-Kharan and NA-205 Khuzdar in Balochistan Province.

### Provincial Assemblies

#### PUNJAB PROVINCE

- (a) PP-27 Sargodha-V, PP-28 Sargodha-VI, PP-79 Gujranwala-III, PP-80 Gujranwala-IV, PP-81 Gujranwala-V, PP-95 Gujrat-V, PP-98 Gujrat-VIII, PP-99 Gujrat-IX, PP-100 Gujrat-X, PP-101 Gujrat-XI, PP-111 Sialkot-X, PP-112 Sialkot-XI, PP-113 Sialkot-XII, PP-114 Sialkot-XIII, PP-115 Sialkot-XIV, PP-149 Kasur-V, PP-150 Kasur-VI, PP-151 Kasur-VII, PP-152 Kasur-VIII, PP-169 Multan-X, PP-171 Multan-XII, PP-172 Multan-XIII, PP-207 Muzaffargarh-I, PP-208 Muzaffargarh-II and PP-223 Bahawalpur-VI.



## SINDH PROVINCE

- (b) PS-1, Sukkur-I, PS-2 Sukkur-II, PS-3 Sukkur-III, PS-4 Sukkur-IV, PS-5 Sukkur-V, PS-6 Sukkur-VI, PS-7 Shikarpur-I, PS-9 Shikarpur-III, PS-10 Jacobabad-I, PS-24 Khairpur-I, PS-25 Khairpur-II, PS-26 Khairpur-III, PS-27 Khairpur-IV, PS-28 Khairpur-V, PS-37 Hyderabad-III, PS-42 Hyderabad VIII, PS-43 Hyderabad-IX, PS-44 Hyderabad-X, PS-45 Hyderabad-XI, PS-47 Badin-II, PS-48 Badin-III, PS-49 Badin-IV, PS-50 Tharparkar-I, PS-51 Tharparkar-II, PS-52 Tharparkar-III, PS-53 Tharparkar-IV, PS-54 Tharparkar-V, PS-55 Tharparkar-VI, PS-56 Tharparkar-VII, PS-57 Tharparkar-VIII, PS-65 Sanghar-II, PS-66 Sanghar-III, and PS-67 Sanghar-IV.

## N-W.F.P.

- (c) PF-37 Abbottabad-IV, PF-38 Abbottabad-V, PF-39 Abbottabad-VI, PF-40 Abbottabad-VII, PF-41 Abbottabad-VIII, PF-42 Mansehra-I, PF-43 Mansehra-II, PF-45 Mansehra-IV, PF-46 Mansehra-V, PF-47 Mansehra-VI, PF-48 Mansehra-VII, PF-49 Mansehra-VIII, PF-56 D.I. Khan-IV, PF-57 D.I. Khan-V, PF-59 Bannu-II, PF-61 Bannu-IV, PF-62 Bannu-V, PF-63 Swat-I, PF-64 Swat-II, PF-65 Swat-III, PF-66 Swat-IV, PF-67 Swat-V, PF-68 Swat-VI, PF-69 Swat-VII, PF-70 Swat-VIII and PF-71 Swat-IX.

## BALOCHISTAN PROVINCE

- (d) PB-6 Pishin-I, PB-7 Pishin-II, PB-8 Pishin-III, PB-9 Pishin-IV, PB-11 Loralai-II, PB-12 Loralai-III, PB-13 Zhob-I, PB-14 Zhob-II, PB-22 Jafferabad-cum-Tamboos, PB-23 Tamboos, PB-24 Kachhi-I, PB-25 Kachhi-II, PB-26 Kachhi-III, PB-27 Kalat-I, PB-28 Kalat-II, PB-29 Kalat-III and PB-32 Khuzdar-III.

21. Final list of constituencies notified on September 5, 1990 was modified to the extent stated above as per Notification issued on August 18, 1993.

22. All the interested parties were satisfied with the decision of the Election Commission to the effect that boundaries of existing constituencies shall be maintained. The decision of the Commission dispelled doubts and apprehensions expressed by some leaders and political parties that the new

districts/sub-Divisions were carved out by the Provincial Governments to favour certain individuals or a political party. None of the individuals questioned the decision of the Election Commission by filing a review application before the Commission or by filing a petition before Superior Courts. Consequently, the 1993 general elections were held on the basis of the constituencies as were delimited and notified on September 5, 1990 for general elections held in 1990.

### **Recommendations**

23. At the expiration of normal term of an Assembly, the general election is required to be held within a period of sixty days and in case of dissolution of Assemblies, the general election has to be held within a period of ninety days as provided under Article 224 of the Constitution. In either case, the period for holding general elections is too short for the Election Commission to undertake any country-wide exercise. On the eve of almost all the general elections held since 1985, the Commission received representations for fresh allocation of seats and delimitation of constituencies due to creation of new districts. Disposal of a large number of such representations and re-adjustments or re-description of constituencies requires full-time attention of the Election Commission as during the short period within which general elections are to be held makes the task of organizing and holding the general elections more difficult not only for the Election Commission but also for the parties, their candidates and the administration. In order to void such a situation and also misgivings in the public mind, the Provincial Governments are advised not to change the administrative boundaries of any revenue municipal unit and district after the announcement of dates for fresh elections.

24. The population census due in 1991 has not so far been held. Resultantly, the existing allocation of seats and delimitation of constituencies are made on the basis of 1981 Census and are, therefore, out-dated.

25. If possible, the delimitation of constituencies should precede the preparation of electoral rolls. This would enable the Commission to prepare the electoral rolls on the basis of constituencies freshly delimited after the 1994 Census. If such a course is adopted it will avoid the cumbersome process of arranging electoral rolls constituencies-wise during the thick of election work.

26. The Election Commission should be closely associated with the population census at the planning stage, in order to facilitate adoption of the

same smallest administrative unit for the purposes of population Census, the delimitation of constituencies and the preparation of electoral rolls. The smallest or basic administrative unit can be determined in advance by mutual consent.

27. Under section 103A of the Representation of the People Act, 1976, the Election Commission and the Chief Election Commissioner have the same power as the High Court has to punish any person for contempt of court and the provisions of the Contempt of Court Act, 1976 (XLIV of 1976) have been made applicable for this purpose. The Representation of the People Act, 1976 provides for the conduct of election to the National Assembly and Provincial Assemblies and the powers to punish for contempt of court is, therefore, restricted to conduct of these elections only. The Election Commission is required to carve out constituencies for election to the National Assembly and the Provincial Assemblies in accordance with the provisions of the Delimitation of Constituencies Act, 1974. It is recommended that a provision may be added to the Delimitation of Constituencies Act, 1974, on the lines of section 103 A of the Representation of the People Act, 1976, so as to empower the Election Commission and the Chief Election Commissioner to punish for contempt in the process of delimitation of constituencies.

28. Under sub-section (6) of section 7 of the Representation of the People Act, 1976, the Election Commission and the Chief Election Commissioner are empowered to place under suspension any officer or other public functionary who obstructs or prevents the conduct of fair and impartial polls for election to the National Assembly and the Provincial Assemblies. No such power is given to the Election Commission and the Chief Election Commissioner under the provisions of the Delimitation of Constituencies Act, 1974. In order to provide an effective deterrent, it is recommended that a provision analogous to section 7(6) of the Representation of the People Act, 1976, may also be added to the Delimitation of the Constituencies Act, 1974.

## CHAPTER VIII

## THE POLLING SCHEME

**Introductory**

The polling scheme is one of the major field operations of the electoral system which is carefully tailored by integrating the voters and the territory, initially for the purpose of accurate assessment, followed by securing the—

- (a) requisite accomodation to house the polling stations according to local conditions and requirements ;
- (b) manpower to conduct the poll at the polling stations ; and
- (c) equipment and material to be used for taking the poll at the polling stations.

2. Keeping in view the public and administration convenience as also the territorial limits, the polling scheme is prepared separately for each constituency, specifying the location of polling stations, assignment of voters to the polling stations, the number of booths to be set up and the number of ballot boxes and the polling staff required for a polling station. Total requirement of manpower in each district ; as also the source from which the deficiency if any, has to be met is worked out accordingly. Deployment of security personnel to maintain the law and order for smooth conduct of poll at the polling stations is also assessed on the basis of polling scheme prepared for each constituency.

**Polling Scheme**

3. Confronted with sudden dissolution of the National Assembly in April, 1993, the Election Commission held emergent meeting to take stock of the situation. One of the pre-requisites for efficient conduct of general election is to prepare a polling scheme or polling plan for all constituencies of the National Assembly and Provincial Assemblies. Taking into consideration the fact that the polling scheme prepared for the 1988 general elections was pressed into service for the 1990 general elections with necessary modifications and also the fact that this scheme had stood the test of time, the Election Commission decided to adopt the same polling scheme subject to physical verification of polling sites.

### **Physical verification of polling sites**

4. In Pursuance of the decision of the Election Commission, the District Returning Officers and Returning Officers were advised to inspect the polling sites personally to physically verify the suitability/availability of polling station buildings and in case any change or increase in the number of polling stations were considered inevitable, alternate proposals with full justification were required to be furnished by the District Returning Officers Returning Officers to the Election Commission for consideration. The redescription and change of nomenclature of constituencies of the newly created districts and the districts affected by their creation was conveyed to the District Returning Officers and Returning Officers for the purpose of modification of polling schemes accordingly.

5. The task of District Returning Officers and Returning Officers for formulating the polling schemes and drawing the lists of polling stations was considerably reduced and simplified by the afore-mentioned policy decisions of the Election Commission of Pakistan. Necessary changes were, however, made by the District Returning Officers/Returning Officers after physical verification of the polling sites, where ever found unavoidable due to the unsuitability or non-availability of a building. The proposals furnished by the District Returning Officers and Returning Officers for change of polling stations were given due consideration by the Election Commission and necessary approval was accorded where-ever justified.

### **Guide-lines for polling scheme**

6. As the District Returning Officers/Returning Officers were advised to draw the list of polling stations for the 1993 general elections on the basis of polling scheme for 1988 general elections, as adopted for 1990 general elections, the following guide-lines were provided to the Deputy Commissioners/Political Agents for preparation of the polling schemes for 1988 and 1990 general elections and the District Returning Officers and Returning Officers were asked to keep them in view while carrying out physical verification of the sites of polling stations:—

#### **(a) Basic features**

- (i) As far as possible, separate polling stations should be provided for male and female voters, subject to the availability of suitable building and polling personnel.

- (ii) Polling schemes for each National Assembly constituency and for each Provincial Assembly constituency be prepared separately for all the constituencies (Muslims as well as non-Muslims) falling under the jurisdiction of a Deputy Commissioner/Political Agent.
- (iii) The polling station of a constituency should bear a running serial number so that each polling station is identified by its number and name when the final list of polling stations is drawn and notified in the official Gazette.
- (iv) The electoral areas assigned to each polling station were mentioned clearly under each polling station. For this purpose, an authentic list of electoral areas falling within each constituency should be obtained by the Deputy Commissioner/Political Agent from the Registration Officer together with a duly authenticated copy of complete electoral rolls for each constituency.
- (v) The assignment of voters should be correctly shown against each electoral area. The assignment shall have to be further corrected according to the fresh entries under section 18 of the Electoral Rolls Act, 1974 till the date of issuance of Notification calling upon the constituencies to elect their representatives.
- (vi) The Assignment of voters should clearly show the breakup of Muslim male and Muslim female voters as well as non-Muslim male and non-Muslim female voters against each electoral area and the total for the polling stations should also be correctly shown.
- (vii) For the preparation of polling scheme for each constituency, the extent of each constituency as notified by the Election Commission on October 1, 1988 and modified on 5th September, 1990 was kept in view. In case of 1993 general elections the number and name of certain constituencies were re-described/re-named *vide* notification dated 18th August, 1993 without changing the extent of the constituencies. The location of polling station buildings were therefore least disturbed.
- (viii) In describing a polling station, the abbreviations such as "P.S." etc., should be avoided as they can be confused with Police Station, Primary School etc. Exact description of the name of polling station would be necessary.
- (ix) No polling station should be established outside the limits of a constituency. It will be illegal to do so.

- (x) Only such ballot boxes will be used at a polling station as are code numbered and as are allocated by the Returning Officer to that polling station.

(b) *Selection of Buildings*

- (i) Care should be exercised in the selection of polling station buildings. The polling stations should invariably be housed in public buildings, like the Rest Houses, Dak Bungalows, Community centres, offices of Union Councils, Town Committees, Municipal Committees and Municipal/Metropolitan Corporations etc.
- (ii) No polling station should be established in a building which is owned or is in possession or under the influence of a contesting candidate. The polling station building should be such as is acceptable to most, if not all the candidates. In no case should a police station building or a levy post, hospital or a dispensary be utilized for this purpose.
- (iii) The public buildings proposed to be used as polling stations should be spacious, preferably having big compounds to avoid overcrowding of voters within their precincts.
- (iv) The public buildings should not be in a dilapidated condition and in a state of disrepair. Wherever new buildings have sprung up, they should be utilized if found suitable. Prior inspection of the building selected for use as polling station is essential so as to check and ensure their suitability for the purpose.
- (v) In case the polling station building has more than one storey, the polling station should preferably be located on the ground floor to avoid inconvenience to the voters.
- (vi) The Deputy Commissioners shall make suitable arrangements for the stay of the polling staff and should avoid obligation of any of the contesting candidates.

(c) *Assignment of Voters*

- (i) The total number of voters assigned to a polling station with a maximum number of four booths should not normally exceed 1,200 electors. Slight variation was, however, permitted to enable the electors of complete electoral area to cast their votes at the same polling station. But in no case the assignment of electors to

a polling station should exceed 1,500 with slight marginal adjustments.

- (ii) In sparsely populated areas, assignment of electors to polling stations should be further reduced, if necessary, keeping in view the distance involved and convenience of voters.
- (iii) Each polling station should normally have three to four booths : each booth for about 300 to 400 electors. An exception could, however, be made in case of sparsely populated areas where polling stations may be established with 1, 2 or 3 booths only, depending on the number of electors.
- (iv) In case of an electoral area, especially in big cities having more than two thousand electors, it will be preferable to have two or more polling stations with distinct bifurcation of the electoral areas served by each polling station. The rolls prepared by two or more enumerators of the contiguous areas should be assigned to a polling station, taking care that the number of electors does not exceed two thousand. In urban areas where the enumerator's roll within the electoral area may not have been distinctly kept in view, care may be taken to see that streets and mohallahs are not bifurcated. Where such bifurcation is inevitable, the name of the streets/mohallahs or the roads should be clearly mentioned with suitable land marks ordinarily known to the electors. The bifurcation in such cases must be done by retaining full pages of the electoral rolls to avoid wastage of the electoral rolls.
- (v) It should be ensured that female electors of a particular electoral area are assigned to the same polling station to which their men-folk have been assigned, but separate female and male entrances and separate booths for male and female electors should be arranged. In urban area especially, where the number of electors in a ward is sufficiently large, it should be ensured that both male and female electors of the same mohallah or street are assigned to the same polling station.

(d) *Location of Polling Stations*

- (i) While assigning the electoral areas to a polling station, it should be ensured that the polling station building is located at a central place in the area where there is the greatest concentration of population. This is necessary to avoid inconvenience to the electors. It is highly desirable that an elector should not be



required to travel a distance of more than 3 kilometers from the place of his residence for casting his vote.

- (ii) The proposed polling station buildings should be easily accessible to the electors and should be located preferably on road sides or having a well-linked means of communication.
- (iii) In the selection of buildings, the tribal and ethnic affiliations and their feuds should be kept in view, so that electors of one group have not to go to the place hostile to them. The over-looking of this factor can create law and order situation. It can also lead to disfranchisement of a particular section of electors.
- (iv) Every precaution should be taken that polling stations are not set up in a locality which is predominantly inhabited by the supporters of a particular candidate thereby affording an unfair advantage to the candidate.
- (v) In big cities where there is no shortage of buildings, the location of more than two polling stations in the same building, however big the building, has to be avoided.
- (vi) The location of polling stations in congested localities or having difficult approaches has also to be avoided. This will eliminate over crowding in congested localities and make law and order situation easy.

**(e) Polling Booths**

- (i) The same booth will be used for the Muslim and non-Muslim voters for the National and Provincial Assembly elections except where a separate booth has been provided for the non-Muslim voters in view of their large numbers.
- (ii) Before selecting a particular building as a polling station, its capacity to contain the required number of booths has to be accurately assessed. The accommodation available in the building with the number of rooms, halls, etc., must be ascertained beforehand and specified.
- (iii) The building has to be such as would make effective supervision by the Presiding Officer possible in such a way that all the Assistant Presiding Officers of different booths can operate within his view. This is necessary for maintaining proper discipline, smooth conduct and calm atmosphere within the polling station.

- (iv) In order to determine the number of booths for a polling station, a fair idea of the space required for each booth is necessary. A booth should have sufficient space to have a screened-off compartment of its own where the electors will mark the ballot papers in secret. Each booth should also have a seating capacity for one Assistant Presiding Officer, two Polling Officers and one Polling Agent of each contesting candidate. The polling booth should be as spacious as possible and should preferably have a separate entrance and exit.
- (v) Provision of more than one booth in a room of an ordinary size has to be avoided. In unavoidable circumstances, however, the room should be partitioned to provide separate booths for male and female voters.
- (vi) Arrangements should be made to provide separate booths for male and female electors in such a manner that proper segregation of male and female electors is ensured. Mixing up of male and female electors can create law and order situation which must be avoided.
- (vii) Where necessary, separate entrances and exits may be improvised by the use of "Qanats" etc.

(f) *Improvised Polling Stations*

Provision of temporary structure of polling stations was avoided in the interest of economy. Improvised polling stations were to be set up under unavoidable circumstances only and at those places where suitable public buildings were not available. Improvised structure was permitted in a public building or public place.

**Legal Requirement**

7. Section 8 of the Representation of the People Act, 1976 requires that—

“(1) The Returning Officer shall, before such time as the Commission may fix, submit to the District Returning Officer a list of polling stations he proposes to provide in a constituency for the purpose of election of a member for that constituency.

(2) Subject to the direction of the Commission, the District Returning Officer may make such alterations in the list of polling

stations submitted under sub-section (1) as he deems necessary and shall, at least fifteen days before the polling day, publish in the official Gazette the final list of polling stations specifying the electoral areas the electors whereof will be entitled to vote at each polling station.

(3) The Returning Officer shall establish in each constituency polling stations according to the final list published under sub-section (2).

(4) No polling station shall be located in any premises which belong to, or are under the control of, any candidate."

### Publication of final lists of Polling Stations

8. Pursuant to the provisions of law referred to above and subject to the directions and guide-lines of the Election Commission, as explained in the preceding paragraphs, the Returning Officers, prepared the lists of polling stations for the constituencies assigned to them and submitted these lists to District Returning Officers for approval and publication. The lists of polling stations relating to all constituencies of the National Assembly and Provincial Assemblies for the 1993 general elections were accordingly notified in the official Gazette by District Returning Officers by the due date.

### Polling Stations for National Assembly elections

9. In all 34,106 polling stations, with 1,16,278 polling booths, were established for the conduct of general election to the National Assembly on 6th October, 1993, as per detail given below:—

Province/Area	Number of Constituencies	Number of Polling Stations	Number of Polling Booths
1. Federal Capital	1	143	499
2. Punjab	115	21,366	73,672
3. Sindh	46	6,700	23,591
4. NWFP	26	4,198	13,734
5. FATA	8	39	84
6. Baluchistan	11	1,660	4,698
Total:	207 (Muslims) + 10 (Non-Muslims)	34,106	1,16,278
	= 217		

### Polling Stations for Provincial Assemblies elections

10. For the conduct of election to the Provincial Assemblies on 9th October, 1993, in all 33,924 polling stations and 1,15,695 polling booths were set up through-out the country as per following detail:—

Provincial Assembly	Constituencies			Number of Polling Stations	Number of Polling Booths
	Muslims	Non-Muslims	Total		
1. Provincial Assembly, Punjab.	240	8	248	21,366	73,672
2. Provincial Assembly, Sindh.	100	9	109	6,700	23,591
3. Provincial Assembly, N.W.F.P.	80	3	83	4,198	13,734
4. Provincial Assembly, Baluchistan.	40	3	43	1,660	4,698
Total:	460	23	483	33,924	1,15,695

### Appointment of Polling Staff

11. The appointment of polling staff to man the polling stations for the conduct of poll is made in accordance with section 9 of the Representation of the People Act, 1976, which is reproduced below:—

“(1) A Returning Officer shall appoint for each polling station a Presiding Officer and such number of Assistant Presiding Officers and polling officers to assist the Presiding Officer as the Returning Officer may consider necessary:

Provided that a person who is, or has at any time been, in the employment of any candidate shall not be appointed as a Presiding Officer, Assistant Presiding Officer or polling officer.

(2) A list of such Presiding Officers and polling officers shall be submitted to the District Returning Officer at least fifteen days before the polling day for its approval and no change in the personnel shall be made except with the approval of the Commission.

(3) A Presiding Officer shall conduct the poll in accordance with the provisions of this Act and the rules, shall be responsible for maintaining order at the polling station and shall report to the Returning Officer any fact or incident which may, in his opinion, affect the fairness of the poll:

Provided that, during the course of the poll, the Presiding Officer may entrust such of his functions as may be specified by him to any Assistant Presiding Officer and it shall be the duty of such Assistant Presiding Officer to perform the functions so entrusted.

(4) The Returning Officer shall authorise one of the Assistant Presiding Officers to act in place of the Presiding Officer if the Presiding Officer is, at any time during the poll, by reason of illness or other cause, not present at the polling station, or is unable to perform his functions; and any absence of the Presiding Officer, and the reason therefore, shall, as soon as possible after the close of the poll, be reported to the Returning Officer.

(5) No polling station shall be located in any premises which belong to, or are under the control of, any candidate."

### **Lists of Government Employees**

12. In order to have fair assessment of the manpower available in each district, the Deputy Commissioners were asked to draw the lists of employees of the Provincial and Federal Government Departments for supply to the District Returning Officers, and Returning Officers in their respective districts. The Returning Officers were required to select suitable officials from the lists provided by the district administration for appointment as Presiding Officers, Assistant Presiding Officers and Polling Officers at the polling stations for the conduct of the poll.

### **Guide-lines for selection of polling staff**

13. The Election Commission provided the following guide-lines to the District Returning Officers and Returning Officers for appointment of polling staff on the basis of legal provisions and past experience:—

#### **(a) *Strength of Polling Personnel***

- (i) The appointment of the polling personnel must have prior approval of the District Returning Officer. Special care should be taken in the selection of polling staff.
- (ii) There will be a Presiding Officer for each polling station, and one Assistant Presiding Officer and two Polling Officers for each booth at a polling station.

- (iii) Since there will be no paucity of staff in the urban areas, appointment of polling personnel to man the polling booths serving female voters should, as far as possible, be made from amongst the female staff. This staff should be selected with great care from various Government departments and its selection should not be restricted to Education department only. Patwaries should not be entrusted with the work of election.
- (iv) In the polling stations, both in rural and urban areas, the booths serving the female voters should preferably have some female staff. In case of rural areas, however, if female staff is not available, the booth may be manned by elderly male members: with at least one female polling officer or Assistant Presiding Officer for each booth for females.
- (v) The Polling Personnel to be appointed at each Polling Station should either be residing or serving within the vicinity of the polling station so that it has not to travel long distance to reach the polling station. In urban areas also where facilities of transport and communication exists, this fact should not be lost sight of so as to minimise the inconvenience to the polling personnel.

(b) *Categories of Polling Personnel*

- (i) *Presiding Officer.* —Officers in BPS-17 or equivalent and above may be earmarked to act as Presiding Officers. They should be able to command respect and inspire public confidence.
- (ii) *Assistant Presiding Officers.*—In urban areas, Assistant Presiding Officers should preferably be drawn from amongst the grade 16 and 17 officers. Where due to the shortage of such grade of officers, it is not possible to have all the Assistant Presiding Officers from these categories, at least one or two Assistant Presiding Officers must be of this category so that one of them can take over the functions of Presiding Officer if he, due to reasons beyond his control, is unable to perform the functions of the Presiding Officer. In rural areas also, the Assistant Presiding Officers should be drawn from higher grade of officers like Headmasters of Middle School, Office Superintendents, Head Clerks, SDOs, Senior Overseers, Agriculture Officers, Forest Range Officer, Bank employees, etc., who will be able to handle their booths independently under the overall control and supervision of the Presiding Officer.

- (iii) *Polling Officers*.—The Polling Officers can be drawn from the clerical staff, junior teachers and other similar categories. Even in rural areas, they should be such officials as can read and write so that they can render necessary assistance to the Presiding Officers/Assistant Presiding Officers efficiently.

(c) *General Instructions*

- (i) Every effort should be made to meet the requirement of polling personnel for a district from within the district itself, as appointment of personnel from one district to another is impracticable for administrative and financial considerations.
- (ii) Five percent reserve polling staff should be earmarked for each constituency to fill places of absentees, if any.
- (iii) The requirements of polling personnel should be worked out keeping in view the fact that the poll for Provincial Assemblies will be held a few days after the polls for the National Assembly. No separate arrangements would be necessary. The same booth and the same polling personnel would be used for both the National Assembly and the Provincial Assembly polling for Muslims as well as non-Muslims.
- (iv) Such Officers as are likely to retire by the time the elections are held or are likely to go abroad for training or for higher education should not be included in the list of polling personnel.
- (v) The polling personnel may not be taken from the Provincial Government as a whole. The same may be drawn, as far as possible, from both the Provincial and the Federal Government departments on equal basis. While assigning the polling personnel to the polling stations, the mixed staff (*i.e.* staff of both the Provincial and Federal Departments), may be deployed on the polling stations in order to ensure fair and free election and to remove doubts/apprehensions from the minds of the contesting candidates.

**List of Polling Staff/approval by the District Returning Officer**

14. The list of polling staff to man the polling stations of the constituencies of the National Assembly and the Provincial Assemblies elections were accordingly prepared by the Returning Officer in duplicate and

sent to the District Returning Officer concerned before the due date. A legible copy of the list of polling personnel was required to be supplied by the District Returning Officer to the Provincial Election Commissioner immediately on receipt from the Returning Officer. The District Returning Officers approved the appointment of polling staff and the appointments were communicated to the staff concerned well in time.

15. The polling staff, once approved by the District Returning Officer, in no case could be changed, except in case of illness, and in that case also from the reserve staff for which permission to the appointment of five percent additional reserve staff was allowed to the Returning Officer to meet any exigency on the polling day and not from outside the approved list. Such replacement was required to be invariably reported to the District Returning Officer without any delay.

16. The list of Presiding Officers, Assistant Presiding Officers and Polling Officers was drawn for each polling station in the following form:—

LIST OF POLLING PERSONNEL FOR .....  
(NUMBER AND NAME OF CONSTITUENCY)

Sl No	Name and location of polling station	No. of booths provided at each polling station	Name, designation and office address of Presiding Officer	Name, designation and office address of Assistant Presiding Officer	Name, Designation and office address of polling officer	Name of the Assistant Presiding Officer designated to act under section 9(4) as Presiding Officer
1	2	3	4	5	6	7
		1.....	1.....	1..... 2.....	1.....	1.....
			1.....	1..... 2.....	1.....	
			1.....	1..... 2.....	1.....	
			1.....	1..... 2.....	1.....	
	Reserve Staff		1.....	1.....		



### **Duties of Presiding Officer**

17. Duties to be performed by the polling staff at the polling stations were specified. The Presiding Officer of a polling station was required to perform the following duties:—

- (1) To set-up the polling station before the poll.
- (2) To receive election material, ballot boxes and ballot papers from the Returning Officer.
- (3) To show empty box to the candidates and their election and polling agents, if present, before the commencement of poll, record their statements to this effect and obtain their signatures on them.
- (4) To supervise the poll and maintain discipline and law and order at the polling station.
- (5) To allow admission to the candidates, their election agents and polling agents to the polling station during the poll.
- (6) To ensure secrecy of ballot.
- (7) To conduct summary inquiry to establish the identity of a challenged voter.
- (8) To exercise powers of summary trial under section 86A of the Representation of the People Act, if required.
- (9) To adjourn the poll due to interruption, obstruction by riot, open violence or any natural calamity, if required.
- (10) To count the votes after the close of the poll in the presence of candidates, their election agents, if present, and polling agents and obtain their signatures on the statement of the count and to announce the result at the polling station.
- (11) To issue certified copies of the statement of the count and ballot papers account to the polling agents and also to affix a copy of statement of count on the notice board for information of general public. To append his signatures and also to affix his thumb impression on the statement of count before issue.
- (12) To communicate, through pre-arranged means, the result of count to the Returning Officer immediately after the count.

- (13) To return the polling bags containing election material and result of count to the Returning Officer.
- (14) To place the election material and un-used stationery in a separate bag, prepare its inventory and hand over this bag, alongwith inventory, to the Returning Officer/Election Officer concerned.

### **Duties of Assistant Presiding Officer**

18. The Assistant Presiding Officer of a polling booth was responsible to perform the following duties :—

- (1) Senior Assistant Presiding Officer, duly nominated by the Returning Officer, to take over functions of Presiding Officer in case of absence, illness etc.
- (2) To verify identity of a voter from his national identity card and to punch the card at the appropriate place as indicated by the Election Commission, before issuing a ballot paper to him.
- (3) To record serial number and name of voter, as appearing on the electoral roll and number of his national identity card on the counterfoil of the ballot paper.
- (4) To have the thumb impression of a voter affixed on counterfoil of ballot paper with the assistance of one of the Polling Officers.
- (5) To affix official stamp with code mark on the back of ballot paper and on the counterfoil and to sign it.
- (6) To issue ballot paper to a voter.
- (7) To supervise the ballot box placed within his view for casting vote by the voter and to ensure that the ballot paper being cast is the same as issued to the voter and that the ballot paper is not being taken away by the voter.
- (8) To ensure return of the marking-aid stamp by the voter after casting his vote.
- (9) To maintain record of tendered, challenged and spoilt ballot papers.
- (10) To assist the Presiding Officer in counting the votes after close of the poll.

### Duties of Polling Officer

19. Two Polling Officers were engaged at each booth. They were required to assist the Assistant Presiding Officer in the following manner:—

#### Polling Officer No. 1:

- (1) To verify the name and serial number of voter from electoral roll available with him.
- (2) To call out the name and serial number of voter as entered in the electoral rolls.
- (3) To score out the serial number and name of voter from the electoral roll.

#### Polling Officer No. 2:

- (4) To assist the Assistant Presiding Officer in obtaining thumb impression of the voter with ink and recording his National Identity Card number on the counterfoil of ballot paper and in putting a mark of indelible ink on the thumb or finger of voter.
- (5) Both Polling Officers, generally assist the Assistant Presiding Officer.

### Strength of Polling Staff

20. A total number of 34,106 Presiding Officers, 1,16,278 Assistant Presiding Officers and 2,32,556 Polling Officers were engaged on polling duties for the conduct of 1993 general elections according to the following detail:—

Province/Area	Presiding Officers	Assistant Presiding Officers	Polling Officers
Federal Capital	143	499	998
Punjab	21,366	37,672	75,344
Sindh	6,700	23,591	47,182
N.W.F.P.	4,198	13,734	27,468
FATA	39	84	168
Baluchistan	1,660	4,698	9,396
<b>Total:</b>	<b>34,106</b>	<b>1,16,278</b>	<b>2,32,556</b>

### Comparison of 1993 Polling Scheme with Previous Polling Schemes

21. For the sake of comparison, a statement showing the statistics relating to the polling schemes prepared for 1970, 1977, 1979, 1985, 1988, 1990 and 1993 elections is appended below:—

Election Year	General (Muslim)		Voters	Returning Officers	Assistant Returning Officers	Polling Stations	Polling Booths	Presiding Officers	Assistant Presiding Officers	Polling Officers
	National Assembly	Provincial Assemblies								
	2	3	4	5	6	7	8	9	10	11
December 1970* (Staggered Poll)	138	300	25730280	120	194	14068	48340	14068	48340	96680
March, 1977 (Staggered Poll)	200	460	30899052	255	397	16891	63361	16891	63361	126722
November, 1979 (Aborted)	200	460	22955346	264	306	20436	70417	20436	70417	140834
(Simultaneous)										
February, 1985 (Staggered Poll)	207	460	34396661	333	501	25837	81047	25837	81047	162094
November, 1988 (Staggered Poll)	207	460	48061670	519	672	33329	113718	33329	113718	227436
October, 1990 (Staggered Poll)	207	460	48648960	475	693	33736	114548	33736	114548	229096
1993 (Staggered poll)	207	460	52326021	454	647	34106	116278	34106	116278	232556

\*This information does not include the statistics of the then province of East Pakistan.

### **Training of Polling Personnel**

22. In order to ensure that the poll is conducted in orderly manner and in accordance with law, the training of polling personnel to acquaint them with their duties and functions on the eve of poll is of paramount importance. The lack of training and the practical knowledge of the functions and duties of the polling personnel is likely to adversely affect the conduct of poll. The District Returning Officers and Returning Officers were given specific instructions to arrange training of polling personnel in an organized and systematic way.

23. In addition to the Manual of Instructions for guidance of the polling staff a "Hand-Book" for the training of polling personnel was published in Urdu and English for supply to the District Returning Officers Returning Officers in sufficient quantity for onward distribution to all concerned. This booklet contained all legal and procedural aspects of the poll in a precise and plain language.

24. A video film was produced by the Election Commission of Pakistan with the assistance of Pakistan Television Corporation for facility of training of the polling staff. The video film showed the procedure of casting vote and also elaborated the functions of Army in maintaining law and order in and out-side the polling stations. This film immensely helped the Returning Officers to impart the necessary training to the polling staff. As the Army was also associated in the general elections for the maintenance of law and order at the polling stations, this film was also supplied to the Army for purposes of training of such persons as were to perform the duty at the polling stations.

25. A brief course of instructions extending two to three days was arranged by the District Returning Officers/Returning Officers so as to see that the Presiding Officer/Assistant Presiding Officers and the Polling Officers have carefully studied and understood the provisions of law, the rules and instructions of the Election Commission for the conduct of free, fair and transparent elections. Any difficulty in understanding the instructions was clarified by the Returning Officers.

26. The Provincial Election Commissioners were advised to arrange "Mock Polls" so that the Returning Officers understood how best they could impart training to the polling personnel working under them. After detailed course of instructions, "Mock" polling stations were established to impart both practical and theoretical training to the polling staff at the tehsil taluka headquarters. During the "Mock polling" the trainees acted as Presiding

Officers, Assistant Presiding Officers, Polling Officers, polling Agents, voters, blind or incapacitated voters and police personnel. They were made to go through trial-poll to demonstrate practically the duties to be performed by them. In actual practice, the training covered all stages of the poll beginning from the setting up of polling stations, their lay out and ending with the counting of votes, filling in various forms, envelopes, etc., and communication of result of their polling station to the Returning Officer. During the course of the training, special emphasis was laid on the following aspects of the polling process :—

- (i) Identification of a voter through his national identity card, distinction between a fake and genuine identity card (with the assistance of local offices of the National Registration Organization), prosecution of persons holding the fake identity cards for forgery and impersonation, manner of punching the identity card in accordance with the instructions of the Commission in token of having issued ballot paper to a voter.
- (ii) System of marking the ballot paper by the voters, challenged votes, tendered votes spoilt votes, etc.,
- (iii) Application of indelible ink to the finger of voters in token of having issued the ballot paper.
- (iv) Affixing thumb impression of voters on the counterfoil of ballot papers.
- (v) Recording identity card number of voters on the counterfoils of ballot papers.
- (vi) Issue of ballot paper to the Muslim voters and various communities of non-Muslim voters.
- (vii) Use of common ballot box for the Muslim and non-Muslim voters.
- (viii) Operation of the mechanically operated ballot box.
- (ix) Counting of votes.
- (x) Statement of the count of votes and supply of its copies to the polling agents of the candidates and affixation of copy of statement of count on the notice board for information of general public.
- (xi) Statement of ballot paper account and supply of its copy to the polling agents of the candidates.

- (xii) In addition to the signatures, thumb impression of the voters to be affixed by the Presiding Officer at the appropriate place on the statement of count.
- (xiii) Communication of result to the Returning Officers through pre-arranged means.
- (xiv) Manner of summary trial of offences by the Presiding Officers and other officers specifically authorized with powers of Magistrate first class in this behalf on the polling day.

27. Another film showing the method of voting was produced by the Department of Films and Publications, with the assistance of Election Commission, for education of voters and was shown in all cinema houses all over the country for the benefit of general public.

### Recommendations

28. Section 9 of the Representation of the People Act provides that the Returning Officer shall appoint for each polling station a Presiding Officer and such number of Assistant Presiding Officers and Polling Officers to assist the Presiding Officer as the Returning Officer may consider necessary. Normally for each polling booth one Assistant Presiding Officer and two polling officers are appointed. Keeping in view the experience gained during the election to the President of Pakistan by the Chairman, the number of Polling Officers can safely be reduced to half in future elections. In future if one Polling Officer to assist the Assistant Presiding Officer is appointed, that would be sufficient and thus, there would be saving in the expenditure on more than 1,16,000 Polling Officers by way of honoraria, which is paid and in providing necessary furniture to them.

29. In future, the number of polling booth in a polling station may also be reduced generally from 4 to 3, keeping in view the voters assigned to a polling station for 9 to 10 hours polling. In the experience of Chairman, Election Commission, who acted as Presiding Officer in the election of the President of Pakistan held on 13-11-1993 for 9 to 10 hours polling 500 to 600 ballot papers can comfortably be issued and cast at the rate of one ballot paper per minute at each polling booth. Thus, there will be a considerable saving, both on the personnel and furniture, by reducing the number of polling booths.

30. It may be stated that in the last general elections the number of registered voters was over 5,23,00,000 and polling stations were over 34,000. If

we divide the number of voters by the number of polling stations, resultantly the number of voters on an average for each polling station comes to 1538. If we further divide the number of 1538 voters by the number of booths, *i.e.*, 3, on an average per polling station, the number of voters assigned to each booth will be about 513. Thus, 513 electors can cast their votes in nine to ten hours polling time even 100 per cent voters can cast their votes. However, in last general elections average polling was between 28% to 47%, therefore, 235 voters can very comfortably cast their votes during polling hours.

31. A permanent list of polling stations should be maintained in the prescribed form and manner for each constituency in each district. This list should be revised periodically by the local administration with prior approval of the District Returning Officer. The list of polling stations should remain available in the office of Election Officer for inspection by the public. Procedure for inviting objections from the voters and candidates at fixed intervals and their disposal by competent authority should also be provided. The necessity for making this recommendation is that Printing Press seldom provides the list of polling stations 15 days prior to date of poll as provided in section 8 of the Representation of the People Act, 1976.

32. A list of officers and staff of the Federal Government and the Provincial Government Department posted in each sub-Division/Tehsil may permanently be maintained by the Election Officer. This list should also be revised periodically. As and when needed, the polling staff may be drawn from this list for election duties and, before finalizing their appointments, objections may be invited from the candidates and the electorate with regard to their suitability or otherwise for polling duties.

33. The law requires that the list of polling stations for a constituency should be published in the official Gazette at least 15 days before the poll. The Gazette of Pakistan is published by the Printing Corporation of Pakistan from Islamabad and Karachi. Publication of the lists of 667 constituencies within a short span of time requires meticulous planning by the Election Commission and Printing Corporation of Pakistan so that the printed lists could be made available to the candidates, political parties and Returning Officers at least 15 days before the polling day. The PCP should make special arrangements for printing of the lists in question well in time to avoid legal complications and practical difficulties.



## CHAPTER IX

## ELECTION MATERIAL

The conduct of general elections required multifarious administrative arrangements which include, *inter alia*, the procurement of a huge quantity of numerous items of election material for use at the polling stations as well as connected services. These are arranged through various government departments, such as Controller, S&F, Karachi, PCSIR, Karachi, POF Wah Cantt, PCP Press, PSPC, Karachi, Natlog Directorate, PIA and Post Offices Departments, etc. All the items of material and services required for general elections are arranged with the approval of Election Commission.

2. Immediately after dissolution of National and Provincial Assemblies on 18th July, 1993, the work relating to the physical verification of available stock of election material and assessment of total requirement was taken in hand through the Provincial Election Commissioners in order to replenish the stock where-ever required. According to the data supplied by the Provincial Election Commissioners the position of available stock, prior to elections, was as below:—

Item	Punjab	Sindh	NWFP	Baluchistan	Total
1	2	3	4	5	6
Standard Stationery Packs.	—	2,800	500	—	3,300
Official Mark Stamps (Oval).	30,000	2,350	2,000	2,700	37,050
Official Mark Stamp (Square).	28,000	13,830	5,000	2,700	49,530
Marking Aid Stamp (Containing Nine Squares).	296,000	22,000	42,000	12,600	372,600
Stamp Pads (Inked).	22,800	23,100	700	6,300	52,900
Brass Seals.	45,000	2,132	7,000	1,000	55,132
<b>Canvas Bags</b>					
(i) 18" x 30" (White)	70	3,619	150	100	3,939
(ii) 18" x 15" (White)	192	1,810	300	700	3,002
(iii) 18" x 30" (Khaki)	—	—	100	100	200
(iv) 18" x 15" (Khaki)	—	—	300	200	500
(v) 18" x 30" (Blue)	600	2,750	2,500	50	5,900
(vi) 18" x 15" (Blue)	200	—	1,500	50	1,750
(vii) Canvas Bags	600	671	100	—	1,371

3. The first formal meeting of Election Commission in this behalf was held on 28th July, 1993, wherein decisions regarding procurement of various items of election material, e.g., standard stationery packs, official mark, rubber stamps (oval and square), marking aid stamps, stamp pads, brass seals,

cloth bags of various types/measurements, canvas bags, indelible ink, punch machines, etc., were taken and order for procurement of various items of election material was placed centrally by the Election Commission Secretariat, Islamabad. The detail of arrangements made with various departments for the procurement of election material is discussed in the following paragraphs.

4. An order was placed with the Controller, Stationery and Forms, Karachi on 10th August, 1993 for the following items:—

Item	Requirement of				Total
	Punjab	Sindh	NWFP	Baluchistan	
1	2	3	4	5	6
Standard Stationery Packs.	48,900	11,940	8,804	4,200	73,844
Official Mark Stamps (Oval).	78,600	34,500	18,709	5,250	137,059
Official Mark Stamps (Square).	81,300	23,020	15,848	5,250	125,418
Marking Aid Stamp (Containing Nine Squares).	139,500	125,400	—	19,100	284,000
Stamp Pads (Inked) (Large and Small).	195,000	147,400	40,859	9,550	392,809
Brass Seals	3,900	12,608	2,304	3,200	22,012
<b>Cloth Bags</b>					
(i) 18" x 30" (White)	24,530	11,121	4,522	2,000	42,173
(ii) 18" x 15" (White)	24,408	5,560	4,372	1,400	35,740
(iii) 18" x 30" (Khaki)	24,400	14,740	4,532	1,800	45,472
(iv) 18" x 15" (Khaki)	24,400	7,370	4,332	1,900	38,002
(v) 18" x 30" (Blue)	7,100	26,730	—	750	34,580
(vi) 18" x 15" (Blue)	7,500	—	—	750	8,250
(vii) Canvas bags	9,200	2,277	1,761	450	13,688

5. Item-wise position is further elucidated as below:—

### Official Mark Rubber Stamps

6. As per past practice, the official mark rubber stamps supplied for use at the polling stations were of two shapes, *i.e.* square and oval. The square stamp was of 2" x 2" and oval stamp was of 2-1/2" x 1-1/2" size. The words "Election Commission of Pakistan" and the code number appeared on the stamps. Square stamps were used for marking the ballot papers for election to NA and those of oval shape were used for PAs elections. The code No. of the official mark stamps of both shapes were kept secret so as to eliminate any chance of leaking of the code Nos. The above mentioned stamps were supplied @1 per booth *plus* 1 extra per polling station with a reserve of 5% meant for meeting any possible shortage. The Provincial Election Commissioners were

responsible to maintain complete record of the code numbers of the stamps, which were newly manufactured. While making polling stations bags, the list of code numbers supplied to each polling station was kept secret by the officials, who were responsible for bulk breaking of the material and for preparation of these bags. The code numbers were not even divulged to the Presiding Officers before start of the actual polling. The lists are kept secret so that no unauthorised person knows about their code letter and numbers and is not able to get these manufactured for any possible misuse.

### **Rubber Stamps for Marking Ballot Papers (Marking Aid Stamps)**

7. Under the law, each voter is required to put a prescribed mark on the ballot paper at any place within the space containing the name and symbol of the candidate for whom he wishes to vote. This mark is put by the voter by using a rubber stamp. The ballot paper bearing any other mark becomes invalid. The size of this rubber stamp is  $3/4'' \times 3/4''$  containing nine squares, which are equally divided. These stamps were supplied @2 per booth *plus* 2 extra per polling station. These stamps, were prepared manually, to facilitate voters to put a mark to maintain uniformity in the marking of ballot paper against the name and symbol of the candidate of their choice.

### **Stamp Pads**

8. The stamp pads were supplied to the polling stations @2 per polling booth *plus* one extra per polling station with 5% reserve. These are utilised at the polling stations for affixing thumb impression of the voter on the counterfoil of the ballot paper which is mandatory under section 32(2)(e) of the Representation of the People Act, 1976. Moreover, stamp pads are used for affixing code mark stamps and marking aids.

### **Standard Stationery Packs**

9. The standard stationery pack is an economy device in order to avoid the wastage of stationery items during their use at the polling stations. Each standard pack contains 12 articles of stationery. These packs were supplied by the Commission @one per polling station. The list of items is given below :—

(1) Ball Point Pen (Blue)	Nine
(2) Rice Paper	10 sheets

(3) Paper Pins	25 in a packet
(4) Steel Needle	One
(5) Thread Ball	One
(6) Pasting Gum Bottle	One
(7) Candles	Five
(8) Sealing Wax Red	1/2 Lb.
(9) Match Box	One
(10) Plastic Scales	Eight
(11) Marker (Black)	One
(12) Safety Pins	Fifteen

### Brass Seals

10. Brass seals are used by the Presiding Officers to seal various packets and the polling bags after completion of polling at polling stations. These seals were got manufactured through the Controller, Stationery and Forms, Karachi. The brass seal is supplied @one per polling station. The code number of each brass seal is distinct, separate and is kept secret record whereof is prepared and maintained by the concerned Returning Officer under the packing advice. The brass seals are manufactured manually. The purpose of different code numbers of each brass seal is to maintain secrecy and to distinguish packets and bags of different polling stations in each constituency.

### Cloth Bags

11. The cloth bags of three different colours, each in two sizes *i.e.* white for National Assembly elections, Khaki for Provincial Assemblies elections and blue for elections to non-Muslim seats were supplied. The essential items of election material, *i.e.* rubber stamps, brass seals, standard stationery packs alongwith small white bag of 18" × 15" containing ballot papers required at a polling station, were placed in large size white cloth bag of 18" × 30" for National Assembly constituency. The cloth bags of Khaki colour of large/small size also were used for the same purpose in connection with the Provincial Assemblies Elections.

### Canvas Bags

12. Prior to general elections, 1988, large steel trunks were used for supply of various cloth bags containing election material. However, in view of the high cost of steel trunks, the Commission decided to use standard size canvas bags in order to achieve maximum economy. The size of a canvas bag is

3" × 5". These bags are procured through Controller, Stationery and Forms, Government of Pakistan, Karachi. One bag is used to keep bags of 5 polling stations containing ballot papers both used and unused and other election record of the 5 polling stations.

13. After ascertaining the then stock position, an additional quantity of 13,688 canvas bags was procured for four provinces, *i.e.* 9200 for Punjab, 2277 for Sindh, 1761 for NWFP and 450 for Baluchistan.

#### Special Checking by the Teams of Provincial Election Commissioners

14. The special teams were deputed by the Provincial Election Commissioners to carry out random check of all items of election material procured through the Controller, Stationery and Forms, Government of Pakistan, Karachi before taking actual delivery of the material.

#### Indelible Ink

15. Under section 33(2)(cc) of the Representation of the People Act, 1976, an elector when he presents himself at the polling station to vote, is required to receive a personal mark, made with indelible ink, on any finger of either hand as indicated by the Election Commission. The process is one of the methods to check multiple voting at an election. In order to meet the requirement of 1993 General Elections, 340,723 vials of indelible ink were manufactured through the PCSIR Lab., Karachi. The entire quantity was got packed in cartons of 3 x 5 vials each. During 1993 elections, the supply of indelible ink was made at the scale of one vial per booth *plus* one extra per polling station accompanied by printed instructions for careful handling of vials and application of the ink. The supply of the ink was made by the PCSIR, Karachi directly to all the four provinces as under:—

Punjab	217,800 vials
Sindh	63,515 vials
NWFP	40,858 vials
Baluchistan	18,550 vials
	<hr/>
Total:	340,723 vials
	<hr/>

16. the PCSIR had quoted rate of Rs. 16 per vial. The Commission desired that negotiation may be made to get the offered rates reduced at par with the rates of 1990 general elections. Following the decision of the

Commission, PCSIR reduced the rate from Rs. 16 to Rs. 15 per vial. In order to ensure quality and efficacy of the indelible ink special tests of the samples were carried out in Karachi. It was then stressed upon the PCSIR to ensure the standard and quality of each vial of indelible ink.

### Punch Machines

17. In order to ensure free, fair and impartial elections, the Election Commission of Pakistan made all possible efforts to introduce certain devices to check the bogus voting. The use of punching machines is one of these steps, which helped in attaining the objective of fair elections. When a voter presents himself at a particular booth of a polling station to cast his vote, he is required to produce his National Identity Card, which is checked by the Assistant Presiding Officer Incharge of the booth and is punched at a specified place with the punching machine in order to ensure that the same voter with that Identity Card is not able to cast his vote at any other polling station.

18. The Director General, Registration, raised the question that due to punching the National Identity Cards they will be mutilated due to repeated punching on the eve of each General Election and bye-elections. The Commission considered the request of Director General, Registration and decided to procure new punch machines instead of procuring and using punching machines previously used, to punch the Card with a small size single prick to avoid mutilation of the cards. As decided by the Commission administrative arrangements were made with POF, Wah for manufacturing 164000 machines for the said purpose. The punch machine cost Rs. 34.0901 involving a total expenditure of Rs. 55,90,776.40. The province-wise bifurcation of the supply of punch machine is as under:—

Punjab	108,419
Sindh	30,450
NWFP	18,051
Baluchistan	6,950
	<hr/>
Total:	163,870 Say 1,64,000
	<hr/>

### Ballot Boxes

19. As per scale laid down by the Election Commission, *i.e.* one ballot box per polling booth *plus* one extra per polling station, the requirement of

various provinces was worked out as under alongwith actual supply :—

Punjab	95,680
Sindh	30,291
NWFP	18,055
Baluchistan	6,358
	<hr/>
Total:	150,384
	<hr/>

The requirement of Baluchistan province was met out of the stock of ballot boxes available in the province. However, shortages of Punjab, Sindh and NWFP were met by using the small size ballot boxes, which were donated by the Election Commission during yester-years to the respective Provincial Governments. In order to provide another safeguard against electoral malpractices all the ballot boxes used on the polling days were got code numbered bearing separate codes for each district. Ballot box is a mechanical device, operation whereof requires technical knowledge for which detailed instructions were imparted by the Election Commission in the form of a hand bill titled "Instructions for operating of Ballot Box" which are supplied to the polling personnel in the printed form alongwith the election material.

### **Duty Badges**

20. For the purpose of identification of polling staff, appointed for duties at the polling stations on the polling days, duty badges were supplied to each Presiding Officer, Assistant Presiding Officer and Polling Officer. Each badge bore the words "Presiding Officer/Assistant Presiding Officer" and "Polling Officer" with the title "National and/or Provincial Assemblies Elections" as the case may be. The badges supplied for the purpose mentioned above were white in colour and of 2-3/4" square size.

### **Passes**

21. Similarly, two types of entry passes in white colour were issued by the Election Commission of Pakistan, Provincial Election Commissioners and the Returning Officers to visitors, representatives of information media and foreign correspondents and election monitoring teams/groups to observe the poll.

### **Posters/Placards/Banners/Envelopes/Forms**

22. In addition to the election material mentioned in the preceding paragraphs, various types of posters, placards, banners, forms, envelopes, etc., were supplied to each polling station, such as :

- (i) Posters showing the method of marking the ballot papers.
- (ii) Posters showing names and symbols of the contesting candidates.
- (iii) Nine types of placards of standard size showing Presiding Officer, Assistant Presiding Officer, Polling Officer, Polling Agent, Entrance, Exit, Male Polling Booth, Female Polling Booth and Place for marking ballot papers, etc. and
- (iv) Separate banners showing the name of polling station for National and/or Provincial Assembly Election as the case may be.

Similarly, 28 types of forms and 15 types of envelopes of various size were got printed and supplied. All the items of election material were supplied as per scale laid down by the Election Commission of Pakistan and as discussed in the preceding paragraphs.

### **Transportation Plan**

23. As per decision of the Election Commission, the transportation of various items of election material excluding ballot papers was arranged through a well planned scheme in the four provinces. Generally, the election material procured from the Department of Stationery and Forms and PCSIR, was transported from Karachi to all Provincial Headquarters by deploying NLC Trucks. The consignments were accompanied by the duly authorised representatives of the Election Commission of Pakistan, as well as Army guards.

24. There was not enough time to send the entire election material excluding ballot papers through NLC trucks to reach the same at the destination in time. Therefore, a part of the said material was sent from Karachi to Peshawar Airport and Lahore Airport by Planes through the courtesy of Pakistan Air Force. The Pakistan Air Force did not charge for the same and this enabled the Election Commission to send the entire material in time well before the election. It may be stated that from the Airport the



material was again sent through NLCs trucks to Provincial Election Commissioners Headquarters at Peshawar and Lahore under Police/Military escort for onward distribution amongst the District Returning Officers.

25. Similarly, the consignments of printed ballot papers were obtained from the premises of PSPC Karachi and PCP Press at Islamabad, Lahore and Karachi through duly authorised representatives of District Administration, District Returning Officer and ECP. These were transported through NLC Trucks under Police Escort and Army. The ballot papers meant for minority communities both for National and Provincial Assemblies in respect of the provinces of the Punjab and NWFP were also despatched to Peshawar, Islamabad, Lahore, Faisalabad and Multan through regular flights of P.I.A. under the supervision of the officers of the Election Commission. The consignment to and from Airport was escorted by the Police and Army personnel to the concerned quarter.

### **Telecommunication Network**

26. A flaw-less and speedy telecommunication network is an essential pre-requisite for successful and timely accomplishment of gigantic task like holding general elections. As such in order to facilitate completion of arrangements for conduct of elections as well as communication of results to the Commission from every nook and corner of the country, various types of telecommunication facilities *i.e.* hot lines, STD telephones and telefax machines were provided as warranted by the circumstances.

27. The entire election process was centrally supervised by the Election Commission at Islamabad as well as by the Provincial Election Commissioners at their Provincial Headquarters Offices at Lahore, Peshawar, Karachi and Quetta. As such, the Chief Election Commissioner, Secretary Election Commission and four Provincial Election Commissioners were connected with 10 hot lines in addition to STD telephones with "Immediate Priority". The PTC had established complaint centres in all their telecommunication regional offices to remove bottlenecks at the spur of the moment. In addition, about 528 STD telephones were provided to all officers of the Commission, at Provincial/Divisional level, District Returning Officers and Returning Officers, Managers PSPC and PCP Presses at Karachi, Lahore and Islamabad. The facility of 8 telefax machines in Election Commission Secretariat and Provincial Election Commissioners offices was added source to ensure correct and quickest possible transmission of official messages. This facility was utilised for transmission of results by the PECs immediately on

receipt from DROs which enabled the Commission to release the same, constituency-wise, to the nation without delay. The effective communication arrangements added to the transparency of elections.

### **Recommendations**

28. In order to stream-line the procurement and distribution of about 100 items of election material down to the level of polling station and polling booth at a fixed scale before the poll and retrieval thereof after the poll, a "Code for Procurement and Distribution of Election Material and Allocation of Funds" may be prepared by the Election Commission Secretariat. This Code should indicate the requirement of each item for a polling booth, source of procurement, stock taking of each item by the Provincial Election Commissioners, procedure for bulk-breaking at the district headquarters and making polling bags for each polling station, arrangements for transportation of polling bags from the district headquarters to the polling stations, use of each item at the polling stations, repacking the election material and un-used stationery at the conclusion of the poll, preparation of inventory thereof, stock taking of the retrieved material by Election Officers, detail of allocation of funds to District Returning Officers, Returning Officers and Deputy Commissioners and procedure for maintaining proper accounts thereof, deposit of savings in the treasury under proper heads of accounts, submission of the statements of accounts to the Provincial Election Commissioners within prescribed time limit, audit of accounts, etc. etc. Printed copies of the Code may be supplied to all concerned for guidance and compliance on the eve of polls.

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## CHAPTER X

### INDUCTION OF JUDICIAL OFFICERS IN THE ELECTORAL PROCESS

Keeping in view the performance of judicial officers during the last two general elections and also the demand of political parties, the Election Commission even this time decided to appoint judicial officers as District Returning Officers, Returning Officers and Assistant Returning Officers for the conduct of general elections.

2. The judicial officers were for the first time, inducted in the electoral process during 1988 general elections. Their services were also utilized in 1990 general elections. This experience not only inspired public confidence but also enhanced the credibility of the electoral process. Taking advantage from the experience of the last two general elections, the Election Commission decided to appoint the judicial officers, who had, by now, the requisite expertise, to act as Returning Officers for 1993 general elections as well. Before, however, making such appointments, the Election Commission sought concurrence of the Chief Justices of the High Courts, who responded positively to the request of the Commission.

#### Principles of Appointment

3. The District and Sessions Judges were appointed as District Returning Officers for their respective districts. The Additional District and Sessions Judges, Senior Civil Judges and Civil Judges were appointed as Returning Officers. However, in a few cases where the judicial officers were not available, Judicial Magistrates and the executive officers were appointed as Returning Officers. The Extra Assistant Commissioners, Tehsildars, Mukhtiarkars, Sub-Divisional Education Officers, Magistrates, Project Managers and Junior Officers of the Judiciary, wherever available, were appointed to act as Assistant Returning Officers.

4. One Returning Officer was generally appointed for each constituency. In cases where no other suitable person was available or where the boundaries of a National Assembly constituency were coextensive with the boundaries of one or two Provincial Assembly constituencies, one Returning Officer was assigned more than one constituency.

### **Duties of District Returning Officers**

5. The District Returning Officers were required to co-ordinate and supervise the election work in their respective districts and to maintain a liaison between the Returning Officers and the Election Commission. They were required to perform the following functions under the superintendence, direction and control of the Election Commission:—

- (1) To maintain liaison with the Returning Officers and the Election Commission.
- (2) To co-ordinate and supervise the Returning Officers in the district.
- (3) To approve the list of polling stations prepared by the Returning Officers.
- (4) To approve the appointment of Presiding Officers, Assistant Presiding Officers and Polling Officers, proposed by the Returning Officers.
- (5) To arrange proper and timely training of polling personnel.
- (6) To arrange distribution of the election material, ballot boxes and ballot papers, etc. to Returning Officers.
- (7) To arrange prompt despatch of list of contesting candidates, duly checked, to the Provincial Election Commissioner concerned for printing of the ballot papers.
- (8) To collect election result from the Returning Officers for onward communication to the Election Commission.
- (9) To perform such other functions and duties as the Commission may assign to them.

### **Duties of Returning Officers**

6. The successful conduct of polls is primarily the responsibility of Returning Officers. The main functions to be performed by them under the law are summed up below:—

- (a) To receive nomination papers from the candidates within the period specified by the Election Commission under section 11 of the Representation of the People Act, 1976.

- (b) To scrutinize the nomination papers in accordance with the provisions of law and the rules on the date and time appointed for this purpose by the Commission.
- (c) Selection of suitable buildings for polling stations.
- (d) Enlistment of polling personnel to man the polling stations.
- (e) Proper training of polling staff.
- (f) Supply of equipment on time for use at the polling station.
- (g) Education of the electorate in the method of voting.
- (h) Collection of results of the count from the polling stations of their respective constituency/constituencies and their communications to the District Returning Officer.
- (i) Consolidation of result furnished by the Presiding Officers and submission of the consolidated statements of results of the count and the return of election of a constituency to the Election Commission and the Provincial Election Commissioner concerned.
- (j) In their capacity as Assistant Returning Officers for election to the non-Muslim seats, submission of consolidated statement of result of the count in respect of non-Muslim election to the Returning Officers.

### **Duties of Assistant Returning Officers**

7. The Assistant Returning Officers, wherever appointed, were generally required to assist the Returning Officer in the performance of his functions under the law. They were also to perform such specific duties as were assigned to them by the Returning Officers. An Assistant Returning Officer was in no case authorised to assume any of the functions of the Returning Officer of his own accord. The nomination papers were also required to be received by the Returning Officer and in no case their scrutiny was to be entrusted to the Assistant Returning Officer. Similarly, the consolidation of election result was the sole responsibility of Returning Officer and this function was, under no circumstances, to be delegated to the Assistant Returning Officer without prior permission of the Election Commission.

### Appointment of Returning Officers and Assistant Returning Officers for Election to the Non-Muslim Seats in the National Assembly

8. The District and Sessions Judge, Islamabad was appointed as Returning Officer for election to the non-Muslim seats in the National Assembly. The Returning Officers for all Muslim constituencies in the National Assembly acted as Assistant Returning Officers for election to the non-Muslim seats in respect of the areas for which they were appointed as Returning Officers.

### Appointment of Returning Officers and Assistant Returning Officers for Election to the Non-Muslim Seats in the Provincial Assemblies

9. The appointment of Returning Officers and Assistant Returning Officers for election to the non-Muslim seats in the Provincial Assemblies were made in the following manner:—

Name of Provincial Assembly	Returning Officer	Assistant Returning Officers
Provincial Assembly Punjab.	District and Sessions Judge, Lahore.	All Returning Officers for Muslim constituencies of the Provincial Assembly, Punjab.
Provincial Assembly, Sindh.	District and Sessions Judge, Karachi Central.	All Returning Officers for Muslim constituencies of the Provincial Assembly, Sindh.
Provincial Assembly, NWFP.	District and Sessions Judge, Peshawar.	All Returning Officers for Muslim constituencies of the Provincial Assembly, NWFP.
Provincial Assembly, Balochistan.	District and Sessions Judge, Quetta.	All Returning Officers for Muslim constituencies of the Provincial Assembly, Balochistan.

### Notification regarding Appointments of Returning Officers, etc.

10. The Election Commission notified the appointments of District Returning Officers, Returning Officers and Assistant Returning Officers for election to the Muslim constituencies and for the seats reserved for minority

communities in the National Assembly and Provincial Assemblies in the official Gazette on 18th August, 1993. These appointments were made two days before the announcement of programme for elections. The list of District Returning Officers, Returning Officers and Assistant Returning Officers was given due publicity in the national and local newspapers. Copies of the "Manual of Instructions for the Guidance of District Returning Officers, Returning Officers and Assistant Returning Officers", alongwith a copy each of the final list of constituencies and the Notification of their appointment was despatched to them the same day.

### Number of District Returning Officers, Returning Officers and Assistant Returning Officers

11. In all, 87 District Returning Officers, 454 Returning Officers and 647 Assistant Returning Officers were appointed for 207 Muslim constituencies of the National Assembly and for 460 Muslim constituencies of the Provincial Assemblies.

### Number of Judicial and Executive Officers

12. The following table will further indicate the number of officers from judiciary and executive appointed as District Returning Officers, Returning Officers and Assistant Returning Officers during the 1993 general elections:—

Province/ Area	District Returning Officers	National Assembly		Provincial Assemblies	
		Returning Officers	Assistant Returning Officers	Returning Officers	Assistant Returning Officers
1	2	3	4	5	6
Islamabad	1	1	1	..	
Punjab	34	115	97	135	213
Sindh	17	46	90	1	1
NWFP	20	26	35	72	84
FATA	8	8	22		
Balochistan	7	11	31	39	72
<b>Total:</b>	<b>87</b>	<b>207</b>	<b>276</b>	<b>247</b>	<b>371</b>

## Role of the Executive

13. During the 1993 General Elections, the Acting President issued a directive to the Governors and Chief Ministers, in their capacity as executive heads of the provincial administration, to ensure that the judicial officers engaged on election duties are provided maximum assistance by the Deputy Commissioners and other local authorities for the efficient conduct of elections. The directive of the President is given below :—

### “CONDUCT OF FREE, FAIR, IMPARTIAL AND TRANSPARENT GENERAL ELECTION ON 6 AND 9 OCTOBER, 1993

The Nation is going to the polls, on 6 and 9 October, 1993, for the fourth time since 1985 under arrangements involving the Judiciary and the Armed Forces. The former, it would be recalled, was inducted for the first time in a supervisory role in 1988, and the latter were kept ready to provide all possible assistance to the Election Commission in pursuance of Article 220 of the Constitution of the Islamic Republic of Pakistan.

2. The Judiciary, the Armed Forces, the Federal and the Provincial Administrations are fully geared to play their assigned role in extending every possible assistance to the Election Commission in the coming general election. For this, comprehensive plans have been prepared and all satisfactory arrangements made.

3. I would, however, like to take this opportunity to emphasise that the forthcoming general election is being held under circumstances which place a greater responsibility on all concerned. The salient features of the changed environment are :—

- (a) We have non-political Governments at the Federal and Provincial levels, leaving no doubt their impartiality and neutrality.
- (b) No member of the caretaker Cabinet is a candidate in the forthcoming election.
- (c) Foreign observers and the relevant foreign organizations have been extended an open invitation to come and watch the election process, in order to determine the validity of our claim of its incontrovertible transparency.



- (d) The Election Commission has issued a revised Code of Conduct for the Political parties and for individual politicians.
- (e) There was a long-standing demand of some politicians, the public and the media to publish the lists of loans written off. In view of the justness of the demand, the caretaker Government, after considerable deliberation, issued the lists of the defaulters and of those who had got their loans written off since 23rd March 1985. I am pleased to say that this step has been duly appreciated by people from all walks of life, including the politicians themselves.

4. The caretaker Government is fully determined to hold elections in a free, fair and impartial manner. While it has taken a number of essential measures to create a conducive atmosphere for achieving this, it is axiomatic that, the Provincial Governments will be required to exert themselves for the realization of this national objective.

5. I, therefore, expect all the Governments agencies and their personnel to discharge their duties with complete neutrality so as to ensure free, fair and impartial elections. I would also expect the law enforcing agencies to ensure that peace, harmony and tranquility prevail during the general election and the post-election period. The Armed Forces have been directed to keep themselves ready for assisting the civil law enforcing agencies, if and when call upon to do so.

6. I earnestly trust and pray that, with your help and assistance, I will be able to discharge my obligation and commitment to the Nation in fulfilment of their hopes and aspirations.

Sd/-  
WASIM SAJJAD

All Governors.  
All Chief Ministers.

No. 197/1/President of 8 September, 1993"

14. In addition, the provincial administration was directed that postings and transfers of the officers and staff engaged on election work shall not be made till the culmination of the process of election.

15. As in the last elections, the Deputy Commissioners mobilised their resources and placed them at the disposal of District Returning Officers and Returning Officers to the extent of their requirements. As a matter of fact, the judicial officers and the district administration worked in complete harmony and as well kint team fully decidated to the cause of holding free, fair and impartial elections.

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## CHAPTER XI

## ROLE OF THE ARMED FORCES OF PAKISTAN

A meeting of All Parties Conference (APC) held at Islamabad on 30th April, 1993, passed a Resolution to the effect that the forthcoming general elections to the National Assembly be held under the supervision of Armed Forces. Mian Muhammad Nawaz Sharif, *ex-Prime Minister* and leader of Pakistan Muslim League (Nawaz Group), announced his support to the demand of APC in his press statement appearing in the daily "Dawn" Karachi, on 4th May, 1993. Relevant paragraph of his press statement is quoted below:—

"Responding to a question, he said the way things were moving he was not sure whether the forthcoming elections would be held in a fair and free manner. 'That is why I believe that these polls be supervised by the army'."

2. The desirability of conducting the elections under the supervision of Armed Forces was further discussed by the Government with leaders of major political parties. Based on the national consensus arising out of these meetings as also reflected in the Resolution of APC, the Government decided that the Army will supervise elections to assist the Election Commission in holding free and fair elections. In order to work out the modalities for implementation of this decision, a meeting was held on 8th May, 1993, under the chairmanship of the Secretary, Ministry of Defence. The Chief of the General Staff, GHQ, the Secretary, Election Commission, Additional Secretary, Ministry of Defence, Additional Secretary, Ministry of Interior, Director General, Military Operation, GHQ, and other officers attended the meeting.

3. Meanwhile, the political atmosphere of the country constantly remained charged. Political battle was shifted to superior Courts. The Supreme Court of Pakistan ordered restoration of the National Assembly on 26th May, 1993. The Governor, Punjab dissolved the Provincial Assembly, Punjab on 29th May, and the Governor, NWFP dissolved the Provincial Assembly, NWFP on 29th May, 1993. The Lahore High Court restored the Provincial Assembly, Punjab on 9th June, 1993, followed by its immediate dissolution by the Governor the same evening. Finally, the dust settled down on 18th July, 1993, with the dissolution of National Assembly and the Provincial Assemblies of the Punjab, Sindh and Baluchistan by consensus of the major groups, and announcement of fresh dates of elections in October, 1993. The Election

Commission had, therefore, clear mandate of organising and holding elections to the National Assembly and Provincial Assemblies on 6th and 9th October, 1993, respectively.

4. The Election Commission formally requested the Ministry of Defence to provide assistance of the Armed Forces of Pakistan in the conduct of general elections in accordance with Article 220 of the Constitution. The Ministry of Defence issued necessary instructions to the Armed Forces that all possible assistance may kindly be provided to the Election Commission in conduct of General Elections, 1993.

5. True to their tradition, the Armed Forces of Pakistan responded positively to the request of Election Commission to provide the necessary assistance for holding free, fair and impartial election in the country in October, 1993. For the accomplishment of this national task, a GHQ Election Monitoring Cell, fully computerized, was immediately established under the charge of Lt.-Gen. Nazar Hussain, Commander, Army Air Defence Command. A series of meetings was held between the Election Commission and GHQ Election Monitoring Cell to evolve a scheme to effectively assist in making the election process credible and transparent.

6. The army structured its support organization in unison with the electoral machinery set in motion by the Election Commission. Salient features of the scheme jointly prepared by the Election Commission and GHQ Election Monitoring Cell are as under:—

- (a) Organize vigilance at the polling stations, during the full duration of polling, both on 6 October and 9 October. 2-3 military personnel will be deployed inside each polling station for this task. However, these personnel will have no function in the process of polling.
- (b) Assist/help the Returning Officer, in performance of his functions. For this task an officer, assisted by necessary staff, will be detailed to work with each Returning Officer.
- (c) At the district Headquarters, an election cell will be set up in conjunction with the one being set-up by the District Returning Officer. It will be supervised by an officer of the rank of Lieutenant Colonel or Brigadier, who will maintain close cooperation and liaison with District Returning Officer.

- (d) For each constituency 3-4 mobile vigilance teams, headed by officers, will be organized, to visit polling stations and to handle unforeseen contingencies.
- (e) For effective articulation of command and control, Election Cell, at General Headquarters, each Corps Headquarters and each district Headquarters will be set-up.
- (f) These cells will be provided with necessary staff, equipment and communications, to ensure effective articulation, flow of information.
- (g) At each tier of election machinery, it is planned to provide lateral and horizontal communications, with election staff and the local administration. The General Headquarters Election Cell will be linked with that of Election Commission, through special Hot lines.
- (h) Military personnel, detailed on election duties will be given adequate training.
- (i) Thorough coordination with the local administration and election staff at each level and at each stage of the election process to ensure total harmony and smooth functioning.
- (j) Briefing of polling staff, appointed for election duties, in each district by senior officers of the army. The aim is to re-assure them against, any intimidation and encourage them to carry-out their duties impartially.
- (k) The local commanders may also arrange meeting of the candidates, to seek their cooperation both in the maintenance of law and order and prevention of mal-practices.
- (l) Support the civil administration and the police in maintenance of law and order, if required.
- (m) Security of the ballot papers will be ensured by Army at all times including printing, transportation and handling.

7. The role of the Army in the conduct of elections was explained to the Acting President and Caretaker Prime Minister, in a briefing held at the GHQ Auditorium. The briefing was attended by the Chief of Army Staff, Chief Election Commissioner, members, Election Commission, Corps Commanders, Secretaries Defence, Interior and Election Commission. Subsequently, the national and international media representatives were also briefed on the role of Army in the process of election, in addition to the foreign diplomats and members of the international monitoring teams.

8. The officers of Armed Forces were not only required to supervise the poll but also to assist the civil administration in keeping the law and order situation under control. Conscious of the fact that they will not be able to perform these duties objectively, the Election Commission considered the question of equipping them with necessary legal powers to deal with difficult situations on the spot. Conferment of such powers was likely to have a deterrent effect otherwise as well.

9. With this end in view, the Election Commission, in its meeting held on 7th and 8th August, 1993, decided to authorise the officers of Armed Forces of Pakistan detailed on duty at the polling stations to exercise the powers of Magistrate of the First Class for summary trial of offences punishable under section 80 (personation), section 84 (prohibition of public meetings), section 85 (prohibition of canvassing in or near the polling stations), section 86 (disorderly conduct near the polling stations), and section 87 (tampering with ballot papers) of the Representation of the People Act, 1976. Accordingly necessary authorisation in this behalf was issued on 21st September, 1993 and published in the official Gazette.

10. It is gratifying to record that the Election Commission and Armed Forces worked in Complete harmony of thought and action, mutual confidence and excellent working relationship at all levels, throughout the process.

11. The Armed Forces had no previous experience or precedent of organising support to the Election Commission on a large scale in a country-wide operation. The magnitude of task assigned to the Armed Forces can well be judged from the fact that they had to mobilise its resources, logistics and manpower to supervise the poll and maintain law and order at 34,106 polling stations throughout the width and breadth of the country. It is part of history now that, without compromising their position on the national defence, the

Armed Forces rendered effective assistance to the Election Commission in holding the fairest and most transparent elections ever held in Pakistan. The valuable contribution of the Armed Forces in the electoral process has been acclaimed at home and abroad by international agencies and observer groups.

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## CHAPTER XII

## MAINTENANCE OF LAW AND ORDER

The maintenance of law and order during the period when general elections are announced and till culmination of the election process is always a matter of great national importance. The general political atmosphere, as prevailed in the country during 1993 assumed a special significance in the backdrop of political crisis. Although the maintenance of law and order was not its direct responsibility, yet the Election Commission of Pakistan being an institution of supreme national importance in the matter of conduct of elections, could not remain oblivious of general law and order situation in the country.

**Meetings with Provincial Governments**

2. The Chief Election Commissioner of Pakistan and two Members of the Election Commission, who were conscious of their national duties in the behalf, decided to hold meetings with senior officers of all the four Provincial Governments in order to discuss the details of contingency plans drawn by them to meet the requirements of maintenance of law and order. Another purpose of these meetings was to discuss general arrangements relating to general elections. The first high level meeting of the series was held at Lahore on 21st August, 1993. The meeting, which was chaired by the Chief Election Commissioner of Pakistan was attended by two Honourable Members of the Election Commission, Secretary, Election Commission of Pakistan and Provincial Election Commissioner, Punjab. The Chief Secretary, Punjab, Inspector General of Police, Home Secretary, Education Secretary, Secretary Local Government participated in the discussion.

3. The Election Commission was given a detailed briefing by the Chief Secretary and the Inspector General of Police on the contingency plans prepared by the provincial Government to maintain law and order during elections. The matters relating to administrative support and logistics were also discussed in detail. The Provincial Government assured the Election Commission of its full assistance in the conduct of elections.

4. The next meeting was held on the 25th August, 1993 at Karachi wherein the Chief Secretary and the Inspector General of Police, Government of Sindh gave a detailed briefing to the Election Commission on the contingency plans prepared by that Government to maintain law and order.



Sindh Province during elections. Similar meetings in respect of North-West Frontier Province was held at Peshawar on the 28th August, 1993. The meeting was also attended by all the Divisional Commissioners besides other senior officers of N.W.F.P.

5. A three-day session of the Election Commission was held at Quetta on 3rd to 5th September, 1993 under the chairmanship of the Chief Election Commissioner of Pakistan and attended by the Honourable Members of the Election Commission besides senior officers of the Commission and those of the Government of Baluchistan. The Chief Secretary briefed the Election Commission on the overall law and order situation in the province with reference to feudal, ethnic and political polarisation in some parts of the Province. For the purpose of maintaining law and order during elections, Jhal Magsi, Jaffarabad, Dera Bugti, Kohlu, Killah Abdullah, Quetta and some other pockets were declared as 'very sensitive' areas and special arrangements were to be made, with the assistance of army, to keep the situation under control. The areas where the situation was tense, were marked as 'sensitive' and the rest of the areas where no polarisation or tension existed were normal areas. The number of polling stations in very sensitive areas was estimated to be 439. polling stations in sensitive areas were 245 and the rest were normal. The Home Secretary and Inspector General of police briefed the Commission on the deployment of law enforcing agencies at the very sensitive, sensitive and normal polling stations.

6. The Chief Secretary promised to furnish the contingency plan within a week and assured that all possible assistance would be provided to the Election Commission for the conduct of peaceful and orderly elections.

#### **Assistance by Executive Authorities**

7. At all the meetings held at the four Provincial Headquarters, the Chief Election commissioner invited attention of the senior officers of respective Provincial Governments to the provisions of Article 220 of the Constitution, which stated in clear terms that it was the duty of all executive authorities in the Federation and in the Provinces to assist the Chief Election Commissioner and the Election Commission in the discharge of his or their functions. He impressed upon them that a great responsibility devolved upon them in performing their national duties in assisting the Election Commission in holding 1993 general elections in an honest, fair and transparent manner. He urged them to rise to the occasion for rendering necessary assistance to the Commission in the discharge of its Constitutional obligation.

### **Transfers of Politically Motivated Staff**

8. With a view to holding free and fair elections, large scale transfers of senior civil and police officers were ordered both by the Federal Government and the Provincial Governments. These administrative reshuffles seemed to be necessary because officers, who served for longer durations in an area, were likely to have developed some political alignments. This step contributed positively towards peaceful conduct of elections.

### **Law & Order Machinery on Maximum Alert**

9. The caretaker Federal and Provincial Governments which were non-political and impartial, spared no effort in drawing up contingency plans of action to meet any law and order situations for the days leading up to the general elections as well as the polling days. The sensitive and vulnerable areas were located and all steps were taken to avoid happenings of untoward incidents by taking into account the history of law and order situations in those sensitive areas. It was made amply clear by the Federal Government to all concerned that the law and order machinery should remain in a state of absolute preparedness to tackle any situation.

### **Transportation of Election Material**

10. The system of transportation of election material like polling bags (containing sensitive election material), ballot boxes, etc was immensely improved this time. The presiding Officers were provided assistance by the army for safe transportation of election material to and from the polling stations. The transport was arranged and sufficient funds for the purpose were provided by the Election Commission to all the Deputy Commissioners to carry the polling staff and the material to the polling stations. This was a positive step by the Election Commission in the right direction and was of much help in averting any mishap on this account.

### **Other Measures**

11. Some other measures, which were adopted in the last general elections were also adopted this time and are recapitulated as under:—

- (i) The lists of polling staff were so drawn that the politically motivated staff was eliminated from those lists and were not assigned the duties at the polling stations;

- (ii) The Provincial Governments prepared contingency plans and assessed the requirements for deployment of police, Frontier Corps, Rangers, Levies, Police Qaumi Razakers, Janbaz Force, etc., in each district. Contingency plans were mostly computerized by the Provincial Governments;
- (iii) For the purpose of deployment of police force, the local administration was required to identify the polling stations as 'normal', 'sensitive' and 'very sensitive' so that special arrangements to maintain law and order could accordingly be made at the troubled polling stations; and
- (iv) Mobile reserve police force was kept on the alert to move to troubled spots in case of need.

### **Mobile Teams**

12. It has been a tradition in a few elections in the past to appoint mobile magistrates for maintaining law and order on the polling days. As assistance of the army was also available this time, the system was further streamlined during 1993 general elections and mobile teams comprising a magistrate, an army officer and a few army jawans, constables, etc were appointed. Each such team was assigned a group of polling stations. The mobile teams kept liaison with the concerned Returning officers. Wireless sets were provided to the mobile teams for immediate contact with the District Control Rooms and the Returning officers in the event of any emergency.

### **Magisterial Powers**

13. All the Presiding Officers were authorized by the Election Commission under section 86A of the Representation of the People Act, 1976, to exercise the powers of Magistrates, Ist class under the Code of Criminal Procedure in respect of the offences punishable under sections 80, 84, 85, 86 and 87 of the Act and to take cognizance of any such offence under sub-section (b) of section 190 of the Cr. P.C. The trial of such offences was to be held in a summary way in accordance with the provisions of the said code relating to summary trials.

### **Prohibition of Public Meetings, etc.**

14. According to section 84 of the Act, no person could convene, hold or attend any public meeting and promote or join in any procession within the

area of any constituency during a period of forty-eight hours ending at midnight following the conclusion of the poll. The election campaign for general elections came to an end with effect from the midnight falling between 4th and 5th October, 1993. By and large, no untoward incident happened during this period.

### **Polling Day**

15. The law and order situation on the polling days throughout the country was exemplary. The polls were held in a calm and orderly manner excepting a few minor incidents, which are not worth mentioning here. During their visits to the polling stations, the details whereof are given in the chapter titled as 'The Poll', the Chief Election Commissioner and the Members of the Election Commission witnessed peaceful conduct of poll in the areas visited by them. All the Provincial Election Commissioners furnished satisfactory reports on law and order situations in their respective provinces.

### **Recommendations**

16. The traditions of democracy are yet to take roots and flourish in our homeland. All political thinkers, political parties and their workers should give a serious thought for paying due respect and regards to the rules of the fair game, if we desire to find our due place in the comity of democratic nations. There is need to set the traditions of decent political behaviour during the election campaigns. There is a requirement of some serious considerations and working in this behalf so that caravan of democracy may go on its path without any interruption or debacle.

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## CHAPTER XIII

### THE COMMUNICATION PLAN

#### Objects

The object of Communication Scheme is to plan in advance the methodology of releasing the preliminary results of election soon after the closing hour. The Commission is conscious of the fact that any delay in announcement of result of election causes misgivings in the minds of the public and candidates. The Commission has, at the same time, to ensure accuracy and precision in the transmission of results, with utmost speed. To achieve this objective, a comprehensive, workable and well-coordinated transmission plan is required to be formulated to avoid any break-down during the country-wide exercise.

#### The Communication Scheme

2. The object of Communication Scheme is to assign a group of polling stations to a specific Communication Point where Telephone, Telegraph or Wireless facility already exists and to supplement the inadequate facilities, wherever needed, by installing special wireless units by the Army and Rangers to ensure that all individual Polling Stations have reasonable access to a communication facility.

3. As a first step, the previous communication plans for transmission of results for the 1985 and 1988 and 1990 General Elections were reviewed in the context of 1993 general elections. The previous plan had proved to be extremely successful in all respects and served as a model for the Communication Scheme for 1993 General Elections. A communication plan was accordingly prepared and considered by the Election Commission in its meeting held on 12th September, 1993. In consultation with the GHQ Monitoring Cell, it was decided that the preliminary results of election will be announced by the Election Commission on 6th and 9th October, 1993, immediately after the counting process is over, and Army will have its own monitoring cell to watch the polling process.

#### Process of Collection of Results

4. The process of collecting the result of election consisted of the

following four stages:—

- (i) from polling station to the Returning Officer of the constituency;
- (ii) from Returning Officer to District Control Room functioning under the District Returning Officer (District and Sessions Judge);
- (iii) from District Control Room to the Provincial Election Commissioner; and
- (iv) from the Provincial Election Commissioner to the Central Control Room established at the Commission's Secretariat at Islamabad.

5. The system was, however, modified to the extent that the Presiding Officer of each polling station was authorised to announce the result of election immediately after the conclusion of the count in the presence of candidates, their election/polling agents, press representatives and also to display a copy of the result tally sheet at a conspicuous place at the polling station. Similarly, the Returning Officer of each constituency was required to announce the result of all polling stations falling in his constituency, immediately after compilation. This innovation in the system was made to make the polling process more visible and transparent.

### **Communication Plan**

6. As in case of the Communication Plan prepared for the previous general elections, necessary guidelines were provided to the Returning Officers, who made the following arrangements for the first phase of the plan for transmission of result from the polling station to the Returning Officer:—

- (a) Each polling station was assigned to a pre-determined communication facility which was either a telegraph office, telephone or Police Station or other Wireless facility pressed into service for this purpose.
- (b) The communication point assigned to a polling station was made known to the Presiding Officer of each polling station with instructions as to the manner through which he was required to transmit the election result of his polling station to the Returning Officer concerned, immediately after conclusion of the count.

- (c) In the event of short distance between the polling station and Returning Officer's office, the Presiding Officer was required to deliver a copy of the statement of the count duly signed, thumb impression and sealed by him with the brass seal supplied to him. The Presiding Officer was either to deliver the statement of the count himself or to depute one of the Assistant Presiding Officers whose identity was to be settled with the Returning Officer beforehand.
- (d) Where the Returning Officer's office was beyond reasonable distance, the Presiding Officer/Assistant Presiding Officer had to reach the communication facility, as soon as possible, to convey the result of his polling station to the Returning Officer.
- (e) The result had to be communicated by the Presiding Officer to the Returning Officer in standardized printed forms which were already supplied to them.
- (f) On receipt of result on telephone, the Returning Officer was required to record the message and thereafter to repeat back the message for confirmation. Similarly, message by telegram was to be checked by the Presiding Officer before handing over the telegram to the telegraph office.
- (g) Where the message was transmitted by wireless, the receiving station had to confirm it, as in the case of the telephone, and then arrange to send the message to the Returning Officer by a special messenger.

### **Control Rooms**

7. For the remaining three phases of the process, the following arrangements were made by the District Returning Officers and Returning Officers for each constituency:—

- (i) The Returning Officers were required to collect the results from the Presiding Officers of all polling stations in their respective constituencies through prearranged means and communicate the same to the District Control Room, after due verification, for onward transmission to the Provincial Control Room.

- (ii) The Returning Officers and Assistant Returning Officers had to work round the clock till complete results of constituencies were communicated to the District Control Room.
- (iii) The result of a constituency, as a whole, and not in instalments, was to be communicated by the Returning Officer to the District Control Room. As per past practice, there was a demand of a section of the people or of the voters or the parties that progressive results should be announced. The Election Commission did not accept this demand because of past experience. In 1977 progressive results were announced which gave rise to a lot of misgivings. Every candidate or party has his or its areas of influence. All candidates or parties generally speaking do not have universal support of voters in a polling stations area unless a party or candidate is very strong in that constituency. Therefore, if progressive results come from one polling station in a constituency where a candidate holds more influence and has worked better and the result is favourable to him and later on from other polling stations where he has not enough support and result is not favourable to him the illiterate or semi-illiterate persons do start doubting the genuiness of results or start accusing the election officials or the Election Commission of manipulating the results.
- (iv) A District Control Room was established in each district under the supervision of the District Returning Officer. This Control Room worked round the clock till the result of all constituencies in a district had been communicated to the Provincial Election Commissioner.
- (v) The District Control Room was to communicate the result of each constituency simultaneously through telephone and telegram/teleprinter/telex to the Provincial Control Room functioning under the supervision of the Provincial Election Commissioner concerned. Additional telephones were installed in the Provincial Control Room for receiving the results. The allocation of these telephones to the various districts was intimated in advance to all concerned.
- (vi) The Provincial Control Room was to communicate the result of a constituency to the Central Control Room at the Election Commission's Secretariat, Islamabad on the specified telephones and simultaneously to confirm it through the telex/



telefax. One teleprinter machine was allocated exclusively to receive results of a Province.

- (vii) Receiving officers were required to verify the authenticity of the result before passing it on to the next station.
- (viii) Clarification/confirmation regarding result of election was sought through the Telefax machines installed in the offices of the Provincial Control Rooms and in the Central Control Room of the Commission's Secretariat.
- (ix) The preliminary provisional results were to be announced in the following manner:—
  - (a) Presiding Officer will announce result of his polling station soon after the count;
  - (b) Returning Officer will announce the result of his constituency after compiling the result of all polling stations falling in that constituency; and
  - (c) the Election Commission Secretariat, Islamabad, will release the results to electronic and print media on receipt from the Provincial Election Commissioner.
- (x) A specimen of the result sheet to be used by the Commission for announcing the preliminary results was supplied to the District Returning Officers and Returning Officers. The District Control Room was to collect from the Returning Officer and communicate the result in this form to the Provincial Election Commissioner for onward transmission to Election Commission Secretariat, Islamabad.
- (xi) The telephone department provided 'clear Line' connections between the District Control Room and the Provincial Election Commissioner's office and then between the Provincial Election Commissioner's office and the Election Commission Secretariat, Islamabad.

8. The Telegraph and Telephone Department remained vigilant throughout to avoid break-down in the communication system. The system worked efficiently and there was no disruption or interruption in the transmission of messages at any time.

## ARRANGEMENTS FOR ANNOUNCEMENT OF RESULT

### Previous Procedure

9. As in case of the 1985, 1988 and 1990 general elections, the following procedure for announcement of provisional result of election was observed:—

- (a) A Central Control Room was set up in the Commission Secretariat under the charge of the Secretary, Election Commission and the results were announced directly by the PTV and Radio Pakistan from that Control Room.
- (b) The result of a whole constituency, and not the progressive result of a few polling stations, was announced.
- (c) Percentage of votes cast to registered votes in respect of each constituency was also announced.
- (d) The format of the result sheet devised for the last general elections was adopted. Names of contesting candidates on the result sheet were printed in Urdu.
- (e) Result sheet for each category of non-Muslims was prepared separately on coloured paper.
- (f) The Commission prepared sufficient number of copies of the result sheet, on the basis of information received from the Provincial Election Commissioners, authenticated it and distributed one sheet to each agency through their representatives who were present in the Central Control Room.
- (g) Result of Provincial Assemblies election was also announced by the Election Commission at Islamabad in the same manner as in case of the National Assembly polls.
- (h) The Commission provided in its office suitable space for the installation of Teleprinters/Telephones to various agencies and leading newspapers at their expense.

### Proforma of Result Sheet

10. The proforma, as was devised for 1985, 1988 and 1990 elections was adopted for 1993 election as per following specimen:—

پاکستان ایشیئن کمیشن  
غیر حتمی نتائج، ایشیئن 1993ء  
قومی اسمبلی

انتخابی حلقے کا نمبر اور نام

پولنگ سیشنوں کی تعداد

مسلم ووٹروں کی کل تعداد

ڈالے گئے ووٹوں کی کل تعداد

صحیح

مسترد

کل

ڈالے گئے ووٹوں کی شرح فیصد

نمبر شمار	امیدوار کا نام	جماعتی وابستگی	حاصل کردہ ووٹوں کی تعداد
-1			
-2			
-3			
-4			
-5			
-6			

نتیجہ وصول کرنے والے افسر کے دستخط

وقت

تاریخ ..... 1993ء

نتیجہ کا اعلان کرنے والے افسر کے دستخط

وقت

پاکستان ایشین کمیشن  
غیر حتمی نتائج، ایشین 1993ء  
صوبائی اسمبلی سرحد

انتخابی حلقے کا نمبر اور نام

پونگ شیٹنوں کی تعداد

مسلم ووٹروں کی کل تعداد

ڈالے گئے ووٹوں کی کل تعداد

صحیح

مسترد

کل

ڈالے گئے ووٹوں کی شرح فیصد

نمبر شمار	امیدوار کا نام	جماعتی وابستگی	حاصل کردہ ووٹوں کی تعداد
-1			
-2			
-3			
-4			
-5			

نتیجہ وصول کرنے والے افسر کے دستخط

وقت

تاریخ ..... 1993ء

نتیجے کا اعلان کرنے والے افسر کے دستخط

وقت

### Feeding of results from Central Control Room to Electronic and Print Media

11. Five receiving centres, each headed by a senior officer of the Election Commission, were set up in the Commission's Secretariat at Islamabad for receiving the result of election on 6th and 9th October, 1993. A Central Control Room was established in the Committee Room of the Election Commission Secretariat, Islamabad, with hotline telephones connected with Provincial Headquarters and intercom with the receiving centres and the teleprinter and telefax service. The Central Control Room arranged to display the result of each constituency on special boards and simultaneously supplied copies thereof to the media. Special charts were displayed to indicate party position of the winning candidates progressively. Pakistan Television, Radio Pakistan, PID, APP, PPI and other leading news agencies established their offices, with hot-lines, within the premises of the Election Commission Secretariat. The local and foreign journalists and international observers remained present in the Control Room to obtain latest results for immediate transmission to their respective principals within the country and abroad. The Acting President of Pakistan, the Caretaker Prime Minister and a large number of foreign dignitaries and ambassadors stationed at Islamabad visited the Central Control Room to see the process of announcement of election result in the presence of the representatives of the Press and electronic media and greatly appreciated the elaborate arrangements made by the Commission. They also appreciated the arrangements made by the Electronic and print media to keep the nation informed of the latest result of election.

12. The elections held were memorable for people of Pakistan, as these were completely free and fair. It was for the first time in the political history of the country that every segment of society right from the voters to political observers declared the general elections as transparent and impartial. Even teams of International Observers and media found October Elections just, fair and impartial. The Election Commission declared results within 24 hours after taking due care in finalizing them. The results were announced in three tiers *viz.* at polling station level, at constituency level and the national level in the following manner:—

- (i) *At Polling station Level.*—No sooner than the polling at a polling station concluded, counting of votes started by the Presiding Officer, by opening together all the ballot boxes used in various booths at the polling stations. As soon as the counting of ballot papers was over, the Presiding Officer announced the result of his polling station then and there, besides displaying the same at the polling station, in addition to furnishing copies of the result, on

the prescribed form, to such Polling Agents as were available there. It had taken, on average, two to three hours, after close of poll, that the result of a polling station was made public.

- (ii) *At Constituency Level.*—Just following the announcement of results of polling of their polling stations, the Presiding Officers communicated, by the quickest means possible, the same to their Returning Officer. The Returning Officer tabulated the results of all the Polling Stations of his constituency on prescribed forms into an integrated result of the entire constituency. The result of a constituency was thus announced by the Returning Officer in his office within four to six hours.
- (iii) *At National Level.*—The Returning Officer sent the result of his constituency to the District Returning Officer concerned at district Headquarters, who in turn communicated the same to the Provincial Election Commissioner, who simultaneously passed on the same through hot lines to the Central Control Room to the Election Commission Secretariat, Islamabad. There the result was immediately provided to the representatives of the national and international media. Pakistan Broadcasting Corporation and Pakistan TV Corporation flashed the result in their special national hook-up. The result was announced on Radio/TV for Pakistanis living abroad through special arrangements. Such arrangements were made by the Pakistan Embassies at a number of places where concentration of Overseas Pakistanis is significant, such as, New York, Jadda, Abu Dhabi. PBC World Service Half-Hourly bulletins, specially meant for Pakistanis living abroad gave results. External Services of Radio covered the results. The Embassies issued press releases, based on Overseas Slow Speed bulletins. In fact, most of the results were splashed in a continuum through national hook-ups within 4 to 12 hours of close of poll. Election to the National Assembly were held on 6th October, 1993 and by 4-08'0 clock in the evening of 7th October, 1993 even the last result had been announced, making the entire process of announcement of results transparent country-wide and globally.

## CHAPTER XIV

### ELECTION SCHEDULE

As discussed at some length in the Chapter on 'Political Scenario' the National Assembly was dissolved for the second time on the 18th July, 1993. The Provincial Assemblies of Sindh and Baluchistan were dissolved on the 19th July, 1993. The Provincial Assemblies of the Punjab and N.W.F.P. already stood dissolved.

2. Under Article 218(3), it is the duty of the Election Commission constituted in relation to each general election, 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.

3. Before finalizing the schedule for general elections, the Election Commission duly considered the proposition of holding general elections to the National Assembly and Provincial Assemblies on one and the same day. Conscious of the importance of this issue, the Commission held detailed discussions with representatives of various political parties who rendered valuable assistance to the Commission in this behalf. On its part, the Commission made sincere and persistent efforts to achieve consensus of opinion on the issue. In addition, efforts were also made at the highest level to achieve this objective but without success.

4. In the absence of any consensus between the major political parties, the Commission unanimously agreed to adhere to the dates fixed in the Dissolution Order passed by the President of Pakistan and decided accordingly.

5. Pursuant to the Presidential Order, the Election Commission finalized the schedule for election to the National Assembly and the Provincial Assemblies in accordance with the amended provisions of section 11 of the Representation of the People Act, 1976. Accordingly, Mr. Justice (Retd.) Naimuddin, Chief Election Commissioner of Pakistan, in his address to the nation over the Television and Radio Pakistan from Islamabad on August 20, 1993, announced the following programme for election to the Muslim and

## non-Muslim constituencies:—

Sl. No.	Events	National - Assembly	Provincial Assemblies
(1)	Notification calling upon the constituencies to elect their representatives (the process of election starts) section 11(1) of the Representation of the People Act, 1976.	23-08-1993 (Monday)	24-08-1993 (Tuesday)
(2)	Last date for the filing of nomination papers by the candidates with Returning Officers (section 11(1) (a).	29-08-1993 (Sunday)	30-08-1993 (Monday)
(3)	Scrutiny of nomination papers by the Returning Officers (section 11(1)(b).	30-08-1993 (Monday) and 01-09-1993 (Wednesday)	01-09-1993 (Wednesday) and 02-09-1993 (Thursday)
(4)	Last date for filing of appeals against the decision of Returning Officers rejecting/accepting the nomination papers (section 11(1) (d).	05-09-1993 (Sunday)	07-09-1993 (Tuesday)
(5)	Last date for deciding appeals by the Tribunal (section 11(1)(e).	12-09-1993 (Sunday)	13-09-1993 (Monday)
(6)	Last date for withdrawal of candidature (section 11(1)(ee).	13-09-1993 (Monday)	14-09-1993 (Tuesday)
(7)	Publication of revised list of candidates (section 11(1)(f).	14-09-1993 (Tuesday)	15-09-1993 (Wednesday)
(8)	Polling day (section 11(1)(g).	06-10-1993 (Wednesday)	09-10-1993 (Saturday)

6. As required by sub-section (3) and (4) of section 11 of the Representation of the People Act, 1976, the Returning Officers issued Public Notices inviting nomination papers from the constituencies assigned to them between 9.00 A.M. to 4.00 P.M. on the appointed day. Copies of the Public Notice was conspicuously exhibited outside the offices of Returning Officers as per directions of the Election Commission.

7. The Chief Election Commissioner during his Radio—TV address on 20th August, 1993 pointed out that the schedule for the National Assembly would be effective from August 23, 1993 and for Provincial Assemblies from August 24, 1993.

8. The Election Commission, in fact, planned to announce the election schedule effective from August 21, 1993. It was, however, delayed for two days to give time to the Registration Officers for disposal of applications regarding enlisting of names of new voters and deleting the names of ineligible ones, according to law. The Registration Officers were accordingly directed to decide all pending applications latest by August 22, 1993, so that newly enrolled persons could participate in elections and the names of ineligible or dead voters could be removed from the electoral rolls to minimise the chance of bogus voting in elections.



## CHAPTER XV

### NOMINATION OF CANDIDATES

A notification under section 11 of the Representation of the People Act, 1976, calling upon the constituencies to elect their representatives sets the process of elections in motion. Two notifications with regard to election to the National Assembly and the Provincial Assemblies were respectively issued on 23rd August, 1993 and 24th August, 1993 in this behalf. To facilitate the filing of nomination papers, six clear days were allowed in case of the National Assembly, *i.e.* from 24th to 29th August, 1993. Likewise, six days were earmarked for filing of nomination papers for Provincial Assemblies, *i.e.*, from 25th to 30th August, 1993.

#### Qualifications for Membership

2. As envisaged by Article 62 of the Constitution and sub-section (1) of section 99 of the Representation of the People Act, 1976, a person is qualified to be elected or chosen as a member of Parliament, if—

- (a) he is a citizen of Pakistan;
- (b) he has attained the age of twenty-five years;
- (c) his name appears on any electoral rolls for election to a Muslim seat or as the case may be, for a non-Muslim seat, in that Assembly;
- (d) he is of good character and is not commonly known as one who violates Islamic Injunctions;
- (e) he has adequate knowledge of Islamic teachings and practices obligatory duties prescribed by Islam as well as abstains from major sins;
- (f) he is sagacious, righteous and non-profligate and honest and ameên;

- (g) he has not been convicted for a crime involving moral turpitude or for giving false evidence; and
- (h) he has not, after the establishment of Pakistan, worked against the integrity of the country or opposed the ideology of Pakistan.

3. The non-Muslim candidates have, however, been exempted from possessing the qualifications listed at clauses (d) and (e), but they must bear good moral reputation.

### **Disqualifications for Membership**

4. Disqualifications with regard to being elected or chosen as, and being, a member of the Parliament are laid down in Article 63 of the Constitution and sub-section (1A) of section 99 of the Representation of the People Act, 1976.

5. The qualifications and disqualifications for membership of the National Assembly mentioned in Article 62 and 63 of the Constitution also apply for membership of the Provincial Assemblies, as envisaged by Article 113 *ibid.*

### **Bar against double Membership**

6. A bar against double membership has been placed under Article 223 of the Constitution. Accordingly, no person shall, at the same time, be a member of both houses,; or a House and a Provincial Assembly; or the Assemblies of two or more Provinces; or a House or a Provincial Assembly in respect of more than one seat. It has however, been laid down that a person is eligible to be a candidate for two or more seats at the same time, whether in the same body or in different bodies, but he, if elected to more than one seat, will be entitled to retain only one seat of his choice and resign from the other seat or seats within a period of thirty days of the declaration of the result for the last such seat.

### **Nomination Form**

7. Section 12 of the Act envisages that every nomination shall be made by a separate nomination in the prescribed form and signed by one proposer and one seconder. A declaration embodied in the nomination form was required to be signed by the candidate to the effect that he had consented to the nomination; that he did not suffer from any disqualification for being elected

as a member; and that no loan amounting to one million rupees or more obtained by him; his spouse or dependent or a business concern mainly owned by him or any one of the aforesaid, from any bank, financial institution, cooperative society or corporate body which remains unpaid for over one year or was written off or such written off amount had since been paid. The candidate was also required to declare that he belonged to a political party or not. As many as five nomination papers could be filed by a candidate for election to the same seat.

8. The nomination papers, duly completed according to law, are required to be delivered to the Returning Officer concerned by the candidate or his proposer or his seconder or his nominee, if authorized in writing by the candidate.

9. The Returning Officer is enjoined to acknowledge the receipt of each nomination paper, assign a serial number thereto, specify the name of the person presenting it together with the date and time of its receipt and inform such person of the time and place at which the scrutiny is to be held.

10. A notice of every nomination paper, containing the particulars of the candidate, as set out in the nomination form, is required to be affixed by the Returning Officer at a prominent place in his office.

### **Security Deposits**

11. Under section 13 of the Act, a sum of Rs. 4,000 in the case of election to the National Assembly and a sum of Rs. 2,000 in respect of election to a provincial Assembly is required to be deposited alongwith the nomination paper. The amount can be deposited in cash with the Returning Officer against a receipt or by means of a bank draft or in any branch of the National Bank of Pakistan or at a Government Treasury or sub-Treasury.

### **Extract from Rolls to be filed with Nominations**

12. The Returning Officer is obliged to check and verify the particulars entered in the nomination papers in respect of the names of the candidates, their proposers and seconders. For this purpose, the candidates were required to enclose certified copies of the excerpts from the electoral rolls with their nomination papers. These entries were re-checked from the particulars given in the constituency rolls which by then had been furnished to the Returning Officers.

### Statistics of Nomination of National Assembly

13. In the span of six days allocated for filing nomination papers for the National Assembly, as many as 2351 nomination papers were filed for 207 Muslim seats as detailed below:—

Province/Area	Number of Constituencies	Candidates Nominated
Islamabad	1	19
Punjab	115	1,045
Sindh	46	680
NWFP	26	248
FATA	8	199
Baluchistan	11	160
Total :	207	2,351

14. In all, 79 persons filed nomination papers for ten seats reserved for non-Muslims in the National Assembly as per following detail:—

Community	Number of Seats	Candidates Nominated
Christians.	4	31
Hindus and Scheduled Castes.	4	30
Sikh, Budhist, Parsi communities and other non-Muslims.	1	5
Persons belonging to the Qadiani group or the Lahori group (who call themselves Ahmadis).	1	13
Total :	10	79

### Statistics of Nomination for Provincial Assemblies

15. For election to 460 Muslim seats in the four Provincial

Assemblies, 6035 persons filed nomination papers. The detail is as follows :—

Provincial Assembly	No. of Muslim constituencies	No. of candidates nominated
Punjab	240	2776
Sind	100	1718
NWFP	80	887
Baluchistan	40	654
<b>Total :</b>	<b>460</b>	<b>6035</b>

16. A total number of 264 persons filed their nomination papers to contest election from 23 seats reserved for non-Muslims in the Provincial Assemblies, the detail of which is as under :—

Provincial Assembly	Christians		Hindus and Scheduled Castes		Sikh, Budhist, Paris communities & other non-Muslims		belonging to the Quadiani group or the Lahori group (who call themselves Ahmadies)		Total	
	Seats	candi-dates	Seats	candi-dates	Seats	candi-dates	Seats	candi-dates	Seats	candi-dates
Punjab	5	60	1	16	1	7	1	12	8	95
Sind	2	21	5	86	1	5	1	9	9	121
NWFP	1	8	—	—	1	8	1	4	3	20
Baluchistan	1	13	1	11	1	4	—	—	3	28
<b>Total :</b>	<b>9</b>	<b>102</b>	<b>7</b>	<b>113</b>	<b>4</b>	<b>24</b>	<b>3</b>	<b>25</b>	<b>23</b>	<b>264</b>

17. Summary of the total seats and the number of persons nominated for each Provincial Assembly is as under :—

Provincial Assembly	Total No. of Seats (Muslim and non-Muslim)	Total number of nominated candidates (Muslim and non-Muslim)
Punjab	248	2871
Sind	109	1839
NWFP	83	907
Baluchistan	43	682
<b>Total :</b>	<b>483</b>	<b>6299</b>

### Women Candidates for General Seats

18. Women candidates were also nominated for election to the general Muslim seats. As many as 15 women filed nomination papers for election to the National Assembly, whereas 39 women candidates did so in the case of Provincial Assembly elections with the following break up:—

Province/Area	National Assembly	Provincial Assemblies
Islamabad	1	—
FATA	—	—
Punjab	6	3
NWFP	2	3
Sind	5	18
Baluchistan	1	5
<b>Total:</b>	<b>15</b>	<b>39</b>

### Simultaneous Nominations for National Assembly and Provincial Assemblies

19. In a number of cases, nomination papers were filed by the same persons simultaneously for election to the National Assembly as well as Provincial Assemblies, a detail thereof is given as under:—

	Punjab	Sind	NWFP	Baluchistan	Total
More than one seat in the National Assembly	12	10	1	1	24
More than one seat in the Provincial Assembly	20	16	—	2	38
Seats both in the National Assembly and Provincial Assemblies.	104	167	17	19	307
<b>Total:</b>	<b>136</b>	<b>193</b>	<b>18</b>	<b>22</b>	<b>369</b>

## CHAPTER XVI

**SCRUTINY OF NOMINATION PAPERS AND DISPOSAL OF APPEALS****Scrutiny**

The Returning Officers were, under section 14 of the Representation of the People Act, 1976, required to scrutinize all the nomination papers delivered to them under section 12 of the Act. The Returning Officers scrutinized the nomination papers for election to the National Assembly from 30-8-1993 to 1-9-1993 while scrutiny of nomination papers for election to the Provincial Assemblies was held by the Returning Officers from 1-9-1993 to 2-9-1993, in the presence of the candidates, their election agents, proposers, seconders and any other person who was duly authorized by the candidate(s) in that behalf.

2. The decisions regarding acceptance or rejection of nomination papers were recorded on each nomination paper by the Returning Officers briefly stating the reasons therefor subject to the conditions that rejection of a nomination paper shall not invalidate the nomination of the candidate already accepted by another valid nomination paper and that nomination papers shall not be rejected on the ground of any defect which is not of a substantial nature and which can be rectified forthwith. As provided by law, the nomination papers of a candidate were liable to be rejected by the Returning Officer on the following grounds:—

- (a) that the candidate is not qualified to be elected as member ;
- (b) that the proposer or the seconder is not qualified to subscribe to the nomination paper ;
- (c) that there was a non-compliance of the provision of section 12 or section 13 of the Representation of the People Act, 1976;
- (d) that signature(s) of the proposer or seconder is not genuine ; and
- (e) that the person nominated has not signed or refused to sign the oath(s).

**Scrutiny of Nomination Papers for National Assembly**

3. In all, 2351 persons filed nomination papers for 207 constituencies of the National Assembly. On scrutiny, the Returning Officers rejected the nomination papers of 67 candidates.

### Scrutiny of Nomination Papers for Provincial Assemblies

4. The total number of nomination papers filed for 460 constituencies of the four Provincial Assemblies was 6035. On scrutiny the Returning Officers rejected nomination papers of 96 candidates.

### Rejection of Nomination Papers

5. It will be seen that the Returning Officers rejected 67 nomination papers filed for National Assembly elections and 96 nomination papers filed for Provincial Assemblies elections. The main reasons for rejection of nomination papers were :—

- (a) Proposer, seconder and/or the candidate himself were not present.
- (b) Extract of relevant electoral rolls was not attached with the Nomination Form.
- (c) Candidate was under age.
- (d) Candidate was not registered voter.
- (e) Candidate was Government contractor/servant.
- (f) Non-completion of two years statutory period after retirement as public servant.
- (g) Proposer and seconder were not voters of the same constituency.
- (h) Security amount was not deposited.
- (i) Loan amounting to Rupees over one million was outstanding.
- (j) Power of attorney sent from abroad was not in order.
- (k) Declaration was not signed.



Necessary detail is given hereunder :—

Province	Nomination Paper Rejected		Total
	National Assembly	Provincial Assemblies	
Federal Capital	1	—	1
FATA	12	—	12
Punjab	31	34	65
Sindh	17	29	46
NWFP	6	22	28
Baluchistan	—	11	11
<b>Total:</b>	<b>67</b>	<b>96</b>	<b>163</b>

### List of Validly Nominated Candidates

6. After the scrutiny of nomination papers, the Returning Officers prepared lists of validly nominated candidates on Form-IV appended to the Representation of the People (Conduct of Election) Rules, 1977. A copy of this list was exhibited at a conspicuous place in the office of Returning Officer.

### Constitution of Tribunals for Hearing and Disposal of Appeals

7. The learned Tribunals comprising Judges of the High Courts duly nominated by the Chief Election Commissioner were constituted, with the approval of the President, for hearing and disposal of appeals filed against the orders of the Returning Officers rejecting/accepting nomination papers. Each Tribunal consisted of not less than two nor more than three Judges of the High Court.

8. The Election Commission of Pakistan notified on 1-9-1993 in the official Gazette the names of learned eight Tribunals as constituted under subsection (5) of section 14 of the Act, for disposal of appeals against the decision of the Returning Officers rejecting/accepting the nomination papers of candidates by the Returning Officers for election to the constituencies of the

National Assembly and the Provincial Assemblies. Four Tribunals were constituted for the constituencies of the Punjab, two Tribunals for the Constituencies of the Province of Sindh and one Tribunal each for the constituencies of the North West Frontier Province and Baluchistan. Names of the learned Tribunals and their Jurisdiction specified is given hereunder :—

Sl. No.	Tribunal	Constituencies
(1)	<b>Lahore High Court (Main Seat)</b> (1) Mr. Justice Sardar Muhammad Dogar (2) Mr. Justice Raja Afrasiab Khan (3) Mr. Justice Ch. Muhamamd Arif	(a) National Assembly Constituencies from constituency No. NA-74 Gujranwala-I to NA-113 Okara-IV (both inclusive); (b) Constituencies reserved for Christians and for Sikh, Budhist, Parsi and other non-Muslims and for the persons belonging to the Quadiani group (who call themselves Ahmadis) in the National Asembly. (c) Constituencies of the Provincial Assembly, Punjab from constituency No. PP-77 Gujranwala-I to PP-159 Okara-VII (both inclusive); and (d) Constituencies reserved for the non-Muslims in the Provincial Assembly, Punjab.
(2)	<b>Lahore High Court (Bahawalpur Bench)</b> (1) Mr. Justice Zia Mahmood Mirza (2) Mr. Khalil-ur-Rehman Ramday	(a) National Assembly Constituencies No. NA-141 Bahawalpur-I to NA-150 Rahimyar Khan-IV (both inclusive); and (b) Constituencies of the Provincial Assembly, Punjab from constituency No. PP-218 Bahawalpur-I to PP-240 Rahimyar Khan-IX (both inclusive).
(3)	<b>Lahore High Court (Multan Bench)</b> (1) Mr. Justice Khalil-ur-Rehman Khan (2) Mr. Justice Mian Ghulam Ahmed	(a) National Assembly Constituencies No. NA-114 Multan-I to NA-140 Layyah-II (both inclusive); and

Sl. No.	Tribunal	Constituencies
		(b) Constituencies of the Provincial Assembly, Punjab from constituency No. PP-160 Multan-I to PP-217 Layyah-III (both inclusive).
(4)	<b>Lahore High Court (Rawalpindi Bench)</b> (1) Mr. Justice Sh. Ijaz Nisar (2) Mr. Justice Muhammad Nawaz Abbasi.	(a) National Assembly constituency No. NA-35 Federal Capital; (b) National Assembly constituency No. NA-36 Rawalpindi-I to NA-73 Toba Tek Singh-III (both inclusive); and (c) Constituencies of the Provincial Assembly Punjab, from constituency No. PP-I Rawalpind-I to PP-76 Toba Tek Singh-IV (both inclusive).
(5)	<b>Sindh High Court (Main Seat)</b> (1) Mr. Justice Mamoon Kazi (2) Mr. Justice Mukhtar Ahmad Junejo (3) Mr. Justice Wajihuddin Ahmed	(a) National Assembly constituencies No. NA-151 Sukkur-I to NA-196 Karachi East-V (both inclusive); and (b) Constituencies reserved for the Hindu and Scheduled Castes in the National Assembly.
(6)	<b>Sindh High Court (Sukkur Bench)</b> (1) Mr. Justice Salahuddin Mirza (2) Mr. Justice Shaukat Hussain Zubedi.	(a) Constituencies of the Provincial Assembly, Sindh from constituency No. PS-I Sukkur-I to PS-100 Karachi East-X (both inclusive); and (b) Constituencies reserved for the non-Muslims in the Provincial Assembly, Sindh.
(7)	<b>Peshawar High Court</b> (1) Mr. Justice Mahbub Ali Khan (2) Mr. Justice Jalaluddin Akbarji (3) Mr. Justice Qazi Muhammad Farooq.	(a) National Assembly Constituencies No. NA-1 Peshawar-I to NA-34 Tribal Area-VIII (both inclusive); (b) Constituencies of the Provincial Assembly, NWFP from constituency No. PF-1 Peshawar-I to PF-80 Malakand Protected Area-II (both inclusive); and

Sl. No.	Tribunal	Constituencies
		(c) Constituencies reserved for the non-Muslims in the Provincial Assembly, NWFP.
(8)	<b>Baluchistan High Court</b>	
	(1) Mr. Justice Amir-ul-Mulk Mengal	(a) National Assembly constituencies No. NA-197 Quetta-cum-Chagai to NA-207 Turbat-cum-Panjgur (both inclusive);
	(2) Mr. Justice Iftikhar Muhammad Chaudhry	(b) Constituencies of the Provincial Assembly, Baluchistan from constituency No. PB-1 Quetta-I to PB-40 Gwadar (both inclusive); and
		(c) Constituencies reserved for the non-Muslims in the Provincial Assembly, Baluchistan.

9. The constitution of the learned Tribunals was given wide publicity through media for information of all concerned.

### Procedure for filing of Appeals

10. An appeal could be preferred, under sub-section (5) of section 14 of the Representation of the People Act, 1976 read with rule 5 of the Representation of the People (Conduct of Election) Rules, 1977, by a candidate himself or by a person authorized in this behalf in writing by the candidate to the Tribunal constituted for the constituency to which the nomination relates within the stipulated period. The appeals so filed were required to be decided summarily within the specified time and the orders passed thereon by learned Tribunals were final.

### Period for filing Appeals

11. The appeals against the decision of Returning Officers were to be filed by 5-9-1993 and 7-9-1993 for the National Assembly and the Provincial Assemblies constituencies, respectively with the Tribunal concerned through the Registrar or Additional Registrar of the respective Bench of the High Court. The appeals which were not disposed of within the specified period were deemed to have been rejected. Parties were informed about the date, time and place of hearing of their appeals over the radio, television and through the press and it was deemed to be sufficient notice to the parties under the law.

### Appeals against Acceptance/Rejection of Nomination Papers for National Assembly

12. Thirty-nine appeals were filed by the candidates against the rejection of their nomination papers and fortyeight appeals were filed against acceptance of nomination papers. The appellate Tribunals accepted seventeen appeals against the rejection of nomination papers and five appeals against acceptance of nomination papers.

13. The following table indicates the nominations for election to the National Assembly:—

Province/Area	No. of persons nominated	No. of candidates whose nomination papers rejected	No. of appeals filed against acceptance of nomination papers and their disposal			No. of appeals filed against rejection of nomination papers and their disposal			No. of validly nominated candidates
			Filed	Accepted	Rejected	Filed	Accepted	Rejected	
Federal Capital	19	1	—	—	—	1	—	1	18
Punjab	1045	31	30	4	26	18	9	9	1019
Sindh	680	17	9	—	9	7	3	4	666
NWFP	248	6	5	1	4	4	4	—	245
FATA	199	12	3	—	3	9	1	8	188
Baluchistan	160	—	1	—	1	—	—	—	160
Total:	2351	67	48	5	43	39	17	22	2296

### Appeals against Acceptance/Rejection of Nomination Papers for Provincial Assemblies

14. Thirtyeight appeals were filed against the rejection of nomination papers and fortyseven were filed against acceptance of nomination papers.

15. The appellate Tribunals accepted 24 appeals against rejection and 7 appeals against acceptance of nomination papers.

16. Position with regard to the filing and disposal of appeals filed in relation to the elections to the Provincial Assemblies is tabulated below:—

Province/Area	No. of persons nominated	No. of candidates whose nomination papers rejected	No. of appeals filed against acceptance of nomination papers and their disposal			No. of appeals filed against rejection of nomination papers and their disposal			No. of validly nominated candidates
			Filed	Accepted	Rejected	Filed	Accepted	Rejected	
Punjab	2776	34	29	3	26	18	9	9	2748
Sindh	1718	29	10	3	7	6	6	—	1692
NWFP	887	22	8	1	7	12	8	4	872
Baluchistan	654	11	—	—	—	2	1	1	644
Total:	6035	96	47	7	40	38	24	14	5956

### Revised List of Candidates for Muslim Seats in the National Assembly after disposal of appeals against Acceptance/Rejection of Nomination Papers

17. The Returning Officers after disposal of appeals against rejection/acceptance of nomination papers, revised the list of validly nominated candidates under section 15 of the Act read with rule 6 of the Rules made thereunder in the light of the decisions on appeals for National Assembly election on 14-9-1993 as per schedule notified by the Commission. The revised list of candidates for election to 207 Muslim seats in the National Assembly contained the names of 2296 candidates as per detail appearing in the following table:—

Province/Area	Persons nominated	Nomination rejected by R.O. (—)	No. of persons whose appeals against rejection of nomination papers were accepted (+)	No. of persons whose nomination papers rejected on appeals against acceptance of their nomination papers (—)	No. of candidates after disposals of appeals
NWFP	248	6	4	1	245
FATA	199	12	1	—	188
Federal Capital	19	1	—	—	18
Punjab	1045	31	9	4	1019
Sindh	680	17	3	—	666
Baluchistan	160	—	—	—	160
Total:	2351	67	17	5	2296

### Revised List of Candidates for Muslim Seats in the four Provincial Assemblies after disposal of appeals against Acceptance/Rejection of Nomination Papers

18. The Returning Officers revised the list of validly nominated candidates after disposal of appeals against acceptance and rejection of nomination papers filed for 460 seats in the four Provincial Assemblies on 9-9-1993, in the light of decisions of the learned Tribunals on the appeals, as per schedule notified by the Commission.

19. The revised list contained the names of 5,956 candidates as per following statement:—

Provincial Assembly	Persons nominated	Nomination rejected by the R.O(-)	No of persons whose appeals against rejection of nomination papers were accepted(+)	No. of persons whose nomination papers rejected on appeals against acceptance of their nomination papers(-)	No. of candidates after disposal of appeal
Punjab	2776	34	9	3	2748
West Punjab	1718	29	6	3	1692
East Punjab	887	22	8	1	872
Pakistan	654	11	1	—	644
<b>Total:</b>	<b>6035</b>	<b>96</b>	<b>24</b>	<b>7</b>	<b>5956</b>

### Appointment of Appellate Tribunals for Disposal of Appeals for non-Muslim Constituencies in the National Assembly and the Provincial Assemblies

20. As stated earlier, the learned Tribunals appointed under sub-section (5) of section 14 of the Representation of the People Act, 1976 for disposal of appeals against the decisions of the Returning Officers regarding acceptance/rejection of nomination papers for Muslim constituencies were also appointed to hear and dispose of the appeals filed by the non-Muslim candidates against rejection/acceptance of their nomination papers both for National Assembly and the Provincial Assemblies.

**Revised list of candidates for non-Muslim seats in the National Assembly  
acceptance/rejection of Appeals**

21. Seventynine (79) nomination papers were filed by the candidates for election to the non-Muslim seats in the National Assembly out of which two nomination papers of Quadiani candidates and one of Christian candidates were rejected on scrutiny. No appeal was filed against rejection of nomination papers. Only one appeal against acceptance of nomination paper of Quadiani candidate was filed which was also rejected. As a result 76 candidates were left in the field for ten seats reserved for non-Muslims in the National Assembly as per detail given below:—

	Nominated	Valid Nominations
(1) Christians	31	30
(2) Hindus and scheduled Castes	30	30
(3) Sikh, Budhist, Parsi and other non-Muslims	05	05
(4) Persons belonging to the Quadiani group or the Lahori group (who call themselves Ahmadis).	13	11
Total:	79	76

Thus, total number of candidates for the National Assembly both Muslim and non-Muslim constituencies was 2370.

**Revised list of candidates for non-Muslim seats in the four Provincial Assemblies  
after acceptance/rejection of appeals**

22. For 23 seats reserved for non-Muslims in the four Provincial Assemblies, 260 nomination papers were filed. Three nomination papers were rejected by the Returning Officers during the course of scrutiny. One appeal was filed against rejection before the learned Tribunal constituted for that purpose and was accepted. The remaining two nomination papers were rejected. Ten appeals were filed against acceptance of nomination papers which all were rejected. Thus, 253 candidates were declared as the



nominated candidates for election to the non-Muslim seats in the Provincial Assemblies as per detail given in the following table:—

Provincial Assembly	Christians		Hindus and Scheduled Castes		Sikh, Budhist Parsi and other non-Muslims		Persons belonging to Quadiani group or Lahori group (who call themselves Ahmadis)		Total	
	N	VN	N	VN	N	VN	N	VN	N	VN
Punjab	60	60	16	16	7	7	12	12	95	95
Sindh	17	17	89	86	2	2	9	9	117	114
NWFP	8	6	—	—	8	7	4	3	20	16
Baluchistan	13	13	11	11	4	4	—	—	28	28
<b>Total:</b>	<b>98</b>	<b>96</b>	<b>116</b>	<b>113</b>	<b>21</b>	<b>20</b>	<b>25</b>	<b>24</b>	<b>260</b>	<b>253</b>

N:— Nominated candidates.

VN:— Validly nominated candidates.

23. The total number of candidates, for the Muslim and non-Muslim seats in the four Provincial Assemblies was 6,209.

## CHAPTER XVII

**WITHDRAWALS, RETIREMENTS AND CONTESTING CANDIDATES**

The process of entering into arena of the election by candidates belonging to various political parties, political alliances or independents commences with filing of nomination papers by them. The final stage for drawing of list of contesting candidates comes after withdrawals and retirements and a clear picture then emerges of the real contestants in the various National Assembly and Provincial Assemblies constituencies.

**Withdrawal of Candidature**

2. As laid down in section 16 of the Representation of the People Act, 1976, a validly nominated candidate can withdraw from the contest by means of a notice in writing signed by him and delivered to the Returning Officer on or before the withdrawal date set out in the schedule for elections either by the candidate himself or through an advocate duly authorized in writing by him. As per Explanation appearing below section 16 *ibid* authorisation in favour of an advocate shall be attested by a competent authority, e.g., Oath Commissioner or a Notary appointed under the Notaries Ordinance 1961 (XIX of 1961). The notice of withdrawal can, in no circumstances, be recalled or cancelled by the withdrawing candidate.

3. On receiving a notice of withdrawal, the Returning Officer is obliged to affix a copy of the notice at a conspicuous place in his office after satisfying himself with regard to genuineness of the signature of the concerned candidate.

**Number of Withdrawals from National Assembly Election**

4. According to the schedule for elections, 13th September, 1993 and 14th September, 1993 were respectively fixed as last dates for withdrawal of candidature for National Assembly and Provincial Assemblies. As many as 809 validly nominated candidates withdrew their candidature from election

to the Muslim seats in the National Assembly. Province-wise detail is as under:—

Province/Area	No. of candidates who withdrew from Muslim seats
Islamabad	07
FATA	52
Punjab	400
Sindh	168
NWFP	116
Balochistan	66
Total :	809

Six candidates for non-Muslim seats in the National Assembly also withdrew from the contest. Out of them, 3 were Christians and 3 were Quadianis.

5. In all 815 validly nominated candidates withdrew their candidature from election to the Muslim and non-Muslim seats in the National Assembly.

#### Number of Withdrawals from the Provincial Assemblies Elections

6. A total number of 1519 validly nominated candidates from Muslim seats in the Provincial Assemblies withdrew their nomination papers, detail of which is given below:—

Name of Provincial Assembly	No. of candidates, who withdrew
Punjab	1116
Sindh	168
NWFP	169
Balochistan	66
Total :	1519

7. Eleven candidates for election to the seats reserved for non-Muslims in the Provincial Assemblies withdrew their candidature.

The detail is as follows:—

Name of Provincial Assembly	Christians	Hindu & Scheduled Castes.	Sikh, budhist, Parsis and Other non-Muslims	Quaidianis or Lahori group (who call themselves Ahmadis)	Total
1	2	3	4	5	6
Punjab	1	2	3	3	9
Sindh	—	—	—	—	—
NWFP	—	—	—	—	—
Balochistan	—	2	—	—	2
Total	1	4	3	3	11

8. Hence, the sum total of withdrawals from the election to the Muslim as well as non-Muslim seats in the Provincial Assemblies is 1530.

#### Definition of contesting candidate.

9. A 'contesting candidate' has been defined under section 2 (viii) of the Representation of the People Act, 1976 to mean a validly nominated candidate who has not withdrawn his candidature.

#### Retirement from contest.

10. The facility of retirement from the contest is provided under section 17 of the above said Act. A contesting candidate may retire from the contest through a notice in writing, signed by him and handed over to the Returning Officer on any day not later than four days before the day of the poll either in person or by an agent authorised in this behalf in writing by such retiring candidate. The Returning Officer is enjoined to cause a copy of the notice to be affixed at some prominent place in his office and also publish the same in any manner as he may deem fit.

11. Absolute finality is attached to the notice of retirement and it is open to the person giving such notice to cancel it.

12. A person, in respect of whom a notice of retirement has been wished, is deemed to have withdrawn from the contest under section 16 of Act.

#### Retirement from contest of the National Assembly.

13. As many as 41 contesting candidates sought retirement from the contest in respect of seats in the National Assembly within the statutory period, as per following details:—

N.W.F.P	5
FATA	—
Federal Capital	—
Punjab	10
Sindh	14
Baluchistan	12
	<hr/>
Total :	41
	<hr/>

#### Retirement from contest of the Provincial Assemblies.

14. Contesting candidates numbering 49 retired from the contest for Muslim seats in all the four Provincial Assemblies as per detail given below:—

Provincial Assembly, Punjab	...	27
Provincial Assembly, Sindh	...	—
Provincial Assembly, NWFP	...	22
Provincial Assembly, Baluchistan	...	—
	<hr/>	
Total :	...	49
	<hr/>	

15. There was no retirement as far as non-Muslim seats in the Provincial Assemblies were concerned. Thus, total number of candidates who contested in all the four Provincial Assemblies remained 49.

#### Contesting candidates for National Assembly.

16. After the culmination of the process of scrutiny of nomination papers, disposal of appeals preferred in respect thereof, withdrawal of candidature and retirement from the contest, 1446 contesting candidates for

election to the Muslim seats in the National Assembly remained in the field. The detail is given as under:—

Province/Area	Number of candidates —			Total Contesting candidates
	Validly nominated after disposal of appeals	Who withdrew their candidature	Who retired from the contest	
1	2	3	4	5
NWFP	245	116	5	124
FATA	188	52	—	136
Federal Capital	18	7	—	11
Punjab	1019	400	10	609
Sindh	666	168	14	484
Baluchistan	160	66	12	82
Total :	2296	809	41	1446

17. There were 62 contesting candidates for election to ten seats reserved for non-Muslims in the National Assembly, detail of which follows:—

Community	Number of candidates —			Total Contesting candidates
	Validly nominated after disposal of appeals	Who withdrew their candidature	Who retired from the contest	
1	2	3	4	5
Christian	31	6	—	25
Hindu	30	5	—	25
Sikh, Budhists, Parsis and Other non-Muslims.	5	1	—	4
Ahmadi (Quaidani)	10	2	—	8
Total :	76	14	—	62

18. Thus 1508 persons were declared as contesting candidates from Muslim as well as non-Muslim constituencies of the National Assembly.

### Contesting Candidates for Provincial Assemblies.

19. The detail of contesting candidates for election to 460 Muslim seats in the four Provincial Assemblies is as under:—

Provincial/Assembly	Number of candidates—			Total Contesting candidates
	Validly nominated after disposal of appeals	Who withdrew their candidature	Who retired from the contest	
1	2	3	4	5
Punjab	2749	1116	27	1606
Sindh	1688	423	—	1265
NWFP	865	311	22	532
Baluchistan	643	—	—	643
Total :	5945	1850	49	4046

20. As many as 217 contesting candidates remained in the field to contest election for 23 seats reserved for non-Muslims in the Provincial Assemblies. The following table indicates the province-wise detail thereof:—

Name of the Assembly	Number of Candidates															
	Validly nominated				Who withdrew their candidature				Who retired from the contest				Contesting candidates			
	Chris- tians	Hindus	Sikhs Budh- ists etc	Quadi- ams	Chris- tians	Hindus	Sikhs Budh- ists etc	Quadi- ams	Chris- tians	Hindus	Sikhs Budh- ists etc	Quadi- ams	Chris- tians	Hindus	Sikhs Budh- ists etc	Quadi- ams
Provincial Assembly Punjab	60	16	7	12	1	2	3	3	—	—	—	—	59	14	4	9
Provincial Assembly Sindh	17	89	2	9	3	22	1	—	—	—	—	—	14	67	1	9
Provincial Assembly NWFP	8	—	8	4	2	—	1	1	—	—	—	—	6	—	7	3
Provincial Assembly Baluchistan	13	11	4	—	—	2	2	—	—	—	—	—	13	9	2	—
<b>Total :</b>	<b>98</b>	<b>116</b>	<b>21</b>	<b>25</b>	<b>6</b>	<b>26</b>	<b>7</b>	<b>4</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>92</b>	<b>90</b>	<b>14</b>	<b>21</b>



21. The tables at paragraphs 19 and 20 show that 4263 persons remained in the field as contesting candidates for election to 483 Muslim and non-Muslim seats of the Provincial Assemblies.

#### Terminated Proceedings.

22. Section 18 of the Act requires that if a contesting candidate dies before the taking of the poll, the Returning Officer shall by public notice terminate the proceedings in respect of the election and undertake fresh proceedings under the law, as if for a new election. The proceedings were terminated due to the sad demise of one contesting candidate each in the following six constituencies:—

- (1) NA-26 Malakand-cum-Dir.
- (2) NA-34 Tribal Area-VIII.
- (3) NA-60 Faisalabad-IV
- (4) NA-72 Toba tek Singh-II.
- (5) NA-123 Khanewal-III and
- (6) PS-86 Karachi (South)-II.

#### Contested Returns.

23. Section 20 of the Act envisages that whereafter scrutiny, withdrawal of candidature or retirement from contest, only one validly nominated candidate remains in the field, the Returning Officer shall by public notice, declare such candidate to be elected to that seat. One candidate was returned uncontested from the National Assembly, and two from the Provincial Assembly, Sindh as per detail given below:—

- |                        |                              |
|------------------------|------------------------------|
| (1) NA-167 Hyderabad-I | Makhdum Muhammad Amin Faheem |
| (2) PS-29 Larkana-I    | Mir Nadir Ali Khan           |
| (3) PS-35 Hyderabad-I  | Makhdum Muhammad Amin Faheem |

#### Number of average candidates per seat.

24. The average number of contesting candidates per seat for election in Pakistan in 1962, 1965, 1970, 1977, 1985, 1988, 1990 and 1993 is

tabulated below :—

Year of Election	Assembly	Number of general (Muslim) seats	Number of contesting candidates	Average constituencies
1	2	3	4	5
1962	National Assembly	150	609	4.0
	Provincial Assembly, West Pakistan	150	890	5.9
	Provincial Assembly, East Pakistan	150	1,003	6.6
1965	National Assembly	150	400	2.6
	Provincial Assembly, West Pakistan	150	310	2.0
	Provincial Assembly, East Pakistan	150	664	4.4
1970	National Assembly	300	1,579	5.2
	Four Provincial Assemblies	600	4,235	7.0
1977	National Assembly	200	715	3.5
	Four Provincial Assemblies	460	2,124	4.6
1985	National Assembly	207	1,095	5.2
	Four Provincial Assemblies	460	3,571	7.7
1988	National Assembly	207	1,167	5.6
	Provincial Assembly, Punjab	240	1,611	6.7
	Provincial Assembly, Sindh	100	890	8.9
	Provincial Assembly, NWFP	80	565	7.0
	Provincial Assembly, Baluchistan	40	342	8.5
1990	National Assembly	207	1,332	6.4
	Provincial Assembly, Punjab	240	1,636	6.8
	Provincial Assembly, Sindh	100	955	9.5
	Provincial Assembly, NWFP	80	554	6.9
	Provincial Assembly, Baluchistan	40	302	7.5

	2	3	4	5
193	National Assembly	207	1,503	7.26
	Provincial Assembly, Punjab	240	1,606	6.69
	Provincial Assembly, Sindh	100	1,265	12.65
	Provincial Assembly, NWFP	80	532	6.65
	Provincial Assembly, Baluchistan	40	643	16.08

## CHAPTER XVIII

## ALLOCATION OF SYMBOLS AND POLITICAL PARTIES

**What is a Symbol**

A "Symbol" is a graphic description of a common use object which is capable of being easily seen and perceived by persons of little intellect. As the literacy rate in Pakistan is very low, the symbols are allocated to the contesting candidates or the political parties for the candidates put up by them in accordance with section 21 of the Representation of the People Act, 1976 and with rule 9 of the Representation of the People (Conduct of Election) Rules, 1977. These symbols are then printed on the ballot papers against the names of the candidates contesting election with a view to enabling the illiterate voters to recognize and identify the candidate of their choice by the symbol allotted to him and vote for him.

**What is a Political Party**

2. A political party has been defined in the Political Parties Act, 1973. According to section 2(c) of the aforesaid Act, a "Political Party" includes any group or combination of persons who are operating for the purpose of propagating any political opinion or indulging in any other political activity.

**List of Symbols**

3. The General Elections held in 1990 as many as 82 symbols were prescribed for use in election as mentioned in sub-rule (1) of rule 9 of the Representation of the People (Conduct of Election) Rules, 1977. However, for the 1993 general elections, six seemingly identical symbols were deleted from the list under sub-rule (1) of rule 9 *ibid* and other twentyone were added by amending that sub-rule. The six symbols deleted are:—

- (1) Hockey
- (2) Match Box
- (3) Pencil
- (4) Radio
- (5) Slate
- (6) Walking Stick

4. The other 20 symbols added to the list are:—

- (1) Boat
- (2) Bottle
- (3) Bunch of Grapes

- (4) Cow
- (5) Dove
- (6) Elephant
- (7) Fist
- (8) Fish
- (9) Foot Ball
- (10) Garland
- (11) Gun
- (12) Hammer
- (13) Horse
- (14) Hukkah
- (15) Peshawari Chappal
- (16) Roller of Wood
- (17) Rose
- (18) Stag
- (19) Tiger
- (20) Tongs

5. Thus 96 symbols are prescribed under sub-rule (1) of rule 9 of the Representation of the People (Conduct of Election) Rules, 1977. The same were allotted to political parties and independent candidates for the General Elections, 1993. However, the candidates for election to non-Muslim seats were allowed to be allocated multiple symbols for facility of political parties. Chart showing 96 prescribed symbols appears at Annexure-“A” to this chapter.

### **The Allocation of Symbols Order, 1993**

6. In order to regulate the procedure for allocation of symbols to the political parties and independent candidates, the Election Commission, for the first time, passed an order called “The Allocation of Symbols Order, 1993”. For facility of ready reference this order is re-produced below:—

#### **“THE ALLOCATION OF SYMBOLS ORDER, 1993**

WHEREAS, clause (a) of sub-section (1) of section 21 of the Representation of the People Act, 1976, provides that the Returning Officer shall allocate one of the prescribed symbols to each contesting candidate, subject to any direction of the Election Commission;

AND WHEREAS it is expedient, in the interest of fairness of elections, to provide for the allotment of symbols;

NOW, THEREFORE in exercise of the powers aforesaid, the Election Commission is pleased to make the following Order—

1. *Short title, extent and commencement.*—(1) This Order may be called the Allocation of Symbols Order, 1993.

(2) It shall come into force at once.

(3) It extends to the whole of Pakistan.

2. *Definition.*—The definitions appearing in the Representation of the People Act, 1976 and the rules framed thereunder shall be applicable for the purpose of this Order.

3. *Allotment of symbols.*—(1) In every contested election, a symbol shall be allotted to a contesting candidate in accordance with the provisions of this Order and different symbols shall be allocated to different candidates at an election in the same constituency (2) No symbol shall be allocated to any candidate outside the list of symbols prescribed under sub-rule (1) of rule 9 of the Representation of the People (Conduct of Election) Rules, 1977.

4. *Classification of symbol.*—For the purpose of this Order, symbols are classified as under:—

- (a) Symbol reserved for a political party; and
- (b) Symbol other than the reserved symbols.

5. *Application for symbol.*—A political party shall make an application to the Election Commission for allocation of a symbol of his choice within the period specified by the Commission in its press release, and it shall contain:—

- (a) the list of symbols applied for in order to preference;
- (b) symbol or symbols if any allocated to the party during the general elections 1988 and 1990;
- (c) every such application shall be signed by the head or chief executive officer known as Secretary General or by any other such designation;
- (d) address of the head office of the party;

- (e) the name of its President, Secretary-General and other office-bearers of the Central Executive Committee;
- (f) the numerical strength of its members;
- (g) Election Manifesto (copy to be attached);
- (h) whether the party was represented by a member or members in the National Assembly or a Provincial Assembly in the past, if so, the name and other particulars of such member;
- (i) any other particulars which the party may like to mention in support of its claim for the symbol applied for;
- (j) such other particulars or information from the party as the Commission may deem necessary.

6. *Principles of allocation of symbols.*—A symbol shall be allocated to a party, if—

- (a) the party has regularly submitted the statement of finances and accounts to audit in pursuance of Article 17(3) of the Constitution and the Political Parties Rules, 1986;
- (aa) the party had at least one member in the National Assembly or one member in a Provincial Assembly; or
- (b) total number of valid votes polled by all the contesting candidates set up by such party at the general election is not less than one per cent of the total valid votes polled by all the contesting candidates at such general elections;
- (c) a candidate set up by a party at an election in any constituency shall be allotted the symbol reserved for that party and no other symbol; and
- (d) symbol reserved for a party by the Commission shall not be allocated to any candidate in any constituency other than the candidate nominated by that party.

7. *Symbol disputed by parties or group of parties.*—(1) If a party does not satisfy the above requirements, it may be allotted a symbol for all its

candidates if it sends their list to the Election Commission in time supplied in the press but the symbol applied and allotted by District Returning Officers/ Returning Officers will be available to other candidates in other constituency in which such a party has not nominated its candidates :

Provided that a party shall have preference for allocation of a symbol if such a symbol was allocated to it before entering into an alliance with other parties in an earlier election.

(2) In case the same symbol was allotted to a combination of parties at the last election and component parties apply for the same symbol for forthcoming elections, the allotment of that symbol to any one party will be decided by drawing of lots.

8. *Allocation of symbol to an independent candidate.*—A candidate not nominated by any party (hereinafter called “Independent” candidate) shall choose and shall be allotted one of the symbols not reserved for a political party in the following manner :—

- (a) where a symbol has been chosen by only one candidate, the Returning Officer shall allot that symbol to the candidate and to no one else;
- (b) if a symbol is chosen by two candidates and one of them has previously been a member of Parliament or a Provincial Assembly, such symbol shall be allotted by the Returning Officer to the former member of the Parliament or the Provincial Assembly ;
- (c) if more than one independent candidates have chosen the same symbol, the Returning Officer shall allot the symbol to such candidate according to his preference indicated therefor at the time of filing nomination papers ;
- (d) if more than one candidates have given preference for the same symbol, the Returning Officer shall allot symbol by drawing lots.”

#### **Applications for allocation of Symbols**

7. In pursuance of sub-rule (2) of rule 9 of the Representation of the People (Conduct of Election) Rules, 1977 and paragraph 5 of the Allocation of Symbols Order, 1993, the Election Commission required all the Political



Parties through a press release dated the 20th August, 1993 to file applications for allocation of symbols according to the prescribed procedure. All such applications were required to reach the Secretary, Election Commission by 30th August, 1993. In this press release the political parties were advised to submit the following information/documents with their applications:—

- (a) the list of symbols applied for in order of preference ;
- (b) symbol or symbols if any allocated to the party during the general elections 1988 and 1990 ;
- (c) every such application shall be signed by the Head or Chief Executive Officer known as Secretary General or by any other such designation ;
- (d) address of the head office of the party ;
- (e) the name of its President, Secretary General and other office bearers of the Central Executive Committee ;
- (f) the numerical strength of its members ;
- (g) election manifesto (copy to be attached) ;
- (h) whether the party was represented by a member or members in the National Assembly or a Provincial Assembly in the past, if so, the name and other particulars of such members ;
- (i) any other particulars which the party may like to mention in support of its claim for the symbol applied for ; and
- (j) such other particulars or information from the party as the Commission may deem necessary.

### **Allocation of Symbols to Political Parties**

8. In response, 90 political parties, including 15 non-Muslim parties, applied for allocation of symbols by the due date. The Election Commission considered these applications in its two-day session held on 7th and 8th September, 1993. After hearing the representatives of the political parties, the Commission allocated symbols to 62 political parties including 12 political parties of non-Muslims. The names of these political parties and the symbols allocated to them are given below :—

#### **MUSLIM POLITICAL PARTIES**

1. Awami Tehrik-e-Inqilab Pakistan                      TAKHTI for Sindh
2. National Muslim League (Mohasiba Group) STAG

3. Jinnah Muslim League	CAP for Sindh
4. Pakistan National Party	AXE for Sindh/Baluchistan
5. Ghareeb Ittehad Party	TAP for Sindh
6. Hazara Front	AXE for NWFP
7. Pakistan Tehreek-i-Inqilab	LOUD SPEAKER for Punjab
8. Pakistan Labour Party	LOTA
9. Pakistan Milli Ittehad	WRIST WATCH
10. Dehaat Ittehad Party	CHAIR
11. Pakistan Saraiki Party	TAKHTI for Punjab
12. Tameer-e-Pakistan Party	WHISTLE for Sindh
13. Punjab National Party	SPINNING WHEEL for Punjab
14. Tehreek Inqilab	TABLE LAMP for Punjab
15. Mazdoor Kissan Party (Afzal Bangash Group)	FAN for NWFP
16. Mazdoor Kissan Party (Fatehyab Group)	MOUNTAIN
17. Mazdoor Kissan Party (Major Ishaq Group)	HAMMER
18. Awami Falahi Tehreek Pakistan	BRIDGE for Punjab
19. Social Justice Front	FAN for Punjab
20. Hazara Qaumi Mahaz	KNIFE for NWFP
21. Qaumi Islami Party	BOAT
22. Shaheed Bhutto Committee	FIST
23. Awami National Party	LANTERN
24. Pakistan Muslim League (Qayum Group)	SCOOTER
25. Haq Parast Group	KITE
26. Pakhtoon Khwa Milli Awami Party	TREE for NWFP and Baluchistan
27. Islami Jamhoori Mahaz	BOOK
28. National Democratic Alliance	UMBRELLA
29. Pakistan Peoples Party	ARROW
30. Baluch Ittehad Party	SPECTACLES
31. Wattan Party	PITCHER
32. Jamhoori Wattan Party	WHEEL
33. Jamiat Ulema-e-Islam (Ainee Group)	TUMBLER
34. Pakistan Muslim League (Functional Group)	TRUCK
35. Pakistan National League	TELEVISION for Islamabad
36. Islam Public Party	ELEPHANT for Punjab and Baluchistan

37. Pakhtoon Khwa Qaumi Party	BULB for NWFP and Baluchistan
38. Pakistan Islamic Front	CAR
39. Mutahidda Deeni Mahaz	LADDER
40. Pakistan Ittehad Tehreek	BUTTERFLY
41. Baluchistan National Movement (Dr. Abdul Hayee Group)	SAW
42. Baluchistan National Movement (Mengal Group)	HORSE for Baluchistan
43. Gujrati Qaumi Movement	FLOWER VASE for Sindh
44. Haqiqi Group	CANDLE
45. Pakistan Muslim League (Junejo Group)	BICYCLE
46. Pakistan Muslim League (Nawaz Sharif Group)	TIGER
47. Gharib Awam Party	CHIRAGH (Lamp)
48. National Peoples Party (Workers Group)	ROSE
49. National Peoples Party	TRACTOR
50. Tehreek Inqilab Islami	HELICOPTER

#### POLITICAL PARTIES OF MINORITIES COMMUNITIES

1. Progressive Christian League	TONGA
2. Pakistan Aqiliati Rabita Party	TABLE LAMP
3. Pakistan Minority Inqilabi Tehreek (Yousuf Inayat Group)	SPADE
4. All Pakistan Masihi Party	TRACTOR
5. Masihi Awami Party	WELL
6. Pakistan United Christian Front	UMBRELLA
7. Pakistan Minority Inqilabi Group	AXE
8. Pakistan Masihi Party	CAR
9. Pakistan Minority Front	CLOCK
10. Minority Inqilabi Tehreek (Yousuf Khairat Group)	HAMMER
11. Pakistan Masihi Ittehad	LADDER
12. Pakistan Hindu and Scheduled Castes Party	SPINNING WHEEL

9. The applications of the remaining 28 political parties were rejected by the Commission on the grounds that they did not fulfil the requirements of law or their representatives failed to appear before the Election Commission. These parties were, it was observed, however, free to apply to the Returning

Officers for allotment of symbols to their candidates in accordance with provisions of the Allocation of Symbols Order, 1993. However, two political parties *i.e.* Jamiat Mashaikh Pakistan and All Pakistan Muslim League (Zehri group) applied for allocation of symbols after the due date. The Election Commission considered their requests and allocated following symbols to them :-

- |   |                |
|---|----------------|
| (1) Jamiat Mashaikh Pakistan                    | TURBAN         |
| (2) All Pakistan Muslim League<br>(Zehri Group) | RAILWAY ENGINE |

As a result, the total number of political parties to whom election symbols were allocated for 1993 general elections increased to 64 including 12 parties of the minority communities. The symbols allotted to political parties were widely publicized through the print and electronic media for information of the parties and the voters.

### Request for Allocation of Symbol "Sickle"

10. Mr. Muhammad Asghar Khan, President, Tehrik-e-Istiqlal preferred an application on 8th August, 1993, requesting for allotment of symbol "Sickle" to his political party namely, Tehrik-e-Istiqlal. Mr. Muhammad Asghar Khan accompanied by Syed Zafar Ali Shah, also called on the Commission to request for allocation of above mentioned symbol. The Election Commission in its meeting held from 7th to 9th September, 1993 ordered that symbol "Sickle" may be included in the list of symbols and a summary may be sent to the Prime Minister/President immediately after the elections. Accordingly, on 30th October, 1993, after the approval of the President, the Election Commission of Pakistan notified amendment and ordered that after serial number 69 of the list of symbols a new symbol namely "Sickle" may be inserted at Serial No. 69A.

11. It may be noted that Syed Zafar Ali Shah of Tehrik-e-Istiqlal contested the election under the symbol "Tiger" allotted to the Pakistan Muslim League (Nawaz Group) and was declared elected. In his nomination form he has mentioned his political affiliation as under:—

”مشترکہ امیدوار / متفقہ امیدوار مسلم لیگ نواز گروپ اور تحریک استقلال کا انتخابی اتحاد“

### Claims for allocation of Symbol "Bicycle"

12. The symbol "Bicycle" was allocated to Islamic Jamhoori Ittehad (IJI) for the 1988 general elections and also for the 1990 general elections. The IJI consisted of the following parties:—

- (1) Pakistan Muslim League
- (2) National People Party
- (3) Jamaat-i-Islami
- (4) Jamiat Ulema-e-Islam
- (5) Nizam-e-Mustafa Group
- (6) Markazi Jamiat-e-Ahl-e-Hadith (Lakhvi Group)
- (7) Hizbullah Jihad
- (8) Jamiat-e-Mashaikh
- (9) Independent Group.

However, when the Election Commission invited applications for allocation of symbols for 1993 general elections, four parties including three former components of IJI, claimed the symbol "Bicycle". The names of these parties are given below:—

1. Pakistan Muslim League (Nawaz Sharif Group)
2. Pakistan Muslim League (Junejo Group)
3. Pakistan Islamic Front
4. Jamiatul Ulema-e-Pakistan (Niazi Group).

13. After a lengthy discussion, the Election Commission by the order of 8th September, 1993 decided that in order to resolve the controversy between PML (Junejo Group) and PML (Nawaz Sharif Group), the case be decided by drawing of lots in accordance with paragraph 7(2) of the Allocation of Symbols Order, 1993 because both the parties had equal claim to the symbol. Subsequently, as a result of drawing of lots, the PML (Junejo Group) got the symbol "Bicycle". From the rest of the symbols available, the PML (Nawaz Sharif Group) requested for the symbol "Tiger" which was accordingly allocated to it. The detail of the Election Commission Order regarding allocation of symbol "Bicycle" appears at Annexure "B" to this chapter. The other two parties were not found to be entitled to the same.

### Directions to the Returning Officers

14. The decision of the Election Commission regarding allocation of

symbols to the political parties was immediately communicated to all the Returning Officers for compliance. The following instructions were also issued to them for allocation of symbols to the contesting candidates:—

- (a) As the elections were being held on the basis of separate electorate system, the same symbols allotted to the political parties of the Muslims were also allocated to the parties formed by non-Muslim communities.
- (b) The list of 96 prescribed symbols appeared under sub-rule (1) of rule 9 of the Representation of the People (Conduct of Election) Rules, 1977. The symbols which had not been allocated by the Election Commission to the political parties were thus available for allocation by the Returning Officers to such candidates as had not been nominated for election by the political parties. The Returning Officer allocated symbols to the independent candidates out of the remaining symbols after the expiry of date fixed for the withdrawal of candidature as required by section 21(1) (a) read with section 16(4) of the Representation of the People Act, 1976.
- (c) Any of the symbols allocated to the political parties it was directed by the Election Commission should not in any case, be allocated to an independent candidate whether or not that party was putting up a candidate in a constituency.
- (d) A candidate claiming a symbol allocated by the Commission to a political party had to satisfy the Returning Officer concerned by producing necessary authorisation from the head or General Secretary of the party concerned to the effect that he was the candidate nominated by the party to contest election to the National Assembly or, as the case may be, to a Provincial Assembly from the constituency concerned.

#### **Appeal against allocation of symbols**

15. Due to omission/deletion of sub-sections (3) and (4) of section 21 of the Representation of the People Act, 1976 in 1984, the decision of the Returning Officer in the matter of allocation of symbols was final.

### Similarity of Symbols

16. During the course of hearing of representations for allocation of symbols, some leaders of Pakistan Muslim League (Nawaz Sharif Group) suggested deletion of symbol "Cow" from the list of symbols on the grounds that the symbols "Cow" and "Tiger" had resemblance each with other and might lead to confusion to the illiterate and short sighted voters. The Election Commission held that the two symbols were quite distinct and easily recognisable.

17. After the general elections, a survey was conducted to know the effect of symbol "Cow" and "Tiger" on the result of election. In this connection, result of 50 National Assembly constituencies *i.e.* from NA-1 Peshawar-I to NA-50 Sargodha-IV were examined as a symbol. Out of these constituencies, the symbols "Cow" and "Tiger" appeared on the ballot papers of three constituencies *i.e.* NA-16 Battagram-cum-Mansehra, NA-36 Rawalpindi-I and NA-49 Sargodha-III. The result of these constituencies is given below:—

Names of contesting candidates	Votes polled	Symbol	Result
1	2	3	4

#### NA-16 Battagram-cum-Mansehra

1. Alhaj Rab Nawaz Khan, Advocate.	444	Horse	—
2. Haji Muhammad Ayub Khan.	14,226	Tiger	Elected
3. Sardar Malik Jan.	8,052	Ladder	—
4. Mr. Alam Zeb Khan.	12,461	Book	—
5. Mr. Abdullah Jan.	252	Cow	—

#### NA-36 Rawalpindi-I

1. Raja Imtiaz Ahmed Taj.	9,451	Car	—
2. Raja M. Iftikhar.	2,132	Cow	—
3. Mr. Shahid Khaqan Abbasi.	76,596	Tiger	Elected
4. Col. (Retd.) Habib Khan.	45,173	Arrow	—
5. Mr. Muhammad Aziz Abbasi.	271	Scissors	—

1	2	3	4
<b>NA-49 Sargodha-III</b>			
1. Mr. Ahmed Zia-ur-Rehman Khan Lak.	56,017	Tiger	Elected
2. Mr. Iftikhar Ahmad Kahloon.	825	Bus	—
3. Mr. Anwar Kamal Pasha.	1,140	Axe	—
4. Ch. Abdul Hameed.	948	Gun	—
5. Haji Muhammad Jawaid Iqbal Cheema.	9,597	Car	—
6. Rao Aftab Ahmad Khan.	1,035	Knife	—
7. Mr. Muhammad Javaid Iqbal.	330	Cow	—
8. Malik Muhammad Aslam Kachela.	5,562	Horse	—
9. Malik Muhammad Akram Kachela.	202	Bat	—
10. Mr. Mumtaz Ahmed Kahloon.	54,602	Arrow	—

The above statistics endorsed the view-point of the Election Commission that the symbols "Cow" and "Tiger" were not identical and were easily distinguishable by the voters.

#### **Disputes regarding Symbols—(1) Syed Ijaz Hussain Shah versus Rana Shaukat Mahmood**

18. Two candidates from constituency No. PP-144 Sheikhpura-XI namely, Rana Shaukat Mehmood and Syed Ijaz Hussain Shah, applied for election symbol "Arrow". Both of them claimed to be the nominees of PPP. The nomination papers of both the candidates were accepted by the Returning Officer. The name of Rana Shaukat Mehmood was, however, omitted from the list of contesting candidates, as his name appeared on the list of loan defaulter published by the Banking Council. But symbol "Bus" was allocated to Syed Ijaz Hussain Shah as an independent candidate instead of symbol "Arrow" of PPP, because he filed his nomination papers as an independent candidate.



19. Rana Shaukat Mehmood invoked writ jurisdiction of the High Court under Article 199 of the Constitution of Islamic Republic of Pakistan assailing the order of the Returning Officer omitting his name from the list of validly nominated candidates. The High Court suspended the operation of the order of the Returning Officer and directed the inclusion of his name in the list of validly nominated candidates. The Returning Officer included the name of Rana Shaukat Mehmood and since he was properly nominated by and ticket holder of the Pakistan Peoples Party, the symbol "Arrow" was allocated to him.

20. Syed Ijaz Hussain Shah filed an application before the Election Commission praying that symbol "Arrow" be allocated to him as he was the nominee of Pakistan Peoples Party. The Election Commission directed the Returning Officer that if the symbol "Arrow" had not been allocated to any other contesting candidate, it may be allocated to Syed Ijaz Hussain Shah. The Returning Officer informed the Commission that this symbol was not available for allocation to Syed Ijaz Hussain Shah as it had already been allotted to Rana Shaukat Mehmood. After hearing the parties, the Election Commission declined to allocate symbol of "Arrow" to Syed Ijaz Hussain Shah, because he had no case at all. It was observed by the Commission that "Once a functionary under the law passed an order allocating symbol "Arrow" to Rana Shaukat Mehmood and the same had been acted upon, inasmuch as, Rana Shaukat Mehmood started his campaign on the basis of the said "Arrow", therefore, at a later stage, we are of the view that the party cannot legitimately ask to withdraw symbol from him. The change of decision by the party ought to have been communicated to the Returning Officer before the process of allocation of symbols comes to an end", in view of the *terminus quo* for the act to be performed by a functionary.

## (2) Ch. Muhammad Riaz versus Muhammad Pervez

21. Ch. Muhammad Riaz and Mr. Muhammad Pervez filed nomination papers for election from constituency No. PP-10 Rawalpindi-X as nominees of the Pakistan Muslim League (Nawaz Group).

22. Initially, the party decided to nominate Muhammad Pervez as its candidate. The Returning Officer, therefore, allocated the party symbol of

“Tiger” to Muhammad Pervez and symbol of “Bottle” to Ch. Muhammad Riaz. Ch. Muhammad Riaz moved an application before the Election Commission praying that the Returning Officer may be directed to allocate the symbol of “Tiger” to him. The application was forwarded to the Returning Officer for consideration on merits. The Returning Officer did not review his order.

23. The petitioner then invoked the jurisdiction of the Election Commission under section 103(c) read with section 104 of the Representation of the People Act. It was contended by the learned counsel for the petitioner that the Election Commission had vested, in the peculiar circumstances of the case, with the discretion to review the order of Returning Officer and to allocate symbol “Tiger” to the petitioner and that Muhammad Pervaiz respondent No. 3 was not a nominated candidate of Pakistan Muslim League (Nawaz Group). Hence he had no right to make use of party symbol. The Election Commission conceded that it had the discretionary powers but these were to be exercised keeping into consideration particular circumstances of the case in accordance with well-established principles of reason and justice and not carried out fancifully and arbitrarily. The Commission observed that no ground had been made out by the petitioner in the instant case to exercise its powers under section 103(c) and 104 of the Representation of the People Act, 1976 and after hearing the parties dismissed the petition, having no merits.

24. Ch. Muhammad Riaz assailed the order of the Returning Officer and the Election Commission of Pakistan in the Lahore High Court by filing a writ petition. The contention of the petitioner Ch. Muhammad Riaz was that he was the nominee of the Pakistan Muslim League (Nawaz Group) and symbol “Tiger” of Pakistan Muslim League (Nawaz Group) should have been allotted to him and that the Returning Officer erred in refusing to entertain his request for the aforesaid symbol. Mr. Mujeeb-ur-Rehman, learned counsel for Muhammad Pervaiz respondent No. 3 could not deny this fact. He had, however, argued that once the Returning Officer had allocated the symbol to Mr. Muhammad Pervaiz he could not subsequently change it. He had also raised an objection that under Article 225 of the Constitution and authority of the Supreme Court in *Election Commission of Pakistan Vs. Javed Hashmi* (PLD 1989 Supreme Court 396), the petition was not maintainable before the High Court. The Deputy Attorney General and Advocate General both supported the contention of Mr. Mujeeb-ur-Rehman, learned counsel for the respondent. The learned High Court after hearing the parties observed that since the petitioner was the only nominated candidate of Pakistan Muslim League (Nawaz Group) and this fact was not disputed by the parties, he was entitled to symbol “Tiger” of the Pakistan Muslim League. Hence, the petition was

allowed and the Returning Officer was directed to allocate symbol "Tiger" to the petitioner and any other symbol available of his choice to respondent Muhammad Pervaiz. It was also observed that the expenses in respect of printing of fresh ballot papers should be borne by the petitioner. Accordingly, the Returning Officer allocated symbol to Ch. Muhammad Riaz, the petitioner. The ballot papers were accordingly got re-printed at the cost of the petitioner. The cost thus paid by the petitioner was Rs. 1,62,720.

25. In all, there are 16 Political Parties (Muslims/non-Muslims) which were allotted symbols but which did not put up any candidate for election to the National Assembly, as is shown in the following table:—

Party	Symbol
<b>Muslim</b>	
1. National Muslim League (Mohasiba Group).	Stag
2. Jinnah Muslim League.	Cap for Sindh
3. Gharib Ittehad Party.	Tap for Sindh
4. Paksitan Milli Ittehad.	Wrist Watch
5. Punjab National Party.	Spinning Wheel
6. Mazdoor Kissan Party (Afzal Bangash Group).	Fan for NWFP
7. Mazdoor Kissan Party ( Major Ishaque Group).	Hammer
8. Hazara Qaumi Mahaz.	Knife for NWFP
9. Jamiat-e-Islam (Ainee Group).	Tumbler
10. National Peoples Party (Worker Group).	Rose
<b>Non-Muslims</b>	
1. Pakistan Aqiliati Rabita Party.	Table Lamp
2. Pakistan Minority Inqilabi Tehreek (Yousuf Inayat Group).	Spade
3. Pakistan Minority Inqilabi Group.	Axe
4. Pakistan Minority Front.	Clock
5. Minority Inqilabi Tehreek (Yousuf Khairat Group).	Hammer
6. Pakistan Hindu and Scheduled Castes Party.	Spinning Wheel

26. The Number of political parties (Muslims/Non-Muslims) in respect of election to the four Provincial Assemblies, which were allotted symbols but

which did not put up any candidate, is as under:—

Provincial Assembly	No. of Political Parties
Punjab	22
Sindh	21
N.W.F.P.	26
Balochistan	21

27. In the Provincial Assembly of Punjab, there are 22 political parties (Muslim/non-Muslim), which were allocated symbol, but which did not put up any candidate for elections to a Provincial Assembly, details of such parties and symbols allotted to them are mentioned below:—

Name of Party	Symbol
<b>PROVINCIAL ASSEMBLY OF PUNJAB</b>	
<b>Muslims</b>	
1. National Muslim League (Mohasiba Group).	Stag
2. Pakistan Milli Ittehad.	Wrist Watch
3. Dehaat Ittehad Party.	Chair
4. Mazdoor Kissan Party (Fatehyab Group).	Mountain
5. Awami Falahi Tehreek Pakistan.	Bridge for Punjab
6. Qaumi Islami Party.	Boat
7. Pakistan Muslim League (Qayyum Group).	Scooter
8. Baluch Ittehad Party.	Spectacles
9. Wattan Party	Pitcher
10. Jamiat Ulema-e-Islam (Ainee Group).	Tumbler
11. Pakistan Ittehad Tehreek.	Butterfly
12. Baluchistan National Front (Dr. Abdul Hayee Group).	Saw
13. Haqiqi Group.	Candle
14. Tehreek Inqilab Islami.	Helicopter

Name of Party	Symbol
<b>Non-Muslims</b>	
1. Progressive Christian League.	Tonga
2. Pakistan Aqiliati Rabita Party.	Table Lamp
3. Pakistan Minority Inqilabi Tehreek (Yousuf Inayat Group)	Spade
4. Pakistan United Christian Front.	Umbrella
5. Pakistan Minority Inqilabi Group.	Axe
6. Pakistan Minority Front.	Clock
7. Minority Inqilabi Tehreek (Yousuf Khairat Group)	Hammer
8. Pakistan Hindu and Scheduled Castes Party.	Spinning Wheel.

28. There are 21 political parties (Muslims/Non-Muslims) in the Provincial Assembly, Sindh, which were allotted symbols but which did not put up any candidate for that Assembly, as per detail given below :-

Name of Party	Symbol
<b>PROVINCIAL ASSEMBLY OF SINDH</b>	
<b>Muslims</b>	
1. Aawami Tehrik-e-Inqilab Pakistan.	Takhti for Sindh
2. National Muslim League (Mohasiba)	Stag
3. Ghareeb Ittehad Party.	Tap for Sindh
4. Pakistan Labour Party.	Lota
5. Pakistan Milli Ittehad.	Wrist Watch
6. Qaumi Islami Party.	Boat
7. Baluch Ittehad Party.	Spectacles
8. Watten Party.	Pitcher
9. Jamhoori Wattan Party.	Wheel
10. Jamiat Ulema-e-Islam (Ainee Group).	Tumbler
11. Pakistan Muslim League (Functional Group).	Truck
12. Baluchistan National Front (Dr. Abdul Hayee Group).	Saw
13. Tehreek Inqilab Islami.	Helicopter.

Name of Party	Symbol
<b>Non-Muslims</b>	
1. Progressive Christian League.	Tonga
2. Pakistan Aqiliati Rabita Party.	Table Lamp
3. Pakistan Minority Inqilabi Tehreek (Yousuf Inayat Group).	Spade
4. Masihi Awami Party.	Well
5. Pakistan United Christian Front.	Umbrella
6. Pakistan Masihi Party.	Car
7. Pakistan Minority Front.	Clock
8. Pakistan Masihi Ittehad.	Ladder.

29. There are 26 political parties (Muslims/non-Muslims) in the Provincial Assembly, NWFP, which were allotted symbols but which did not put any candidates for that Assembly, as per detail given below :—

Name of Party	Symbol
<b>PROVINCIAL ASSEMBLY OF NWFP</b>	
<b>Muslims</b>	
1. National Muslim League (Mohasiba Group).	Stag
2. Pakistan Labour Party.	Lota
3. Pakistan Milli Ittehad.	Wrist Watch
4. Dehaat Ittehad Party.	Chair
5. Mazdoor Kissan Party (Fatehyab Group).	Mountain
6. Mazdoor Kissan Party (Major Ishaq Group).	Hammer
7. Hazara Qaumi Mahaz.	Knife
8. Qaumi Islami Party.	Boat
9. Shaheed Bhutto Committee.	Fist
10. Pakistan Muslim League (Qayyum Group).	Scooter
11. Pakistan Ittehad Tehreek.	Butterfly
12. Baluchistan National Movement (Dr. Abdul Hayee Group).	Saw
13. National Peoples Party.	Tractor
14. Tehreek Iqilab Islami.	Helicopter
15. Jamiat Ulema-e-Islam (Ainee Group).	Tumbler.

Name of Party	Symbol
<b>Non-Muslims</b>	
1. Progressive Christian League.	Tonga
2. Pakistan Minority Inqilabi Tehreek (Yousuf Inayat Group).	Spade
3. All Pakistan Masihi Party.	Tractor
4. Masihi Awami Party.	Well
5. Pakistan United Christian Front.	Umbrella
6. Pakistan Minority Inqilabi Group.	Axe
7. Pakistan Masihi Party.	Car
8. Pakistan Minority Front.	Clock
9. Minority Inqilabi Tehreek (Yousuf Khairat Group).	Hammer
10. Pakistan Masihi Ittehad.	Ladder
11. Pakistan Hindu and Scheduled Castes Party.	Spinning Wheel

30. There are 21 political parties (Muslims/non-Muslims) in the Provincial Assembly, Baluchistan, which were allotted symbols but which did not put any candidate for that Assembly, as per details given below:—

Name of Party	Symbol
<b>PROVINCIAL ASSEMBLY OF BALOCHISTAN</b>	
<b>Muslims</b>	
1. National Muslim League (Mohasiba Group).	Stag
2. Pakistan Labour Party.	Lota
3. Qaumi Islami Party.	Boat
4. Shaheed Bhutto Committee.	Fist
5. Wattan Party.	Pitcher
6. Jamiat Ulama-e-Islam (Ainee Group).	Tumbler
7. Islam Public Party.	Elephant
8. Pakistan Ittehad Tehreek.	Butterfly
9. Gharib Awam Party.	Chiragh (Lamp)
10. Tehreek Inqilab Islami.	Helicopter
11. Jamiat-e-Mashaikh Pakistan.	Turban

Name of Party	Symbol
<b>Non-Muslims</b>	
1. Progressive Christian League.	Tonga
2. Pakistan Minority Inqilabi Tehreek (Yousuf Inayat Group).	Spade
3. All Pakistan Masihi Party.	Tractor
4. Masihi Awami Party.	Well
5. Pakistan United Christian Front.	Umbrella
6. Pakistan Masihi Party.	Car
7. Pakistan Minority Front.	Clock
8. Minority Inqilabi Tehreek (Yousuf Khairat Group).	Hammer
9. Pakistan Masihi Ittehad.	Ladder
10. Pakistan Hindu and Scheduled Castes Party	Spinning Wheel

31. List of those political parties (Muslims/non-Muslims) which were allotted symbols, but which put up only one candidate at elections to the National Assembly, is as under:—

Name of Party	Symbol	No. of Candidates in						Total
		FATA	Federal Capital	Punjab	Sindh	NWFP	Baluchistan	
<b>Muslims</b>								
1. All Pakistan Muslim League (Zahri Group).	Railway Engine	—	—	1	—	—	—	1
2. Awami Falahi Tahreek	Bridge	—	—	1	—	—	—	1
3. Awami Tehreek-e-Inqilab Pakistan.	Takhti for Sindh.	—	—	—	1	—	—	1
4. Dehat Ittehad Party	Chair	—	—	—	1	—	—	1
5. Hazara Front	Axe for NWFP	—	—	—	—	1	—	1
6. Islam Public Party	Elephant for Punjab	—	—	1	—	—	—	1
7. Mazdoor Kissan Party (Fatehyab Group).	Mountain	—	—	—	—	—	1	1
8. Pakistan Baloch Ittehad Party	Spectacles	—	—	1	—	—	—	1
9. Pakistan Ittehad Tehreek	Butterfly	—	—	—	1	—	—	1
10. Pakistan Muslim League (Qayyum Group)	Scooter	—	—	—	—	—	1	1
11. Pakistan Tehreek-e-Inqilab	Loud Speaker for Punjab	—	—	1	—	—	—	1
12. Pakistan National League	Television for Islamabad	—	1	—	—	—	—	1
13. Qaumi Islami Party	Boat	—	—	1	—	—	—	1



Name of Party	Symbol	No. of Candidates in						Total
		FATA	Federal Capital	Punjab	Sindh	NWFP	Baluchistan	
14. Social Justice Front	Fan for Punjab	—	—	1	—	—	—	1
15. Tameer-e-Pakistan Party	Whistle	—	—	—	1	—	—	1
16. Tehreek-e-Inqilab	Table Lamp for Punjab	—	—	1	—	—	—	1
17. Tehreek-e-Inqilab-e-Islami	Helicopter	—	—	—	1	—	—	1
18. Wattan Party	Pitcher	—	—	1	—	—	—	1
<b>Non-Muslims</b>								
1. Progressive Christian League	Tonga	—	—	—	—	—	—	1
2. All Pakistan Masihi Party	Tractor	—	—	—	—	—	—	1
3. Masihi Awami Party	Well	—	—	—	—	—	—	1
4. Pakistan United Christian Front	Umbrella	—	—	—	—	—	—	1
5. Pakistan Masihi Party	Car	—	—	—	—	—	—	1
6. Pakistan Hindu and Scheduled Castes Party.	Spinning Wheel	—	—	—	—	—	—	1

32. The Province-wise lists of those political parties (Muslims/non-Muslims), which were allotted symbols, but which put up only one candidate at election to a Provincial Assembly, are given below:—

### PUNJAB ASSEMBLY

33. There are 12 political parties (Muslims/non-Muslims), which were allotted symbols but which put up only one candidate at an election to the Provincial Assembly, Punjab, as under:—

Name of Party	Symbol	No. of Candidates
<b>MUSLIMS</b>		
1. Islam Public Party	Elephant for Punjab	1
2. Jamhoori Wattan Party	Wheel	1
3. Mazdoor Kissan Party (Major Ishaq Group)	Hammer	1
4. National Peoples Party (Workers Group)	Rose	1
5. Pakistan Labour Party.	Lota	1
6. Pakistan National Party	Spinning Wheel	1
7. Pakistan Tehreek-e-Inqilab	Loud Speaker	1
8. Tehreek-e-Inqilab	Table Lamp	1

Name of Party	Symbol	No. of Candidates
<b>NON-MUSLIMS</b>		
1. All Pakistan Masihi Party	Tractor	1
2. Masihi Awami Party	Well	1
3. Pakistan Masihi Party	Car	1
4. Pakistan Masihi Ittehad	Ladder	1

### SINDH ASSEMBLY

34. There are 15 political parties (Muslims/non-Muslims), which were allocated symbols but which put up only one candidate at election to the Provincial Assembly, Sindh, as under:—

Name of Party	Symbol	No. of Candidates
<b>MUSLIMS</b>		
1. Dehaat Ittehad Party	Chair	1
2. Tameer-e-Pakistan Party	Whistle	1
3. Mazdoor Kissan Party (Fatehyab Group)	Mountain	1
4. Mazdoor Kissan Party (Major Ishaq Group).	Hammer	1
5. Pakistan Muslim League (Qayyum Group)	Scooter	1
6. National Democratic Alliance	Umbrella	1
7. Pakistan Ittehad Tehreek	Butterfly	1
8. Gujrati Qaumi Movement	Flower Vase for Sindh	1
9. Pakistan Muslim League (Junejo Group)	Bicycle	1
10. National Peoples Party (Workers Group)	Rose	1
11. Jamiat-e-Mashaikh Pakistan	Turban	1

### NON-MUSLIMS

1. Minority Inqilabi Tehrik (Yousuf Khairat Group).	Hammer	1
2. Pakistan Minority Inqilabi Group	Axe	1
3. Pakistan Hindu and Scheduled Castes Party	Spinning Wheel	1
4. All Pakistan Masihi Party	Tractor	1

## NWFP ASSEMBLY

35. There are 11 political parties (Muslims/non-Muslims), which were allocated symbols but which put up only one candidate at election to the Provincial Assembly of NWFP, as under:—

Name of Party	Symbol	No. of Candidates
<b>MUSLIMS</b>		
1. All Pakistan Muslim League (Zehri)	Railway engine	1
2. Ghareeb Awam Party	Chiragh (Lamp)	1
3. Haq Parast Group	Kite	1
4. Haqiqi Group	Candle	1
5. Jamiat Mashaikh Pakistan	Turban	1
6. National Democratic Alliance	Umbrella	1
7. Pakistan Baloch Ittehad Party	Spectacles	1
8. Pakistan Muslim League (Functional Group)	Truck	1
9. Wattan Party	Pitcher	1
10. Mazdoor Kissan Party (Afzal Bangash Group)	Fan	1

## NON-MUSLIM

1. Pakistan Aqiliati Rabita Party	Table Lamp	1
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## BALUCHISTAN ASSEMBLY

36. There are 10 political parties (Muslim/non-Muslim), which were allocated Symbols but which put up only one candidate at election to the Provincial Assembly, Baluchistan, as under:

Name of Party	Symbol	No. of Candidates
<b>MUSLIMS</b>		
1. Mazdoor Kissan Party (Major Ishaq Group)	Hammer	1
2. Mazdoor Kissan Party (Fatehyab Group)	Mountain	1

Name of Party	Symbol	No. of Candidates
3. National Democratic Alliance	Umbrella	1
4. National Peoples Party (Workers Group)	Rose	1
5. Pakistan Baloch Ittehad Party	Spectacles	1
6. Pakistan Milli Ittehad	Wrist Watch	1
7. Pakistan Muslim League (Functional Group)	Truck	1
8. Pakhtoon Khawa Qaumi Party	Bulb	1
9. Pakistan Muslim League (Qayyum Group)	Scooter	1

## NON-MUSLIM

1. Pakistan Minority Inqilabi Party	Axe	1
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37. Following statement shows the number of candidates put up under one symbol by each political party:—

Political party	Symbol	Candidate for election to the					Total
		National Assembly	PA Punjab	PA Sindh	PA NWFP	PA Baluchistan	
1	2	3	4	5	6	7	8
1. Awami National Party.	Lantern	17	3	7	39	14	80
2. Baluchistan National Front (Hayee Group).	Saw	5	—	—	—	14	19
3. Baluchistan National Movement (Mengal Group).	Horse	6	—	—	—	19	25
4. Ghareeb Awam Party.	Chiragh (Lamp).	5	2	2	—	—	9
5. Gujrati Qaumi Movement.	Flower Vase for Sindh	3	—	—	—	—	3
6. Haq Parasat Group.	Kite	33	2	56	—	2	93
7. Haqiqi Group.	Candle	14	—	29	—	—	43
8. Islami Jamhoori Mahaz.	Book	51	46	29	19	33	178
9. Jamhoori Wattan Party.	Wheel	4	—	—	2	16	22
10. Jamiat Mashaikh Pakistan.	Turban	5	2	—	—	—	7
11. Mutahidda Deeni Mahaz.	Ladder	35	50	7	11	5	108
12. National Democratic Alliance.	Umbrella	8	12	—	—	—	20
13. National Peoples Party.	Tractor	2	2	10	—	2	16
14. Pakistan Islamic Front.	Car	104	139	42	44	11	340

Political Party	Symbol	Candidate for election to the					Total
		National Assembly	PA Punjab	PA Sindh	PA NWFP	PA Baluchistan	
1	2	3	4	5	6	7	8
15. Pakistan Labour Party.	Lota	2	--	—	—	—	2
16. Pakistan Muslim League (Junejo Group).	Bicycle	18	37	—	14	12	81
17. Pakistan Muslim League (Nawaz Group).	Tiger	173	232	73	55	19	552
18. Pakistan National Party.	Axe for Sindh & Baluchistan	4	—	3	—	12	19
19. Pakhtoon Khawa Milli Awami Party.	Tree for NWFP & Baluchistan	6	—	—	7	10	23
20. Pakistan Saraiki Party.	Takhti for Punjab	8	11	—	—	—	19
21. Pakistan Peoples Party.	Arrow	166	198	97	40	31	532
22. Pakistan Muslim League (Fatehyab Group).	Truck	5	12	—	—	—	17
23. Pakhtoon Khawa Qaumi Party.	Bulb	2	—	—	3	—	5
24. Shaheed Bhutto Committee.	Fist	7	2	15	—	—	24
25. All Pakistan Muslim League (Zehri Group).	Railway Engine	—	5	2	—	2	9
26. Social Justice Front.	Fan	—	2	—	—	—	2
27. Jinnah Muslim League.	Cap	—	—	10	—	—	10
28. Hazara Front.	Axe for NWFP	—	—	—	2	—	2
29. National Peoples Party (Workers Group).	Rose	—	—	—	3	—	3
30. Dehat Ittehad Party.	Chair	—	—	—	—	2	2

**CHART OF APPROVED SYMBOLS**

1. ARROW	9. BRIDGE	17. CANDLE	25. COMB	33. FLOWER VASE	41. HELICOPTER	49. TROWEL (KRANDHI)	57. PERSIAN WHEEL	65. ROLLER IN WOOD	73. SPINNING WHEEL	81. TAPOT	89. TRUCK
2. AXE	10. BOOK	18. CAR	26. COW	34. FOOT BALL	42. HORSE	50. LADDER	58. PESHAWARI CHAPPAL	66. ROSE	74. SITICASE	82. TELEPHONE	90. UMBRELLA
3. BAT	11. BRUSH	19. CAP	27. CUP AND SAUCER	35. FOUNTAIN	43. HUKKAH	51. LANTERN	59. PITCHER	67. SCISSORS	75. STAG	83. TELEVISION	91. UMBRELLA
4. BELL	12. BUCKET	20. CHIRAGH (LAMP)	28. DOVE	36. GAKKI AND	44. INK POT WITH PEN	52. LETTER BOX	60. PLANNER	68. SCOOTER	76. TUMBLER	84. TIGER	92. WELL
5. BICYCLE	13. BULB	21. CHAIR	29. ELEPHANT	37. GHULAI	45. IRON	53. LOCK	61. RACKET	69. SEWING MACHINE	77. TABLE	85. TONG-A	93. WHEEL
6. BOAT	14. BUNCH OF GRAPES	22. CHARPAI	30. FAN	38. GUN	46. JUG	54. JOTA	62. RAILWAY ENGINE	70. SPADE	78. TABLE LAMP	86. TONGS	94. WHISTLE
7. BOTTLE	15. BUS	23. CLOCK	31. FIST	39. HAND PUMP	47. KITE	55. LOUDSPEAKER	63. RICKSHA	71. SAW	79. TAKHTI	87. TRACTOR	95. WRIST WATCH
8. BOWL	16. BUTTERFLY	24. COAT	32. FISH	40. HAMMER	48. KNIFE	56. MOUNTAIN	64. RING	72. SPECTACLES	80. TAP	88. TREE	96. WAIN COAL

## BEFORE THE ELECTION COMMISSION OF PAKISTAN

Application of Pakistan Muslim League (Nawaz Sharif Group) and Pakistan Muslim League (Junejo Group) for allocation of symbol "Bicycle" for use in the forthcoming general elections.

*Present:*

- (1) Senator Sartaj Aziz, General Secretary, Pakistan Muslim League, (Nawaz Sharif Group).
- (2) Senator Saeed Qadir, Pakistan Muslim League, (Nawaz Sharif Group).
- (3) Engineer Salimullah Khan, JUI (Niazi Group).
- (4) Senator Iqbal Ahmad Khan, Secretary General, Pakistan Muslim League, (Junejo Group).
- (5) Dr. Ijaz Gillani, Pakistan Islamic Front.

*Date of hearing:*

8th September, 1993.

## ORDER

**Justice Sh. Riaz Ahmad.**

This order shall dispose of the claim of 4 components of the former IJI which was formed before the 1988 general elections. The IJI consisted of the following parties including P.M.L.:—

- (1) Pakistan Muslim League.
- (2) National Peoples Party.
- (3) Jamaat-i-Islami.
- (4) Jamiat Ulema-e-Islam.
- (5) Nizam-e-Mustafa Group.

- (6) Markazi Jamiat-e-Ahl-e-Hadith (Lakhvi Group).
- (7) Hizbullah Jihad.
- (8) Jamiat-e-Mashaikh.
- (9) Independent Group.

2. In 1988 and 1990 Elections, the symbol of "Bicycle" was allocated to IJI for participating in the elections to the National Assembly and four Provincial Assemblies. After the dissolution of the National Assembly and Provincial Assemblies on July 26, 1993, general elections in the country are being held in October, 1993. The Election Commission called upon all the political parties to apply for symbol to be allocated to them for participating in the forthcoming elections. Procedure for allocation of symbols has been provided for in the Allocation of Symbols Order, 1993, which has been notified on 17-8-1993.

3. Before proceeding further, it will be advantageous at this stage to narrate the history of Pakistan Muslim League as stated before us in the context of the various laws including the Martial Law and also the turmoil through which the party itself has to pass after the death of Mr. Muhammad Khan Junejo, the former Prime Minister and the President of Pakistan Muslim League. In 1985, the elections were held on non-party basis, and it was after elections that late Muhammad Khan Junejo decided to form Muslim League in the National Assembly, so that the mother party of Pakistan is given its legitimate due nationally as well as internationally. The Pakistan Muslim League, with Mr. Muhammad Khan Junejo as its President, was registered by the Election Commission in early 1986. In 1988, the Assembly was dissolved and fresh elections were held. On the eve of these elections, the IJI continued to function and was allocated the symbol of "BICYCLE". The Assembly elected in 1988 was again dissolved in 1990 and in consequence the general elections were held in November, 1990. On this occasion, the Alliance known as IJI was again allocated the symbol of "BICYCLE". After the 1990 Elections, Mian Muhammad Nawaz Sharif was elected as Prime Minister. Late Muhammad Khan Junejo was still alive and was holding the office of President of Pakistan Muslim League. Unfortunately, he died in 1993 and a tussle started within the ranks and file of Pakistan Muslim League for office of the party President. In consequence, Pakistan Muslim League fell apart and two separate groups emerged as under:—

- (1) Pakistan Muslim League (Nawaz Sharif Group)
- (2) Pakistan Muslim League (Junejo Group)



Brief narration of these events was necessary for the determination of dispute which this Commission has been called upon to adjudicate.

4. Before us, the Pakistan Muslim League (Nawaz Sharif Group), Pakistan Muslim League (Junejo Group) and JUP (Niazi Group) have applied for the allocation of "BICYCLE" as their symbol to participate in the ensuing elections. Senator Sartaj Aziz, Secretary General of Pakistan Muslim League (Nawaz Sharif Group) contended that his faction of the party being the largest single component of IJI has a preferential right for the allocation of symbol "Bicycle". On the other hand, Senator Iqbal Ahmed Khan, representative of Pakistan Muslim League (Junejo Group) has also vehemently argued that the Pakistan Muslim League (Junejo Group) should be considered as Pakistan Muslim League which had joined the IJI and, therefore, it was the right of his group to have the symbol of "Bicycle" allocated to it. Pakistan Islamic Front represented by Dr. Ejaz Gilani has also claimed the same symbol, by contending that Jamaat-i-Islami, which has now formed the new group in the name of Pakistan Islamic Front, is Jamaat-i-Islami which had initially joined the IJI in 1988 and 1990 and, therefore, Pakistan Islamic Front should be allocated this symbol. On behalf of JUP (Niazi Group), Engineer Salimullah Khan has contended that although his party was not one of the components to the IJI, as a group or party, yet symbol of "Bicycle" should be allocated to his group in accordance with the Allocation of Symbols Order, 1993, as the JUP (Niazi Group) would contest election on the basis of symbol allocated to Pakistan Muslim League (Nawaz Sharif Group).

5. Senator Sartaj Aziz also contended that before joining the Alliance way back in 1990 elections, the Pakistan Muslim League (Convention), to which he claimed succession, was allocated the symbol of "Bicycle" and, therefore, in accordance with proviso to clause (1) of paragraph 7 of the Allocation of Symbols Order, 1993, he had the right of allocation of "Bicycle" as symbol, to the exclusion of all other claimants. Senator Sartaj Aziz also urged that this group being the largest single component of IJI had a preferential right for this symbol. Senator Iqbal Ahmed Khan refuted this argument by stating that succession of Pakistan Muslim League (Convention) cannot be claimed by any one party or group because Pakistan Muslim League was abolished as a party by operation of a Martial Law Order. The party was re-formed as one party in early 1986 and registered as such with the Election Commission.

6. After anxious consideration we are inclined to agree with the contentions raised by Senator Iqbal Ahmed Khan. Senator Sartaj Aziz wanted us to go back to the era of President Ayub Khan and various political events to

conclude that his party was successor of Pakistan Muslim League (Convention) and the faction led by Mr. Hamid Nasir Chattha as successor of Pakistan Muslim League (Council). We are afraid we cannot agree with Senator Sartaj Aziz nor it is within our domain to recall the events through which the Muslim League has passed.

7. We have examined the contentions raised by all the three parties very carefully, and also the provisions of the Allocation of Symbols Order, 1993. For convenience, paragraph 7 of the Allocation of Symbols Order, 1993 is reproduced hereunder:—

*“Symbols disputed by parties or group of parties.—(1) If a party does not satisfy the above requirements, it may be allotted a symbol for all its candidates if it sends their list to the Election Commission in time supplied in the press release but the symbols applied and allotted by District Returning Officers/Returning Officers will be available to other candidates in other constituency in which such a party has not nominated its candidates.*

*Provided that a party shall have preference for allocation of a symbol if such a symbol was allocated to it before entering into an alliance with other parties in an earlier election.*

*(2) In case the same symbol was allotted to a combination of parties at the last election and component parties apply for the same symbol for forthcoming elections, the allotment of that symbol to any one party will be decided by drawing of lots.”*

8. After having considered all the arguments and the provisions of law, we are of the view that Pakistan Muslim League when it joined IJI Alliance was a single party but in 1993 it split up into two groups and, therefore, Proviso to paragraph 7(1) of the Order is not attracted to the facts and the circumstances confronting us. Similarly reference to clause (2) of para 7 of the Order is also inapplicable.

9. In this situation, we have no other course but to act on the principle of justice, equity and good conscience.

10. Adverting to the case of Pakistan Muslim League (Junejo Group), it had given two preferences ‘Lantern’ and ‘Bicycle’ whereas Pakistan Muslim League (Nawaz Sharif Group) has not followed the provisions of the Order requiring the parties to furnish their preferences for symbols. As far as the

“Lantern” is concerned, it could not be claimed by Pakistan Muslim League (Junejo Group) because Awami National Party had been allocated this symbol both in 1988 and 1990 Elections, and thus had preferential right to claim it under the Order.

11. In this view of the matter, the situation is that two groups of the erstwhile one party are claiming the same symbol. Since we have to act on the principles of justice, equity and good conscience we have, therefore, decided to resort to the provisions of drawing of lot between the two contesting groups to bring the controversy to an end.

12. Now we will deal with the claim of Pakistan Islamic Front. It has been contended that the Front should be treated as Jamaat-i-Islami which had joined IJI alliance in 1988 and 1990. We are unable to subscribe to this view, hence we repel the contention and hold that Pakistan Islamic Front is a separate entity and was not component of IJI, and thus under the Allocation of Symbol Order 1993, Pakistan Islamic Front can not have preferential claim to “Bicycle”.

13. Adverting to the contest of JUP, Niazi Group, it was not the component of IJI alliance when it was formed, therefore, this Group also can not claim the allocation of “Bicycle” as symbol.

14. Order accordingly.

Justice (RETD.) NAIMUDDIN,  
*Chief Election Commissioner of Pakistan.*

JUSTICE SH. RIAZ AHMAD,  
*Member.*

JUSTICE MUHAMMAD BASHIR JEHANGIRI,  
*Member.*

## CHAPTER XIX

**CODE OF CONDUCT FOR POLITICAL PARTIES AND  
CANDIDATES AND COMPLAINTS OF VIOLATION  
OF CODE OF CONDUCT**

**Code of Conduct**

Taking advantage from the past experience, the Election Commission reviewed the Code of Conduct for Political Parties evolved for the 1990 general elections and decided to add five principles at paragraphs 3A, 3B, 4A, 6A and 13 therein so as to make it more comprehensive. The revised Code of Conduct was circulated to the representatives of political parties on the eve of allocation of symbols. The political parties were requested to give due consideration to the revised Code and let the Commission have their views in that behalf. Admirably all the political parties agreed to observe the Code of Conduct by exercising self-restraint voluntarily during their election campaigns.

2. The Code of Conduct prescribed for the 1993 general elections is reproduced below :

- (1) The political parties shall not propagate any opinion, or act in any manner prejudicial to the ideology of Pakistan, or the sovereignty, integrity or security of Pakistan, or morality, or the maintenance of public order, or the integrity or independence of the judiciary of Pakistan, or which defames or brings into ridicule the judiciary or the armed forces of Pakistan, as provided under Article 63 of the Constitution.
- (2) The political parties, their candidates, agents or workers shall not obstruct or break-up meetings organized by the rival parties and candidates, nor interrupt speeches or prevent distribution of handbills, leaflets and pasting of posters of other parties and candidates.
- (3) The political parties shall avoid criticism of other political parties, their leaders and candidates having no bearing on their public activities. Criticism and comments shall be confined to policies and programmes of other parties. Speeches and slogans shall be dignified and based on principle of morality, decorum and decency.

- (3A) The political parties, their candidates and workers shall refrain from deliberate dissemination of false and malicious information and their workers shall not indulge in forgeries and disinformation to defame other political parties and their leaders, and use of abusive language against the leaders and candidates of their political parties.
- (3B) No leader or candidate of a political party shall call the leader or candidate of another party kafir or traitor.
- (4) The political parties shall refrain from speeches calculated to arouse parochal and sectarian feelings and controversy or conflicts between sexes, sects, communities and linguistic groups.
- (4A) The political parties, their candidates and their workers shall not propagate against the participation of any person in the elections on the basis of sex.
- (5) Public leaders and all other participants in political activity shall act with a sense of responsibility and dignity befitting their status. While propagating their own views and programmes, they shall not interfere with the freedom of others to do the same as that would be the negation of democracy.
- (6) Appeals to violence or resort to violence during meetings, processions, or during political hours shall be strictly avoided.
- (6A) No person shall in any manner cause injury to any person or damage to any property.
- (7) Carriage of lethal weapons and fire arms shall not be allowed in public meetings and processions and official regulations in this regard shall be strictly observed. Use of crackers and other explosives at public meetings shall not be allowed.
- (8) The political parties and their candidates shall extend cooperation to the officers on election duty in order to ensure peaceful and orderly polling and complete freedom for the voters to exercise their franchise without being subjected to any annoyance or obstructions.

- (9) The political parties and their candidates shall scrupulously avoid all activities which are "corrupt practices" and offences under the election law, such as the bribing of voters, intimidation of voters, impersonation of voters, canvassing within 400 yards of a polling station, holding public meetings during the period of 48 hours ending with the hour fixed for the close of the poll.
- (10) The political parties, their candidates, agents or workers shall not indulge in offering gifts or gratifications or inducing another to stand or not to stand as a candidate, or to withdraw or not to withdraw his candidature.
- (11) The political parties and their candidates should not procure the support or assistance of any civil servant to promote or hinder the election of a candidate.
- (12) The political parties and their candidates shall dissuade their workers or sympathisers from destroying any ballot paper or any official mark on the ballot paper.
- (13) The political parties and their candidates shall not hold public meetings or rallies on main streets, roads and chowks to avoid traffic jams and public inconvenience".

### **Orderly Conduct of Election**

3. As an additional measure to ensure smooth and orderly conduct of election, and in order to prevent the candidates from incurring unnecessary expenditure, the Election Commission passed the following order on prohibiting display of cloth banners and hoardings of all sizes, large posters exceeding the size of 3 sq. ft. (2' × 1-1/2') and hoisting of party flags on public buildings, public places and electric and telephone poles by the candidates during the election campaign :—

"In exercise of the powers conferred on it by Article 218(3) of the Constitution of the Islamic Republic of Pakistan read with section 103 of the Representation of the People Act, 1976 (LXXXV of 1976), the Election Commission of Pakistan has been pleased to impose complete ban on the display of cloth banners and hoardings of all sizes, large posters exceeding the size of 3 sq. ft. (2' × 1-1/2') and hoisting of

party flags on public buildings, public places and electric and telephone poles by the candidates during their campaign for election to the National Assembly and Provincial Assemblies with immediate effect and until culmination of the process of general elections. The Election Commission has further directed the Deputy Commissioners and Superintendents of Police to remove in accordance with law all such banners, hoardings, large size posters and party flags, if found displayed within their territorial jurisdiction in violation of this Order.

By Order of the Election Commission of Pakistan.

M. HUMAYUN KHAN,  
Secretary."

4. This Order was given wide publicity through electronic and print media and prompt action was taken by the local administration to implement it.

#### Complaints of Violation of the Code

5. A total number of 123 complaints against violation of the Code of Conduct were lodged with the Election Commission. Of these 107 complaints were sent to the concerned Chief Secretaries/Inspector General of Police or Deputy Commissioners for necessary action according to law. The remaining 16 complaints were heard by the Election Commission after giving due notices to the parties concerned. All these complaints were disposed of by the Commission, as per detail given below:—

Sl. No.	Name of the complainant and party affiliation	Nature of complaint.	Decision of the Commission
1	2	3	4
1.	Ch. Shujaat Hussain, candidate NA-81, Gujrat-II P.M.L. (N)	Violation of election rules concerning banners, posters and flags publicity, by PPP candidates.	Disposed of by the Election Commission <i>vide</i> order dated 2-10-1993. The Commission <i>desired to direct</i> the Administration to observe the Code of Conduct.
2.	Mr. Iqbal Haider, Senator, PPP	Repeated incidents of violence against the leaders, candidates and workers of PPP in their public meetings and rallies during the election campaign.	Disposed of <i>vide</i> general order dated 2-10-1993.

Sl. No.	Name of the complainant and party affiliation	nature of complaint	Decision of the Commission
1	2	3	4
3.	Mr. Humayun Akhtar Khan, candidate from NA-93 Lahore-II P.M.L. (N)	Violation of Code of Conduct by Pakistan Peoples Party.	Disposed of <i>vide</i> general order dated 23-10-1993.
4.	Mr. Shafqat Mahmood, Director, General Secretariat, Pakistan Peoples Party, Islamabad. PPP	Complaint against different remarks passed by Mr. Nawaz Sharif against Mohtarama Benazir Bhutto.	The Election Commission advised that all the Political Parties should avoid counter attack <i>vide</i> order dated 2-10-1993.
5.	Senator Iqbal Hyder, Co-ordinator, PPP	Violation of Code of Conduct by PML (N)	Disposed of <i>vide</i> general order dated 23-10-1993.
6.	Mr. Humayun Akhtar, candidate from NA-93 Lahore-II P.M.L. (N)	Complaint against Ch. Aitzaz Ahsan that he had distributed a copy of press clipping which appeared in the daily Jang.	Disposed of <i>vide</i> general order dated 23-10-1993.
7.	Mr. Izhar Amrohvi, Incharge and Spokesman, PPP Central Election Cell, Islamabad. PPP	The applicant had furnished copies of the two advertisements published in the National Press, where PPP top leadership had been abused.	Disposed of <i>vide</i> general order dated 23-10-1993.
8.	Sartaj Aziz, Secretary General, Pakistan Muslim League (Nawaz Sharif Group), Islamabad.	The applicant had furnished a copy of advertisement which contains photograph of Late General Asif Nawaz, Ex-Chief of Army Staff. According to him it had been alleged to make responsible Pakistan Muslim League (Nawaz Sharif Group) for the death of the Late General Asif Nawaz.	Disposed of <i>vide</i> general order dated 23-10-1993.
9.	Sartaj Aziz, Secretary General of Pakistan Muslim League (Nawaz Sharif Group)	The complainant had drawn attention of the Election Commission towards a news report according to which Mohtarma Benazir Bhutto Co-Chairperson of PPP has decided to undertake victory march from Sukkur to Lahore. According to him it would be in violation of section 84 of the Representation of the People Act, 1976.	Disposed of <i>vide</i> general order dated 23-10-1993.



Sl. No.	Name of the complainant and party affiliation	nature of complaint	Decision of the Commission
1	2	3	4
10.	Dr. Muhammad Afzal Aizaz, a candidate from PP-1 Rawalpindi-I, PIF.	The complainant had alleged that his rival candidate was using abusive language and making false allegations against PML and PIF.	Disposed of <i>vide</i> general order dated 23-10-1993
11.	Mr. Wazir Ali Bhatti, candidate from NA-99 Lahore-VIII PPP.	The complainant alleged that Mr. Zulfiqar Ali, a candidate for Pakistan Muslim League (N) had connivance with daily Jang and Nawa-i-Waqt Lahore published a news item that Mr. Wazir Ali Bhatti had withdrawn his candidature in favour of Mr. Zulfiqar Ali, a candidate of PML (N).	Disposed of <i>vide</i> order dated 17-10-1993 for want of prosecution.
12.	Ch. Muhammad Irshad, a candidate from NA-93 Lahore-II. Independent	The applicant alleged that Mr. Humayun Akhtar had committed malpractice, therefore, he might be disqualified.	Disposed of by the Election Commission.
13.	Mr. Shujaatullah Siddiqui, President of Tamir-e-Pakistan Party, Karachi.	It had been alleged that Mr. Ahtesham Ghazi was contesting election for NA-187 Karachi, the worker of PIF spread rumours that Mr. Ahtesham Ghazi had retired from election, thus his election was sabotaged.	Having no proof the complaint was not accepted by the Election Commission and it was disposed of accordingly.
14.	Mr. Mushahid Hussain, Information Secretary, Pakistan Muslim League (N).	Violation of Code of Conduct by Mohtarma Benazir Bhutto	Disposed of <i>vide</i> general order dated 23-10-1993.
15.	Mr. Mushahid Hussain, Information Secretary, Pakistan Muslim League (N).	Advertisement against PML(N).	Disposed of by the Election Commission <i>vide</i> general order, dated 23-10-1993.
16.	Mr. Ajmal Khattak, President, Awami National Party.	Complaint against Pakistan Peoples Party and its leaders.	Disposed of <i>vide</i> general order, dated 23-10-1993.

6. Out of the above 16 cases, the following ten cases were disposed of by the Election Commission *vide* general order, dated the 23rd October 1993 which is reproduced below : --

#### "CASES REGARDING VIOLATION OF CODE OF CONDUCT

1. Mr. Sartaj Aziz's letter, dated the 5th October, 1993 regarding advertisement carrying photo of late General Asif Nawaz released by Pakistan Peoples Party appeared in daily Jang on 5-10-1993.
2. Mr. Izhar Amrohvi's letter dated 2nd October, 1993 regarding advertisement issued by Pakistan Muslim League (Nawaz Muslim League) ridiculing PPP's top leadership.
3. Mr. Sartaj Aziz's letter dated 29-9-1993 regarding News report that Co-chairperson PPP decided to undertake "Victory March" from Sukkur to Lahore on 7th & 8th October, 1993.
4. Mr. Mushahid Hussain's letter dated 12-9-1993 with an advertisement issued by Mid-Asia Forum.
5. Mr. Mushahid Hussain's letter dated 13-9-1993 regarding violation of Code of Conduct by Ms. Benazir Bhutto.
6. Mr. Humayun Akhtar's letter dated 12-9-1993 against Ch. Aitzaz Ahsan.
7. Mr. Humayun Akhtar's letter dated 18-9-1993 regarding violation of Code of Conduct by members of PPP.
8. Mr. Humayun Akhtar's complaint dated 3-10-1993 against Ch. Aitzaz Ahsan.
9. Complaint of Senator Iqbal Haider *Vs.* Pakistan Muslim League (N)
10. Mr. Ajmal Khattak's letter dated 29-9-1993 against Pakistan People Party and its leaders.

#### ORDER

Justice (Retd) Naimuddin, the Chief Election Commissioner

In the morning Mr. Muhammad Akram Sheikh, Advocate stated that

Mr. Iqbal Haider, Advocate would not be able to come today as per information conveyed to him. He also sought our leave not to be present. Only Mr. Tariq Mehmood is present for Mr. Mushahid Hussain for Pakistan Muslim League. No other person or party is present or represented before us, although all these cases are fixed for hearing today and all the parties have been issued notices or the cases were adjourned for today in their presence.

2. We dispose of all these cases by a general order which follows. However, if any person or party wishes that his case may be excluded from this order and should be dealt with separately, should apply for the same. He or it will be excluded from this order and will be heard especially.

3. These are complaints from some of the political parties, their leaders or representatives against violation of the provisions of the Code of Conduct framed by the Election Commission in 1993.

4. The Code of Conduct was first prepared for the elections of 1990 in consultation with all the political parties, who attended the proceedings for allocation of symbols to the political parties. Six more clauses were added for the 1993 Elections. New clauses were also added with the consensus of the political parties and their representatives, who attended the proceedings for allocation of symbol to the parties for 1993 Elections.

5. The provisions of Code of Conduct are based on: (A) Article 63(1) of the Constitution which provides that a person shall be disqualified from being elected or chosen as a member of Majlis-e-Shoora (Parliament) if:—

- (a) he is of unsound mind and has been so declared by a competent court; or
- (b) he is an undischarged insolvent; or
- (c) he ceases to be a citizen of Pakistan, or acquires the citizenship of a foreign State; or
- (d) he holds an office of profit in the service of Pakistan other than an office declared by law not to disqualify its holder; or
- (e) he is in the service of any statutory body or any body which is owned or controlled by the government or in which the Government has a controlling share or interest; or

- (f) being a citizen of Pakistan by virtue of section 14B of the Pakistan Citizenship Act, 1951 (II of 1951), he is for the time being disqualified under any law in force in Azad Jammu and Kashmir from being elected as a member of the Legislative Assembly of Azad Jammu and Kashmir ; or
- (g) he is propagating any opinion, or acting in any manner, prejudicial to the Ideology of Pakistan, or the sovereignty, integrity or security of Pakistan, or morality, or the maintenance of public order, or the integrity or independence of the judiciary of Pakistan, or which defames or brings into ridicule the judiciary or the Armed Forces of Pakistan ; or
- (h) he has been, on conviction for any offence which in the opinion of the Chief Election Commissioner involves moral turpitude, sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his release ; or
- (i) he has been dismissed from the service of Pakistan on the ground of misconduct, unless a period of five years has elapsed since his dismissal ; or
- (j) he has been removed or compulsorily retired from the service of Pakistan on the ground of misconduct unless a period of three years has elapsed since his removal or compulsory retirement ; or
- (k) he has been in the service of Pakistan or of any statutory body or any body which is owned or controlled by the Government or in which the Government has a controlling share or interest, unless a period of two years has elapsed since he ceased to be in such service ; or
- (l) he is found guilty of a corrupt or illegal practice under any law for the time being in force, unless a period of five years has elapsed from the date on which that order takes effect ; or
- (m) he has been convicted under section 7 of the Political Parties Act 1962 (III of 1962), unless a period of five years has elapsed from the date of such conviction ; or
- (n) he, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account or as a member of

a Hindu undivided family, has any share or interest in a contract, not being a contract between a cooperative society and Government, for the supply of goods to, or for the execution of any contract or for the performance of any service undertaken by Government :

Provided that the disqualification under this paragraph shall not apply to a person—

- (i) where the share or interest in the contract devolves on him by inheritance or succession or as a legatee, executor or administrator, until the expiration of six months after it has so devolved on him ;
- (ii) where the contract has been entered into by or on behalf of a public company as defined in the Companies Ordinance, 1984 (XLVII of 1984), of which he is a share-holder but is not a director holding an office of profit under the company : or
- (iii) where he is a member of a Hindu undivided family and the contract has been entered into by any other member of that family in the course of carrying on a separate business in which he has no share or interest : or

*Explanation.*—In this Article “goods” does not include agricultural produce or commodity grown or produced by him or such goods as he is, under any directive of Government or any law for the time being in force, under a duty or obligation to supply.

- (o) he holds any office of profit in the service of Pakistan other than the following offices, namely :—
  - (i) an office which is not whole time office remunerated either by salary or by fee ;
  - (ii) the office of Lumbardar, whether called by this or any other title ;
  - (iii) the Qaumi Razakars ;

- (iv) any office the holder whereof, by virtue of such office, is liable to be called up for military training or military service under any law providing for the constitution or raising of a Force; or
- (p) he is for the time being disqualified from being elected or chosen as a member of the Majlis-e-Shoora (Parliament) or of a Provincial Assembly under any law for the time being in force.

This Article in sub article provides that: if

any question arises whether a member of the Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker or, as the case may be, the Chairman shall refer the question to the Chief Election Commissioner and, if the Chief Election Commissioner is of the opinion that the member has become disqualified, he shall cease to be a member and his seat shall become vacant”.

(B) Chapter VIII pertaining to Offences, Penalty and Procedure, particularly section 78 of the Representation of the People Act, 1976 which reads:—

6. “78. *Corrupt practice.*—A person is guilty of corrupt practice if he—

- (1) Contravenes the provisions of section 49;
- (2) is guilty of bribery, personation or undue influence;
- (3) makes or publishes a false statement—
  - (a) concerning the personal character of a candidate or any of his relation calculated to adversely affect the election of such candidate or for the purpose of promoting or procuring the election of another candidate, unless he proves that he had reasonable grounds for believing, and did believe, the statement to be true;
  - (b) relating to the symbol of a candidate whether or not such symbol has been allocated to such candidate;

- (c) regarding the withdrawal of a candidate; or
  - (d) of assets and liabilities or a declaration specified in subsection (2) of section 12.
- (4) calls upon or persuades any person to vote, or to refrain from voting, for any candidate on the ground that he belongs to a particular religion, province, community, race, caste, bradari, sect or tribe;
  - (5) knowingly, in order to support or oppose a candidate, lets, lends, employs, hires, borrows or uses any vehicle or vessel for the purposes or conveying to or from the polling station any elector except himself and members of his immediate family; or
  - (6) causes or attempts to cause any person present and waiting to vote at the polling station to depart without voting."

7. "82. *Penalty for corrupt practice.*—Any person guilty of corrupt practice shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to ten thousand rupees, or with both."

8. It will be seen from Article 63 of the Constitution quoted above that Chief Election Commissioner can take action only on a reference being made against a member of the National Assembly or Provincial Assembly or the Senate by the Speaker of the Assembly or as the case may be by the Chairman of the Senate. Similarly, action under Chapter VIII for "corrupt practice" can be taken by a Tribunal appointed under section 57 of the Representation of People Act. Such being the provisions of the Constitution or law, we could only convert the Code of Conduct into an order passed under section 103(c) of the Representation of People Act so that a breach thereof could be visited by an action under section 103-A of the Representation of People Act.

9. However, only one clause namely, clause 13 was added in exercise of powers under section 103(c) of the Representation of the People Act, which reads as follows :—

- (13) The political parties and their candidates shall not hold public meetings or rallies on main streets, roads and chowks to avoid traffic jams and public inconvenience.

10. Since it was an order passed in exercise of powers under the Representation of the People Act, the breach of such order could entail consequences under sections 3 and 4 of the Contempt of Court Act. Threat to violate the provision of this clause was publicized in the newspapers. Consequently, show cause notices were issued to a candidate who threatened to violate the Code of Conduct but on his expressing regret, the matter was dropped.

11. The complaints also involved a number of advertisements in the press making allegation which could be termed as libellous or defamatory by some party leaders or by other persons.

12. The Election Commission noticed the advertisements with some concern.

13. *Prima facie* three courses were open to the Election Commission

- (1) to convert the Code of Conduct, as stated before, into an Order passed by the Election Commission in exercise of power conferred under section 103(c) of the Representation of the People Act, the violation whereof could be dealt with under section 103A of the Representation of the People Act, 1976. Section 103(c) provides as follows :—

“103. Commission to ensure fair election, etc. — provided, that the Commission may—

(a) .....

(b) .....

(c) issue such instructions and exercise such powers, and make such consequential orders, as may in its opinion be necessary for ensuring that an election is conducted honestly, justly and fairly, and in accordance with the provisions of this Act and the rules.

Section 103-(A) reads :—

*Power of Commission to punish for contempt.*—The Commission shall have the same power as the High Court has to punish any person for contempt of court and the Contempt of Court Act, 1976 (XLIV of 1976) shall have effect accordingly as if reference therein to “court” and a “judge” were a reference, respectively to the “Commission” and the Commissioner or, as the case may be a member of the Commission.”



- (2) to appeal to the good sense of the party leaders to avoid violation of Code of Conduct and leave it to their good judgment. This course the Election Commission did adopt and did so repeatedly, and
- (3) the third course was to leave the parties to have recourse to court of law for action in libel or defamation.

14. Yet another course, which the Election Commission considered more advisable was to leave the matter to be judged by the voters in particular and the people of Pakistan in general. The advertisements, which appeared in newspapers, were intended for the voters who could read newspapers and such voters have high sense of judgment and they could pass judgment on the propriety of such advertisements by voting or not voting for the party or candidate deemed or appeared to be responsible for that. We feel the voters and people at large have not appreciated such kind of advertisements. Indeed they have perceptibly and imperceptibly reflected their opinion at the polls for those who indulge in such uncalled for advertisements by reducing their margin of votes. Since elections are over and people have passed their verdict, therefore, we do not consider it necessary to further proceed in these matters, but leave those who still feel aggrieved by such advertisements to have recourse to court of law if they have not already done so.

15. We think that some amendments in the law, particularly in Representation of People Act are indicated in this regard.

16. We also caution the press that they should have adviser legal or otherwise who would be in a position to properly advise whether publication of such advertisement was useful to the electoral process or conducive to a healthy electioneering or in the interest of the owners, editors and publishers of the newspapers themselves.

Sd. -

(JUSTICE (RETD.) NIAMUDDIN)  
*Chief Election Commissioner.*

Sd. -

(JUSTICE SH. RIAZ AHMAD)  
*Member Election Commission.*

Sd. -

(JUSTICE MUHAMMAD BASHIR JEHANGIRI)  
*Member Election Commission.*

ISLAMABAD :

"The 23rd October, 1993."

7. The Election Commission took *suo moto* notice of a news item appeared in the Press on 26th August, 1993 in which it was purported to have been stated by Sh. Rashid Ahmed, a candidate for election to the National Assembly from Constituency No. NA-38 Rawalpindi-III that Pakistan Muslim League (Nawaz Group) has rejected the order passed by the Election Commission whereby the political parties and their candidates were advised not to hold public meetings and rallies on main streets, roads and chowks.

8. The Commission asked Sh. Rashid Ahmed to confirm as to the veracity or otherwise of the said statement within three days. Sh. Rashid Ahmed appeared in person before the Election Commission on 4th September, 1993 and assured that he would abide by the Code of Conduct. The Commission accepted his apology and assurance in this behalf.

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## CHAPTER XX

### THE BALLOT PAPERS

“At the bottom of all tributes paid to democracy is the little man, walking into a little booth, with a little pencil, making a little cross on a little bit of paper. No rhetoric or voluminous discussion can possibly diminish the overwhelming importance of the point”

Sir Winston Churchill

Ballot is a mean to achieving the end of political consultation with the voter. It is a popular device in the whole texture of democracy. When used freely and without fear, it symbolises with the freedom of choice and bestows upon the voter, the pride of participation in the building of the most august institution, the Parliament, of the country.

2. Secrecy is the main attribute of ballot without which the elector cannot relish the freedom of exercising his right of choice according to his free will. In Pakistan too the ballot is secret. Article 226 of the Constitution provides that all elections under the Constitution shall be by secret ballot. Section 28 of the Representation of the People Act, 1976 provides that all elections to the National Assembly and the Provincial Assemblies shall be by secret ballot and every elector shall cast his vote in the prescribed form. As provided under rule 11 of the Representation of the People (Conduct of Election) Rules, 1977, the ballot paper for Muslims is in Form-VI and for the non-Muslims in Form-VI-A. Separate forms of ballot paper have been prescribed on the basis of separate electorate for the Muslims and the non-Muslims.

3. The ballot paper is divided into two portions by perforation: the counterfoil and main ballot paper. The counterfoil contains the serial number of ballot paper, number and name of constituency to which it relates, the serial number of voter on the electoral roll, number of National Identity Card of the voter, part of the electoral rolls, name of electoral area and thumb impression of the voter. The main body of the ballot paper contains the number and name of the constituency to which it relates, names of contesting candidates, duly arranged in alphabetical order of Urdu language, and against the name of each candidate, the symbol allocated to him by the Returning Officer. In order to maintain secrecy of ballot, no serial number or any other marks or words are printed on the ballot paper. Symbols are provided to the contesting candidates and political parties with the objective that voters can easily identify the candidates of their choice. This device is more beneficial in case of common voters having low literacy level.

4. There are two main methods of voting, *i.e.* balloting system and the marking system. The existing ballot paper was introduced in the electoral systems of Pakistan after experimenting different methods of voting. These systems have been explained in the reports of previous elections. The mechanics of the two systems are briefly explained hereunder:—

### **Balloting System**

5. Under the balloting system, a voter is given a ballot paper, containing the number and name of the constituency, but without names and symbols of the candidates contesting the election. As many ballot boxes are placed at the polling station as are the number of contesting candidates. Each ballot box bears code No. of province and a label showing prominently the name and symbol allocated to a candidate. The boxes are placed in a screened-off compartment. The voter proceeds to the compartment and inserts his ballot paper in the box of the candidate for whom he wishes to vote. To maintain the secrecy, he puts the ballot paper in the ballot box of the candidate of his choice without being seen by any of the polling staff or the candidate or his election agent. This system was adopted in Pakistan for elections to the Provincial Assemblies held in 1951 and 1954 and for elections to the Electoral College in 1960 and 1964.

### **Marking System**

6. Under the marking system, separate ballot paper containing the names of all the contesting candidates, together with their symbols, are printed for each constituency. The voter is required to make a mark with a pen, pencil or any other marking aid or instrument in the space provided against the name of the candidate for whom he wishes to vote, without being seen by any one in the screened-off compartment. He is then required to insert the ballot paper in a ballot box which is common for all candidates and which is placed within the sight of the Presiding Officer and polling agents. To maintain the secrecy of ballot, the voter proceeds to the screened-off compartment for the purpose of putting the mark on the ballot paper against the name of the candidate for whom he wishes to vote. Unlike the balloting system, he puts the marked ballot paper, duly folded, into the ballot box within the sight of the polling officials. This system was adopted in Pakistan for the general elections held in 1962, 1965, 1970, 1985, 1988 and 1990 and for the general elections under report.

### **Merits and Demerits of Two Systems**

7. Merit of the balloting system is that it is simple and easily understood by illiterate voters as they are not required to mark it in any manner. Its printing can be arranged even before the commencement of election process

as the names of candidates do not appear on it. Its demerits, however, outweigh its merits. Firstly, a large number of boxes with different symbols have to be arranged for each candidate at each polling booth. Secondly, the possibility of transferring the ballot papers from the box of one candidate to that of another, before the count, cannot be ignored. Lastly, a voter may spoil the ballot papers of his rival candidate by pouring any injurious substance into the ballot box of opposing candidate. These risks are largely avoided in the marking system under which the ballot box is placed before the Presiding Officer and the ballot paper has to be put into the ballot box by the voter within the sight of the Presiding Officer and the polling agents of the candidates. This system has been embodied in the existing law under section 33 of the Representation of the People Act, 1976 and rule 17 of the Representation of the People (Conduct of Election) Rules, 1977. Under this system, the elector, immediately after receipt of the ballot paper, proceeds to the screened-off compartment and puts the mark by a marking aid (rubber stamp) on the ballot paper in the space containing the name and symbol of the candidate for whom he wishes to vote. The marking aid containing nine squares is provided by the Election Commission at each booth of a polling station. No other marking aid, except the rubber stamp provided by the Commission, is allowed to be used for marking the ballot paper.

#### **Basis For Requirement of Ballot Papers**

8. The ballot papers are printed in the shape of books, each book containing 100 ballot papers. The requirement of ballot papers is worked out on the basis of actual voting strength assigned to all the booths at a polling station rounded off to the next hundred. This provides a realistic basis for the supply of ballot papers at a booth; and in the shape of rounding off the number of ballot papers, provision is made for covering unforeseen contingencies.

9. Every elector is required to cast his vote twice at a general election: first for the National Assembly election followed by election to the Provincial Assembly. The number of ballot papers is, therefore, calculated at the rate of double the number of registered voters.

#### **Magnitude of task of printing and distribution of Ballot Papers**

10. The adoption of marking system for 1993 general elections necessitated printing of separate ballot papers for each constituency of the National Assembly and the Provincial Assemblies. The magnitude of task can well be judged from the fact that a total number of approximately 108.081 million ballot papers were printed for 5,23,26,021 electors of 667 constituencies of the Muslims and 33 constituencies of the non-Muslims in the National Assembly and the Provincial Assemblies and distributed to 34,106 polling

stations, having 1,16,278 booths, throughout country for elections to the National Assembly held on October 6, 1993 and to the four Provincial Assemblies held on October 9, 1993. Following shaping of the final list of contesting candidates, the ballot papers are got printed in a span of 22 days only. This, by no means, is an easy task. The printing and distribution of ballot papers had, therefore, to be planned in advance carefully and meticulously keeping in view the requirement of each province, printing capacity of the presses, security at the printing presses, security during transportation, distances involved, logistics and other ancillary matters.

### **Format And Design of Ballot Papers**

11. The format and design of the ballot paper for 1993 general elections was the same as was prescribed for 1990 general elections and was adopted as per following specifications:—

- (1) Names on the ballot papers are printed in Urdu calligraphy (Nastaaliq).
- (2) Width of the ballot paper is 3-3/16”.
- (3) Maximum length of a ballot paper having eight names is 14-1/4”.
- (4) The length of ballot paper varies according to the number of candidates. A ballot paper having more than eight names has double columns with names evenly divided between the columns. Space against the last name of second column, if blank, is filled by diagonal pattern (double lines).
- (5) Length of the counterfoil of single column ballot paper is 3-1/2” and the space for the number and name of constituency on the ballot paper commencing from perforation line is 1/2”.
- (6) Perforation line is a dotted line.
- (7) Space for the name and symbol of each candidate is 1-1/4”.
- (8) A thick black bar divides the space for the name and symbol of each candidate on the ballot paper.
- (9) The symbols is 1”x1” size (horizontal or vertical) and easily distinguishable. The blocks of symbols available with the Printing Corporation of Pakistan are utilized for the printing of ballot papers. The Pakistan Security Printing Corporation does not

require the blocks. The symbols used by the Printing Corporation of Pakistan and Pakistan Security Printing Corporation are identical in shape and size.

- (10) National Identity Card number of each voter is recorded on the counterfoil of each ballot paper and for that purpose, a frame with 13 boxes, is provided on the counterfoil below serial number.
- (11) Blocks of revised list of 96 symbols are available with the Pakistan Security Printing Corporation, Karachi. The Printing Corporation of Pakistan arranged to obtain these blocks from the Pakistan Security Printing Corporation in requisite numbers.

### Printing Arrangements

12. The printing arrangements were as under :—
- (i) The printing of ballot papers and posters for Muslims was assigned to the Printing Corporation of Pakistan and Pakistan Security Printing Corporation in the ratio of 50 : 50.
- (ii) The printing of postal ballot papers for Muslims and non-Muslims for Punjab, NWFP and Baluchistan was completed at the Printing Corporation of Pakistan Presses. Three types of envelopes (Form-IX, X and large cover) for the provinces were printed at Printing Corporation of Pakistan, Press, Lahore and were delivered by them to the Provincial Election Commissioners. The postal ballot papers (Form-VII for Muslims and Form-VII-A for non-Muslims) for Sindh were printed by Pakistan Security Printing Corporation, Karachi and for Baluchistan at Printing Corporation of Pakistan Press, Karachi. Charts of symbols were printed by the Pakistan Security Printing Corporation, Karachi and supplied to four provinces.
- (iii) The ballot papers for the four different communities of the non-Muslims were printed in shades for the sake of distinction in the following colours for election to the National Assembly and the Provincial Assemblies :—
- |                                      |      |
|--------------------------------------|------|
| (a) Christians.....                  | Pink |
| (b) Hindus and Scheduled Castes..... | Blue |

- (c) Sikhs, Buddhists, Parsis and other non-Muslims. .... Green
- (d) Persons belonging to the Qadiani group or Lahore group (who call themselves Ahmadis). Yellow
- (iv) The ballot papers and posters for non-Muslims seats were printed by the Printing Corporation of Pakistan Press, Karachi.
- (v) The arrangements of paper were made by the Pakistan Security Printing Corporation and Printing Corporation of Pakistan jointly at the competitive rates as was done in 1990.
- (vi) Suitable quantity of wrapping papers was used as title page of the ballot paper for Muslims and different categories of the non-Muslims.
- (vii) Army security was arranged at the Pakistan Security Printing Corporation and Printing Corporation of Pakistan Presses Islamabad, Lahore and Karachi.
- (viii) A request was made to Water and Power Development Authority and Karachi Electric Supply Corporation to avoid load-shedding at presses during the printing process and the Printing Corporation of Pakistan was requested to arrange Generators to avoid delay in case of failure of electricity.
- (ix) A team of officers of the Election Commission was stationed at each press to ensure that the ballot papers are printed according to the approved specifications and to monitor the progress of work. The printing of ballot papers for National Assembly and Provincial Assemblies constituencies was carried out simultaneously and their despatch to the Provincial Headquarters was so arranged that the ballot papers of National Assembly constituencies was made first followed by the ballot papers for Provincial Assemblies constituencies.
- (x) The Provincial Election Commissioners placed orders for printing of ballot papers for each constituency of the National Assembly and Provincial Assemblies with the concerned presses with a copy to the Election Commission and the head of the press.



### Distribution of Work

13. The printing work was distributed as stated before between the Printing Corporation of Pakistan and the Pakistan Security Printing Corporation in the ratio of 50 : 50 as under :

PAKISTAN SECURITY PRINTING CORPORATION, KARACHI	PRINTING CORPORATION OF PAKISTAN
(1) Sindh	(1) N.W.F.P.
(2) Baluchistan	(2) FATA
(3) Bahawalpur Division	(3) Rawalpindi Division
(4) Multan Division	(4) Sargodha Division
	(5) D.G. Khan Division
	(6) Gujranwala Division
	(7) Lahore Division
	(8) Faisalabad Division
	(9) Non-Muslims constituencies of the National Assembly and the Pro- vincial Assemblies.

14. The ballot papers printed by the Pakistan Security Printing Corporation was supplied to the District Returning Officers in the following order of priority:—

Priority No.	Name of Division District
(1)	Makran Division
(2)	Kalat Division
(3)	Zhob Division
(4)	Quetta Division
(5)	Sibi Division
(6)	Nasirabad Division
(7)	Multan Division
(8)	Bahawalpur Division
(9)	Larkana Division
(10)	Sukkur Division
(11)	Hyderabad Division
(12)	Mirpurkhas Division
(13)	Karachi Division

15. The printed ballot papers were supplied by the Printing Corporation of Pakistan to the District Returning Officers concerned in the following order of priority:—

Priority No.	Name of Division/District
--------------	---------------------------

**PRINTING CORPORATION OF PAKISTAN PRESS,  
ISLAMABAD**

- (1) Malakand Division
- (2) Mansehra Division
- (3) Bannu Division
- (4) Hazara Division
- (5) D.I. Khan Division
- (6) FATA
- (7) Kohat Division
- (8) Mardan Division
- (9) Peshawar Division
- (10) Federal Capital Islamabad
- (11) Rawalpindi Division

**PRINTING CORPORATION OF PAKISTAN PRESS,  
LAHORE**

- (1) Lahore Division
- (2) D.G. Khan Division
- (3) Faisalabad Division

**PRINTING CORPORATION OF PAKISTAN PRESS,  
KARACHI**

- (1) Non-Muslim seats in the National Assembly
- (2) Non-Muslim seats in Provincial Assemblies
- (3) Gujranwala Division
- (4) Sargodha Division

16. The ballot papers for Chitral were airlifted from Peshawar and for Makran were airlifted from Karachi. The ballot papers for National Assembly constituencies were lifted first followed by the ballot papers for the Provincial Assembly constituencies. In case the ballot papers of Provincial Assembly

constituencies were already lying printed, these were transported together with the ballot papers for the National Assembly.

17. Close liaison was maintained with the PCP and PSPC by Election Commission and Provincial Election Commissioners on hot lines to avoid any delay in printing and despatch.

18. Special arrangements were made for transportation of ballot papers for certain areas as below:—

- (i) Ballot papers of Makran Division were airlifted from Karachi.
- (ii) Transportation of ballot papers in respect of Lasbela, Khuzdar, Kalat, Quetta, Kachhi, Sibi, Dera Murad Jamali, Dera Allah Yar were made from Karachi by NLC Trucks escorted by Army guard delivering ballot papers enroute; and
- (iii) The ballot papers of Quetta, Zhob Division, Chagai, Kharan, Ziarat and Kohlu district were unloaded at Quetta and thereafter were transported by the District Returning Officers through private trucks duly escorted by the Army guards to their respective districts.

### **Packing of Ballot Paper**

19. Packing and delivery of ballot paper was made as under:—
- (a) The ballot papers were packed in wooden crates of two or more different sizes with proper rimming. The rimming contained a seal of the printers at the joining points.
  - (b) Water-proof internal packing of ballot papers was carried out.
  - (c) The number and name of constituency and the No. of crate for a constituency was indicated on each crate.
  - (d) A duly authorised representative of the Election Commission, the District Returning Officer (preferably Assistant Returning Officer) the Deputy Commissioner (preferably a Magistrate) received the ballot papers, properly packed, at the press and arranged the transportation of ballot papers to destination under police/army escort, with the assistance of the Deputy Commissioner concerned.

20. The arrangements discussed above are, *mutatis mutandis*, the same as adopted in 1988 and 1990.

### **Special Supervisory Teams**

21. Special supervisory teams comprising officers of the Election Commission were constituted to supervise the entire process of printing and despatch of ballot papers at Presses. These teams remained stationed in the Presses round-the-clock and supervised the printing, packing and despatch without a single lapse or fault.

### **Army Guard**

22. The Election Commission arranged Army guard at the Pakistan Security Printing Corporation Press, Karachi and the Printing Corporation of Pakistan Presses at Karachi, Lahore and Islamabad during the printing of ballot papers.

### **Stand-by Arrangements**

23. We could not afford even a remote possibility of break-down in the printing of ballot papers. To meet any risk, stand-by arrangements were made, as a precautionary measure, with the Provincial Government Presses at Karachi, Lahore and Peshawar; Water and Power Development Authority (WAPDA) Press and the Railway Press at Lahore in case a necessity arises.

### **Arrangements in case of Power Break Down**

24. In order to meet any eventuality about the break-down of electricity, the Commission made special requests to WAPDA for making fool-proof arrangements during the printing of ballot papers and as an alternate, generators were provided for at the premises of the Presses.

### **Total number of ballot papers**

25. The total number of ballot papers (excluding the postal ballot papers) printed for 207 Muslim constituencies of the National Assembly and 460 Muslim constituencies of all the four Provincial Assemblies was 10,48,95,200 while 31,86,125 ballot papers were printed for non-Muslims both for election to the National Assembly and the Provincial Assemblies. Thus the



total number of ballot papers comes to 10,80,81,325. The following table would show the detailed break up of these ballot papers:—

### TOTAL REQUIREMENT OF BALLOT PAPERS FOR NATIONAL PROVINCIAL ASSEMBLIES CONSTITUENCIES

Province/Area	Muslims	Non-Muslims	Grand Total
National Assembly		16,00,975	16,00,975
Islamabad	2,18,900	—	2,18,900
Punjab	6,33,95,100	6,46,600	6,40,41,700
Sindh	2,27,64,100	8,79,200	2,36,43,300
NWFP	1,28,09,800	23,200	1,28,33,000
FATA	36,200	—	36,200
Baluchistan	56,71,100	36,150	57,07,250
Total:—	10,48,95,200	31,86,125	10,80,81,325

### Comparative Statement

26. The following comparative statement would show the number of registered voters and the ballot papers printed for the general elections held in 1970, 1985, 1988, 1990 and 1993:—

	General Elections 1970	General Elections 1985	General Elections 1988	General Elections 1990	General Elections 1993
Number of registered voters	*5,69,41,500	3,43,96,661	4,80,61,670	4,86,48,960	5,23,26,021
Total Number of ballot papers printed for elections to the National and Provincial Assemblies	14,07,66,400	8,39,10,000	11,43,38,000	11,17,29,150	10,80,81,325

Figures pertain to united Pakistan in 1970

27. It may be stated that total number of printed ballot papers, *i.e.* 10,80,81,325 is more than double the actual number of voters, *i.e.* 5,23,26,021 but it is due to the fact that since every voter casts his vote twice, *i.e.* each on the occasion of the National Assembly election and the Provincial Assembly

election, the printing of ballot paper is essentially required to be made in double quantity. Since the ballot papers are provided at the polling station in the shape of ballot papers books, each containing 100 ballot papers, the quantity thereof for each polling station is required to be rounded off to next hundred which also provides for the unforeseen contingencies.

28. It will be seen that for the earlier two general elections, the ratio of extra ballot papers printed was comparatively on the high side. For the 1993 general elections, 10,80,81,325 ballot papers were got printed while for the 1990 general elections, the number of ballot papers was 11,17,29,150. Ballot papers printed for the 1993 general elections were less in number than the 1990 general elections despite the fact that the voting strength had increased by 36,47,825. Less number of ballot papers was printed in 1993 general elections to economise the expenditure.

### Postal Ballot Papers

29. The facility of postal ballot papers is extended in Pakistan to a person in the service of Pakistan if his place of posting is different from the place where he is registered as voter, the wife and such of his children as are enrolled as voters and reside ordinarily with him and a person who is detained in prison or held in other custody. In addition, persons who are appointed as polling staff and police personnel on duty at the polling stations are also entitled to cast their votes by postal ballot.

### Requirement of Postal Ballot Papers

30. The requirement of postal ballot papers was worked out on the following basis:—

#### MUSLIM CONSTITUENCIES

Name of Assembly Area	Number of postal ballot papers per constituency
(1) National Assembly	2,000
(2) Provincial Assemblies	1,000
(3) F.A.T.A	500

## NON-MUSLIM CONSTITUENCIES

Name of Community	Number of postal ballot papers	
	National Assembly	Provincial Assembly
1. Christians.	4,000 per R.O. and 2,000 per A.R.O.	2,000 per R.O.
2. Hindus and Scheduled Castes.	4,000 per R.O. and 2,000 per A.R.O.	2,000 per R.O.
3. Sikh, Budhist, Parsi and other non-Muslims.	800 per R.O. and 400 per A.R.O.	200 per R.O.
4. Persons belonging to Quadiani group or the Lahori group (who call themselves Ahmadis)	800 per R.O. and 400 per A.R.O.	200 per R.O.

**Number of Postal Ballot Papers Printed**

31. On the basis mentioned above, 984,400 postal ballot papers for Muslims and 61,875 postal ballot papers for non-Muslims for election to the National Assembly and the Provincial Assemblies were printed and supplied to the Returning officers. The province-wise detail of postal ballot papers supplied for Muslims and non-Muslims is as under:—

Name of Province	No. of postal ballot papers for Muslims	No. of postal ballot papers for non-Muslims
(1) Punjab	519,200	32,600
(2) Sindh	106,000	11,000
(3) NWFP	222,200	6,275
(4) Baluchistan	137,000	12,000
Total:—	984,400	61,875

32. Total number of postal ballot papers printed during four general elections is given below:

Name of Province Area	1985	1988	1990	1993
Federal Capital	5,500	320,000	499,600	551,800
Punjab	762,700			
Sindh	280,000	—	204,800	117,000
NWFP	149,900	411,000	146,800	228,475
FATA	1,100	2,000	—	—
Balochistan	50,800	80,000	72,800	149,000
Total:	1,250,000	813,000	924,000	1,046,275

33. The total number of valid votes cast by postal ballot during the six general elections to the National Assembly is tabulated below for comparison:

Name of Province/Area	Number of Valid Postal Ballot					
	1970	1977	1985	1988	1990	1993
Federal Capital	—	37	191	104	17	28
Punjab	26,146	19,412	28,703	33,783	37,398	38,824
Sindh	8,227	4,829	8,275	14,752	8,089	4,442
NWFP	5,229	10,224	8,338	10,762	14,772	16,177
Balochistan	407	—	1,291	3,235	3,351	2,374
Total:	40,009	34,518	46,823	62,641	63,635	61,845

#### Allegation Regarding Misuse of Ballot Papers

34. From the above table it is discernible that this time the postal ballot papers were less cast by 1790 than the previous election while the voting strength had increased by 36,77,061. The average of postal ballot papers if divided per constituency, comes to a little over eight votes.

35. The ballot papers were printed and transported from the press to the polling stations under strict security arrangements, and the quantity so



printed is properly accounted for at each stage of delivery and use. The same procedure and arrangements for printing and transportation of ballot papers were made for this election as were made for 1990 general elections. In addition, proper account of the ballot papers is maintained by the Provincial Election Commissioners for payment of bills and also by the printing presses for billing purpose, the Returning Officer of each constituency and finally by the Presiding Officer of each polling station in the form prescribed under the rules. Copies thereof are required to be preserved by the Presiding Officers in the polling bags and are also given by them to the Polling Agents of each candidate. It is, therefore, practically not possible to misuse the ballot papers at any stage of elections. The ballot papers printed for one constituency cannot be used in other constituency for the reason that number and name of each constituency which is different in each case, is printed both on the ballot paper and the counterfoil. Moreover, the names and symbols of contesting candidates, printed on a ballot paper of a constituency, cannot be similar to those of the other constituencies.

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## CHAPTER XXI

## THE POLL

Polling is the climax of all political interactions of democratic phenomenon called election. A set of election laws embody the procedure relating to polling which, in fact, is the action whereby eligible voters converge to polling station to exercise the right of franchise. On this day culminate all efforts of those who administer the polling and those who participate in the demonstration of democratic right.

**Dates of Poll**

2. In accordance with the polling dates set out in the notifications issued under section 11 of the Representation of the People Act, 1976, the poll for Muslim and non-Muslim seats in the National Assembly took place on Wednesday, the 6th October, 1993, whereas the poll for election of the Muslim and non-Muslim members of the four Provincial Assemblies was held on Saturday, the 9th October, 1993.

**Polling Hours**

3. The Election Commission is empowered under section 26 of the Act to prescribe the duration of the poll which shall not be less than eight hours. It was decided that ten hours poll shall be held from 07.30 A.M. to 05.30 P.M. without any interval on both the polling days.

**Weather**

4. The nature was beneficent, as fair weather prevailed all over the country on the polling days and polls were held smoothly and without any interruption or hindrance.

**Polling Stations and Polling Booths**

5. There were 5,23,26,021 registered voters for election to the National Assembly. With a view to holding the election in an orderly and smooth manner, 34,106 polling stations with 1,16,278 polling booths were established throughout the country.

6. Likewise, 33,924 polling stations having 1,15,695 booths were set up for 5,20,73,635 registered voters for Provincial Assemblies. Province-wise break-up is as follows:—

Provincial Assembly	Number of voters	Polling Stations	Polling Booths
Punjab	3,08,99,314	21,366	73,672
Sindh	1,20,11,935	6,700	23,591
N.W.F.P.	63,85,908	4,198	13,734
Baluchistan	27,76,478	1,660	4,698
Total:	5,20,73,635	33,924	1,15,695

### List of Polling Stations

7. Pursuant to the provisions of section 8 of the Act, the Returning Officers published in the official Gazette lists of polling stations specifying the electoral area the electors whereof will be entitled to vote at each polling station fifteen days before the polling days.

### Polling Personnel

8. In all 34,106 Presiding Officers, 1,16,278 Assistant Presiding Officers and 2,32,556 Polling Officers were appointed to supervise election to the National Assembly.

9. Similarly, 33,924 polling stations with 1,15,695 polling booths were manned by 33,924 Presiding Officers, 1,15,695 Assistant Presiding Officers and 2,31,390 Polling Officers to take care of casting of votes by the electorate relating to Provincial Assemblies elections, as per following detail:—

Provincial Assembly	Presiding Officers	Assistant Presiding Officers	Polling Officers
Punjab	21,366	73,672	1,47,344
Sindh	6,700	23,591	47,182
N.W.F.P.	4,198	13,734	27,468
Baluchistan	1,660	4,698	9,396
Total:	33,924	1,15,695	2,31,390

10. One Presiding Officer was put in charge of a polling station. He was assisted by one Assistant Presiding Officer and two Polling Officers appointed for each polling booth. A provision of five per cent reserve staff was made to replace absentees, if any.

11. Presiding Officer is in charge of a polling station and is duty bound to conduct free, fair and orderly poll there at. With a view to enable him to perform his legal duties in a befitting manner, he is vested with wide powers. He is empowered to delegate his powers to an Assistant Presiding Officer who shall work under his command. He is authorized to call in aid the police force or any other law enforcing agency for keeping peace and order at the polling station assigned to him. He is invested with the powers of first class magistrate on the polling day(s) and can take cognizance of offences punishable under sections 80, 84, 85, 86 and 87 of the Act. Any person who misconducts himself or fails to obey any lawful order is liable to be removed from the polling station and can be arrested by a police officer without warrant if he attempts to re-enter therein. However, no voter can be deprived of his right of casting the vote.

### **Election Agents**

12. Section 22 of the Act regulates the appointment of election agent. Any one person, qualified to be elected a member can be appointed as election agent by a candidate. Such an appointment is subject to revocation by the candidate in writing at any time and fresh appointment can be made. The candidate having appointed his election agent is enjoined to give a notice of the appointment to the Returning Officer, giving details of agent's name, father's name and address. In case any candidate fails or does not choose to appoint an election agent, he can be allowed to work as his own election agent.

### **Polling Agents**

13. Section 23 of the Act and rule 10 of the rules made thereunder prescribe the mode of appointment of polling agents. It has been laid down that a candidate is permitted to appoint as many polling agents as there are polling booths at a polling station and give notice thereof in writing to the Presiding Officer. However, the number of polling agents appointed by each contesting candidate at a polling station shall not exceed the number of booths set up at that polling station. The primary role of polling agents is to identify the voters and thus prevent casting of bogus votes and to oversee the polling process. A proviso to section 23 of the Act was added *vide* Ordinance No. XLIX of 1997.

which required that the polling agent for a polling station had to be an elector of that electoral area. Subsequently, as identification of voter by means of National Identity Card was made compulsory by Ordinance No. V of 1990, there remained no need for the proviso, which was omitted by the same Ordinance.

### **Admission to Polling Station**

14. Admission to the polling station was regulated in accordance with the provisions of section 31 of the Act. Contesting candidates with their election agents and polling agents, persons on election duty and such other persons specifically permitted by the Returning Officer through entry passes were allowed to enter the polling station. Special passes were also issued by the Election Commission to its Officers as well as to the representatives of the local and foreign media and to foreign observers to observe the vote casting process. The Presiding Officers admitted such persons on production of prescribed passes, a specimen of which was already circulated.

### **Incapacitated or Blind Voter**

15. A concession was granted to the blind or otherwise incapacitated voter under sub-section (7) of section 33 of the Act, read with rule 18 of the rules made thereunder. Such an elector was allowed to take a companion, not below the age of 21, with him into the polling booth and that companion could do what the elector was required to do under the law. This facility was subject to the condition that the companion could not be the candidate himself or his agent.

### **Complaint Centre**

16. The Presiding Officer was instructed to display a placard captioned: "Please register complaints here" at or near his table, hear the complaints and dispose them of according to law.

### **Termination of Proceedings due to death**

17. Section 18 of the Act provides that in the event of death of a contesting candidate before the poll, the Returning Officer shall terminate the proceedings and fresh proceedings be taken up. In the following five constituencies of the National Assembly and one constituency of Provincial Assembly, Sindh election proceedings were terminated during the general

elections due to the death of one of the contesting candidates in each constituency.

*National Assembly*

- (1) NA-26 Malakand-cum-Dir
- (2) NA-34 Tribal Area-VIII
- (3) NA-60 Faisalabad-IV
- (4) NA-72 Toba Tek Singh-II
- (5) NA-123 Khanewal-III

*Provincial Assembly of Sindh*

- (6) PS-86 Karachi (South)-II

Fresh proceedings in the above six constituencies were notified on 20th October, 1993. The poll was held on 2nd December, 1993.

**Stopping the Poll**

18. The Presiding Officer could stop the poll under section 27 of the Act on account of obstruction or interruption thereof beyond his control that the poll could not be resumed during the polling hours. The Presiding Officer could take similar action in case of unlawful removal, accidental or intentional destruction or tampering of any ballot box to such an extent that it materially affected the result of the election. The Returning Officer, on receipt of an information from the Presiding Officer in this behalf, was required to report to the Election Commission which could direct fresh poll at the polling station.

**Polling Procedure**

19. An elaborate and foolproof polling procedure is prescribed under various provisions of the Act and the rules framed thereunder. As the first step, the empty boxes were opened and shown to the candidates or their election/polling agents and sealed in the balloting position in their presence. Statements in this behalf were recorded and their signatures were obtained thereon. The empty box was thus made ready to receive the ballot papers and placed on the table of the Presiding Officer so as to remain within the view of the Presiding Officer/Assistant Presiding Officer and the polling agents of all candidates.

20. A ballot box was designed to contain 1,000 to 1,200 ballot papers and was required to be replaced by another empty ballot box, after having been

filled to capacity. Under no circumstances, any ballot box was allowed to be removed from the table of the Presiding Officer/Assistant Presiding Officer.

21. At a polling booth, taking the poll was the responsibility of one Assistant Presiding Officer and two Polling Officers. The voters, on entering the booth, gave his name and number on the electoral roll to the first Polling Officer, who marked of the same in the electoral rolls after having been satisfied about the identity of the voter. This was considered sufficient to indicate that a ballot paper was issued to that voter.

22. The job of the second Polling Officer was to put a mark with indelible ink on the hand of the voter. As the elections to the National and Provincial Assemblies were scheduled to be held on 6th and 9th of October, 1993 respectively with only two days in between, it was decided that the mark in the case of National Assembly election will be put on the right hand thumb, and if the thumb was missing, on any finger of the right hand. In case of Provincial Assembly, the mark will be put on the left hand thumb or any finger of the left hand, as the case may be.

23. Before issuance of the ballot paper to the voter, the Assistant Presiding Officer was empowered under the law to demand his original National Identity Card in support of his identification and punch the same in the middle of extreme right side for National Assembly poll and in case of Provincial Assembly poll another prick just near the hole already pricked for National Assembly poll facing the photograph and signature of the card holder. Special Punching Machine, unlike previous ones, was used this time to give a feeble prick to the NID card without causing damage to it. Photo copy of the National Identity Card was not allowed to be entertained. In order to verify the genuineness or otherwise of the identity card produced by a voter at the polling station, polling staff was imparted pre-election training by the staff of National Registration Organization, as also necessary instructions were issued by the Director-General Registration to the District Returning Officers. Persons holding forged identity cards were liable to be prosecuted for forgery and impersonation. Thereafter, the Presiding Officer was required to record on the counterfoil of the ballot paper, the number of National Identity Card, which was mandatory under the law; serial number of the electoral area; part of the electoral roll; and to obtain thumb impression of the elector. After that, the Presiding Officer stamped the counterfoil with official mark and signed it. Then the ballot paper was stamped on its back with official mark and signed before it was handed over to the voter. As under the law, ballot paper could only be marked with a rubber stamp (marking aid), each voter was supplied

with such a stamp which was not over-inked. The voter then entered the screened-off compartment provided at the booth and put the mark on the ballot paper with the 9-square stamp within the space provided against the name and symbol of the candidate of his choice. He was instructed to fold the ballot paper first vertically and then horizontally with a view to obviating the chances of smearing ink against the name of another candidate, and put the ballot paper into the ballot box placed within the view of the Assistant Presiding Officer and polling agents, before coming out of the booth. The voter was required to fold the ballot paper in such a way that the official mark at the back of the ballot paper was visible while inserting it into the box.

### **Secrecy of Ballot**

24. Article 226 of the Constitution, read with section 28 of the Act, ordains that elections shall be held by secret ballot. In order to achieve this objective, all necessary arrangements were made. Screened off compartment was provided at each polling booth and only the voter was allowed to enter it except in the case of an incapacitated or blind voter who was authorized by law to be accompanied by a companion. The voter was directed not to show the ballot paper after marking the same to anyone. Only one voter could enter the polling booth at one time and no one was allowed to assist him in casting his vote.

### **Safeguards against Impersonation**

25. Impersonation is the order of the day during elections. Various safeguards against this malpractice were provided under the law, the most effective being the production of National Identity Card at the time of issuance of the ballot paper. The offence of impersonation was made punishable under section 82 of the Act with imprisonment for a term which may extend to five years or with fine which may extend to ten thousand rupees or both. Besides putting of indelible ink mark also proved to be deterrent factor in this direction. Moreover, the presence of polling agents of the candidates played a major role in checking the evil of impersonation.

### **National Identity Card**

26. The concept of proving the identity of a voter by means of National Identity Card at the time of poll was at first introduced through the Representation of the People (Amendment) Ordinance, 1988 (Ordinance No. XIV of 1988), followed by Ordinance No. V of 1990 promulgated on August 26, 1990, whereby section 33 was amended. Subsequent legislations have kept



this provision intact. The mandatory production of identity card has helped in reducing the chances of casting of bogus votes, besides keeping the law and order situation under control.

### **Spoilt Ballot Paper**

27. Section 36 of the Act defines the spoilt ballot paper. It is issued by the Presiding Officer to an elector who has inadvertently so spoilt his ballot paper that it cannot be used as a valid ballot paper. The onus of proof of the fact of inadvertence lies on the elector to the satisfaction of the Presiding Officer. Thereafter, the elector returns the spoilt ballot paper and obtains another ballot paper from the Presiding Officer and casts his vote. The Presiding Officer shall forthwith cancel the ballot paper returned to him, make a proper note to that effect and place it in a separate packet having the label "Spoilt Ballot Papers".

### **Tendered Ballot Paper**

28. A tendered ballot paper is issued under section 34 of the Act to a voter whose vote has already been cast by another person, masquerading under his name. The voter casts his vote in the prescribed manner but it is neither put in the ballot box nor counted by the Presiding Officer. The Presiding Officer endorses thereon the name of the voter applying therefor and his number on the electoral roll and keeps it in a separate packet. Such packets, duly sealed, are sent to the Returning Officer who retains them in safe custody. Tendered ballot papers are excluded from the count and preserved in the polling bags for adjudication by the Election Tribunals in case the election from that constituency is challenged through an election petition.

### **Challenged Ballot Paper**

29. If, at the time a person applies for ballot paper for casting his vote, a candidate or his polling agent declares to the Presiding Officer that the said person has already voted at the election or is not the person against whose name he is seeking to vote and undertakes to prove the charge and deposits a sum of Rupees two with the Presiding Officer, the ballot paper so issued to the person by the Presiding Officer is called the "challenged ballot paper" as envisaged in section 35 of the Act. The "challenged ballot papers" are required to be duly accounted for and included in the statement of the count.

### **Polling after Closing Hour**

30. Section 37 of the Act lays down that the voters found present in the compound or enclosure of a polling station, shall be allowed to cast their votes even after the closing hour which was 05.30 P.M.

### **Procedure of Count by Presiding Officer**

31. According to the procedure prescribed under the law for counting of votes at a polling station, the Presiding Officer has to undertake the count of votes immediately after the close of the poll, in the presence of such of the contesting candidates, their election agents or polling agents as are present at that polling station. The Presiding Officers are required to give them reasonable opportunity of observing the count and to provide such information with respect thereto as is consistent with the orderly conduct of the poll.

32. Section 38 of the Representation of the People Act, 1976, provides that the Presiding Officer shall immediately after close of the poll carry out the count of all votes cast at a polling station in favour of each contesting candidate excluding from the count the ballot papers which contained:—

- (a) No official mark and signature of the Presiding Officer;
- (b) any writing or any mark other than the official mark, the signature of the Presiding Officer and the prescribed mark or to which a piece of paper or any other object of any kind had been attached;
- (c) no mark to indicate the contesting candidate for whom the elector had voted; or
- (d) any mark from which it is not clear for whom the elector had voted.

33. Provided that a ballot paper shall be deemed to have been marked in favour of a candidate if the whole or more than half of the area of the prescribed mark appears clearly within the space containing the name and Symbol of that candidate and, where the prescribed mark is divided equally between two such spaces, the ballot paper shall be deemed invalid.

34. In this count, the challenged ballot papers are required to be duly accounted for but the tendered ballot papers are to be excluded from the count, and preserved in the pooling bags for adjudication by the Election Tribunals in case the election from that constituency is challenged through an election petition.

35. An important factor is that the ballot papers are counted by the polling staff immediately after the close of the poll there and then at the polling station in the presence of the polling agents of the candidates. The ballot boxes are not removed from the polling station or taken to a central place for counting. A copy of the statement of the result of the count, duly signed by the Presiding Officer, is given to the polling agents and election agents of the candidates or the candidate if he is present. Express instructions on these lines, as have been narrated in the preceding paragraph 31 onwards, were issued in this behalf to all concerned through the Manual of Instructions for the Guidance of Presiding Officers, Assistant Presiding Officers and Polling Officers as also by separate communications.

36. In addition another statement, duly signed by the Presiding Officer, showing the ballot paper account is also given to the polling agents of the candidates. This statement shows the number of ballot papers issued to a polling station, the number of ballot papers used for taking the poll and the number of unused ballot papers. These statements alongwith other polling record are then forwarded to the Returning Officer for consolidation of the result of the constituency and for safe preservation in the local treasury.

37. The entire process beginning from the display of empty ballot box in the morning and ending at the count of votes and preparation of the statements of the count, is held under the watchful eyes of the polling agents appointed by the candidates, without any break or interval.

38. The Presiding Officer is under legal obligation to supply a certified copy of the statement of the count as also the ballot paper account to the candidates, their election agents or the polling agents as may be present.

### **Recount by Presiding Officer**

39. The law provides that a Presiding Officer may recount the votes:—

- (a) of his own motion, if he considers it necessary; or

- (b) upon the request of a contesting candidate or election agent present if, in his opinion, the request is not unreasonable.

### **Announcement of Preliminary Result**

40. Soon after the close of the poll and on receipt of the result, from the Presiding Officers, the concerned Returning Officer after compiling and checking the figures, communicated the result of his constituency to the concerned Provincial Election Commissioner and in some cases also direct to the Control Room established in the Election Commission of Pakistan Secretariat. The PECs concerned immediately communicated the results to the Central Control Room from where after scrutiny/checking the preliminary unofficial results were announced over the radio, television and through the press. The communication system is described in Chapter XIII.

### **Complaints of Rigging and Malpractices**

41. Although the defeated candidates had a statutory remedy under section 52 of the Act to challenge the result of the election, yet some of them resorted to the provisions of section 103 AA in a bid to secure speedy relief in a summary way from the Election Commission. Under this provision petitions were filed before ECP. The Commission found that these petitions require full-fledged enquiry into the allegation made therein which was not possible under the summary proceedings within the prescribed period of 60 days. All of the petitions were rejected by the Election Commission after due hearing with the advice that the petitioners might file election petitions.

## CHAPTER XXII

## ANNOUNCEMENT AND CONSOLIDATION OF RESULTS

**Communication Plan**

Conscious of the eagerness of the nation and realizing the imperative need for speedy dissemination of all election results, the Election Commission made elaborate arrangements for the collection and announcement of results of the election with utmost speed and accuracy. A well coordinated and well integrated Communication Plan was accordingly prepared on the basis of the plan for communication of preliminary result of 1990 general elections. Details of Communication plan for the 1993 general elections have already been discussed in Chapter XIII of this report.

2. Similar communication plans were prepared at the district level by the District Returning Officers and for each constituency by the Returning Officers, in accordance with the model provided to them by the Election Commission. At the Provincial level a communication plan was prepared by each Provincial Election Commissioner to coordinate his plan with the District Information Centres functioning under the District Returning Officers (District and Sessions Judges). The entire country was thus knit in a communication system from the polling station to the constituency, from the constituency to the District Information Centre and thence to the Provincial Election Commissioner and the Central Control Room of the Election Commission at Islamabad.

**Stages of collection and announcement of Preliminary Results**

3. The preliminary results are compiled and checked at four stages. Firstly the result of a polling station is compiled, and checked at the polling station. The copies of statement of count are delivered to the candidates or to their polling agents. Thereafter the Presiding Officer communicates the result to the Returning Officer of the constituency. He has to compile the results of all the polling stations of that constituency and after satisfaction he prepares the result in Form XVII and unofficially declares the number of votes polled by each candidate. The Returning Officer thereafter communicates the result to the District Returning Officer. The District Information Centre transmits the result of each constituency of that district to the Provincial Election Commissioner who communicates it to the Election Commission Secretariat, Islamabad. At each stage, the result is checked and rechecked by the persons at

the receiving end. After counter checks, the result is released to the information media by the Election Commission through its Central Control Room functioning at Islamabad and by no one else. For further verification, the result is transmitted to Central Control Room through telefax and tele-printer from direct teleprinter circuits from Karachi, Lahore, Peshawar and Quetta.

### **Receiving Centres**

4. The following receiving centres were established in the Commission's Secretariat at Islamabad to receive the results from their counterparts in the office of each Provincial Election Commissioner as in the table:—

Composition of the team	Area allocated	National Assembly	Provincial Assembly
(1) Joint Secretary with one Section Officer and necessary Staff.	(1) Rawalpindi Division. (2) Sargodha Division. (3) Faisalabad Division. (4) Gujrat District.	NA-35 Federal Capital to NA-84 Gujrat-V	PP-1 Rawalpindi-I to PP-101 Gujrat-XI.
(2) Joint Secretary with OSD and necessary staff.	(1) Sialkot District. (2) D.G. Khan Division. (3) Lahore Division. (4) Multan Division. (5) Gujranwala Division.	NA-85 Sialkot-I to NA-140 Layyah-II.	PP-102 Sialkot-I to PP-217 Layyah-II.
(3) Joint Secretary with one Section Officer and necessary staff.	(1) N.W.F.P.; and (2) F.A.T.A.	(1) NA-1 Peshawar-I to NA-26 MPA-cum-Dir.; and (2) NA-27 Tribal Area-I to NA-34 Tribal Area-VIII.	PF-1 Peshawar-I to PF-80 MPA.
(4) Deputy Secretary with one Section Officer and necessary staff.	Sindh Province	NA-151 Sukkur (old Sukkur-I) to NA-196 Karachi (East)-V.	PS-1 Ghotki-I (Old Sukkur-I to PS-100 Karachi (East)-X
(5) Deputy Secretary with one Section Officer and necessary staff.	(1) Baluchistan Province and (2) Bahawalpur Division.	(1) NA-197 Quetta-cum-Chagai to NA-207 Turbat-cum-Panjgur (2) NA-141 Bahawalpur-I to NA-150 Rahimyar Khan-IV.	(1) PB-1 Quetta-I to PB-40 Gwadar; and (2) PP-218 Bahawalpur-I to PP-240 Rahimyar Khan-IV.
(6) Secretary with D.D.P.R. and R.O and necessary staff.	Central Control Room	Announcement of result of all constituencies from the Central Control Room.	

In addition, two more teams were constituted of which one was kept in reserve while the other performed general duties.

Similar centres were set up in the control room of the Provincial Election Commissioners and District Returning Officers.

### **Result of whole Constituency Announced**

5. In March, 1977, progressive result of election in respect of a few polling stations of constituency was announced in piece-meal. This arrangement was severely criticized by the press and the public. In keeping with the practice of 1985, 1988 and 1990 general elections, the Election Commission decided to announce the result of a whole constituency.

6. The PTV, Radio Pakistan, PID, APP, PPI and other leading dailies established their offices in the Election Commission Secretariat, Islamabad and were connected with their respective headquarters by hot-line telephones. A large number of foreign correspondents also remained present in the Central Control Room, which was throughout open to press media, observers of Foreign Teams and political parties. Results of a constituency released by the Central Control Room of the Election Commission was invariably announced through the TV and over the Radio. Communication Plan, when pressed into service on the eve of the polls for National Assembly and the Provincial Assemblies, worked with utmost efficiency and success. As in case of the 1988 general election, the result was made public without any confusion or mistake, within 24 hours. Announcement of the preliminary result of election was an open process held in the presence of leading journalists of the country, representatives of the international press, foreign observers and within the sight of millions of TV viewers.

### **Counting of Votes and Consolidation of Election Result**

7. The procedure for counting of votes at a polling station by the Presiding Officers has been explained in Chapter XXI. The results of the count furnished by the Presiding Officer of all polling stations of a constituency is consolidated in the prescribed manner by the Returning Officer under section 39 of the Representation of the People Act, 1976.

### **Consolidation of result by Returning Officer**

8. Section 39 of the Representation of the People Act, 1976, requires the Returning Officer to consolidate the result of a constituency as soon as possible, after the polling day. They are further required to give the contesting candidates and their election agents, a notice in writing of the day, time and place fixed for consolidation of the results. They, in the presence of such of the candidates and their election agents as are present, are enjoined to proceed to consolidate the results of all polling stations of a constituency, by including



therein the postal ballot papers received by them before undertaking the consolidation of result, within a short span of three or four days.

9. During the consolidation proceedings, the Returning Officers examine the ballot papers excluded from the count by the Presiding Officers. If the Returning Officers find that any such ballot paper should not have been so excluded from the count, they count them as the ballot papers cast in favour of the contesting candidate for whom it had been cast.

### Counting of Postal Ballot Papers

10. A Returning Officer has, before final consolidation of results, to count the ballot papers received by him by post and to include the votes thus cast in favour of each contesting candidate in the consolidated statement, but only such postal ballot papers are to be taken into account as were received by the Returning Officer before the consolidation of result under the procedure laid down in rule 26(19) of the Representation of the People (Conduct of Election) Rules, 1977. In all 61845 votes were cast by postal ballot for election to the National Assembly and 74605 votes were cast by postal ballot for election to the Provincial Assemblies.

11. The total number of valid votes cast by postal ballot during the six general elections to the National Assembly is tabulated below for comparison :

Name of Province/ Areas	Number of valid postal ballot papers					
	1970	1977	1985	1988	1990	1993
Federal Capital		37	191	104	17	28
Punjab	[ 26,146	19,412	28,703	33,783	37,398	38,824
Sindh	8,227	4,829	8,275	14,752	8,089	4,442
NWFP		10,224	8,358	10,672	14,772	16,165
FATA	[ 5,229	16	5	5	8	12
Baluchistan	407	Nil	1,291	3,235	3,351	2,374
Total:	40,009	34,518	46,823	62,641	63,635	61,845

12. From the above table it is discernible that this time the number of postal ballot papers cast was less only by 1790 than the previous general election held in 1990.

### Tendered Ballot Paper

13. The question arises as to what is a tendered vote? For that a reference may be made to section 34 of the Representation of the People Act, 1976 which provides as follows:—

- “(1) If a person representing himself to be an elector applies for a ballot paper when another person has already represented himself to be that elector and has voted under the name of the person so applying, he shall be entitled, subject to the provisions of the section to receive a ballot paper (hereinafter referred to as “tendered ballot paper”) in the same manner as any other elector.
- (2) A ballot paper issued under sub-section (1) shall, after it has been marked and folded by the elector, be placed in the same condition in separate packet bearing the label “Tendered Ballot Paper” instead of being placed in the ballot box and shall not be included in the count by the Presiding Officer or the Returning Officer.
- (3) The name of the person applying for a ballot paper under sub-section (1) and his number on the electoral roll shall be entered in a list (hereinafter referred to as “the tendered votes list”) to be prepared by the Presiding Officer”.

14. During general election 1993 in all 471 tendered votes were cast in the National Assembly elections while for the Provincial Assemblies elections 644 tendered votes were cast. Moreover, in this election minimum number of tendered votes were cast as is reflected by the following table:—

General Election	National Assembly	Provincial Assembly
1970	Not available	
1977	21,161	4,849
1985	4,249	5,986
1988	2,507	1,303
1990	923	1,302
1993	471	644

### **Equality of Votes**

15. There was no case of equality of votes in any constituency of the National Assembly or any of the Provincial Assemblies during the 1993 general elections.

### **Recount by Returning Officer**

16. The Returning Officer under section 39(6)(b) of the Act may recount the ballot papers either upon the request of, or challenge in writing made by, a contesting candidate or his election agent, if he is satisfied that the request or challenge so made is reasonable. The Election Commission may also give the direction to the Returning Officer to do so in such manner and at such place as may be directed by the Commission. Under this section, 48 complaints were filed. All complaints were dismissed.

### **Statement of Consolidated Result**

17. Immediately after the consolidation of count, the Returning Officers are required to submit to the Election Commission a copy of the consolidated statement of the count, alongwith Result of the count in the prescribed forms. All the Returning Officers completed the consolidation proceedings and forwarded the statements of consolidation of their respective constituencies to the Election Commission within the specified time.

### **Publication of Result by the Election Commission**

18. The law requires the Commission to publish the names of returned candidates and also to declare by public notice the name of the candidate receiving the highest number of votes. The public notice has to contain the names and number of votes polled by each contesting candidate. Timely submission of the consolidation statement by the Returning Officers enabled the Election Commission to notify under the provisions of section 42 of the Representation of the People Act, 1976 (Act LXXXV of 1976) in the official Gazette the names of candidates returned to the National Assembly on 14th October, 1993 and the Provincial Assemblies on 17th October, 1993. Public Notice containing detailed result of the election to the National Assembly and Provincial Assemblies was published, in the form of a Notification, in the Gazette of Pakistan Extraordinary on 14th and 17th October, 1993. Updated list showing the names and addresses of the members of the National Assembly appears at Annex I.

**Publication of Result of Un-contested Election**

19. The Election Commission also notified on 14-10-1993 in accordance with the provisions of section 20 of the Representation of the People Act, 1976, the name of Makhdoom Amin Faheem returned to the National Assembly as a result of un-contested election notified from constituency No. NA-167 Hyderabad-I.

**Limitation of period for Declaration of Result**

20. Clause (2) of Article 224 of the Constitution requires that in case of dissolution of the National Assembly or a Provincial Assembly, the result of election shall be declared not later than fourteen days after the conclusion of the polls. The poll for the National Assembly and the Provincial Assemblies having been held on 6th October, 1993 and 9th October, 1993, respectively, the result of election was notified by the Election Commission within the period specified under the Constitution.

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## MEMBERS OF THE NATIONAL ASSEMBLY OF PAKISTAN

No. and Name of Constituency	Name	Father's Name	Address
1	2	3	4
<b>NORTH-WEST FRONTIER PROVINCE</b>			
NA-1 Peshawar-I	Syed Zafar Ali Shah	Syed Yaqoob Ali Shah	Mohallah Reti Pull Pukhta, Peshawar City, Peshawar.
NA-2 Peshawar-II	Arbab Muhammad Jehangir Khan	Arbab Sher Ali Khan	Jehangirabad, Peshawar.
NA-3 Peshawar-cum-Nowshera	Arbab Muhammad Zahir	Arbab Noor Muhammad Khan	Arbab Bangla, Mara Kachori, Tehsil and District Peshawar.
NA-4 Nowshera	Major General (Retd.) Nasirullah Babar	Captain Suhbat Khan Babar	Mohallah Babar Pir Pai, Tehsil and District Nowshera.
NA-5 Charsadda	Mr. Asfandyar Wali	Mr. Wali Khan	Wali Bagh, Charsadda.
NA-6 Mardan-I	Mr. Khanzada Khan	Mr. Faqir Muhammad	Khan Colony Par Hoti, Mardan.
NA-7 Mardan-II	Haji Muhammad Yaqub Khan	Salar Muhammad Ayub Khan	Shaheen Colony, Mardan.
NA-8 Swabi	Qazi Maulana Fazalullah	Mr. Misbah Ullah	Lahore Rapure, District Swabi.
NA-9 Kohat	Syed Iftikhar Hussain Gillani	Syed Amir Hussain Gillani	1-Civil Line, New Colony, Kohat.
NA-10 Karak	Maulana Shaheed Ahmad	Mr. Niaz Muhammad	Mumbati Kalla, Tater Khel, Karak.
NA-11 Abbottabad-cum-Haripur-I (Old Abbottabad-III)	Sardar Mehtab Ahmed Khan	Sardar Muhammad Nawaz Khan	Village Malkot, P.O. Bakot, Abbottabad.
NA-12 Abbottabad-cum-Haripur-II (Old Abbottabad-II)	Mian Muhammad Nawaz Sharif	Mian Muhammad Sharif	180/181, H. Block, Modal Town, Lahore.
NA-13 Haripur (Old Abbottabad-III)	Mr. Gohar Ayub Khan	Field Martial Muhammad Ayub Khan	Village and P.O. Rehana, Tehsil and District Haripur.
NA-14 Manshera-I	Sardar Muhammad Yousaf	Sardar Shahzaman	Village Jalgali, P.O. Battal, Tehsil and District Manshera.
NA-15 Manshera-cum-Haripur (Old Manshera-II)	Nawabzada Salahuddin Saeed	Nawab Muhammad Saeed Khan	Shergarh, Manshera.

1	2	3	4
NA-16 Battagram-cum- Mansehra (Old Mansehra-II)	Haji Muhammad Ayub Khan	Mr. Roshan Khan	Village and P.O. Biari, Tehsil Allai, District Battagram.
NA-17 Kohistan	Malik Said Ahmad	Mr. Zafar Malik	Village Kasdubar, Teh. Pattan, District Kohistan.
NA-18 D.I. Khan-cum- Tank (Old D.I. Khan).	Maulana Fazal-ur- Rehman	Moulana Mufti Mehmood	Wanda Khan Muhammad, Teh. and District D.I. Khan.
NA-19 Bannu (Old Bannu- I)	Syed Abbas Shah	Syed Khumar Shah	Bazar Ahmad Khan, Bannu.
NA-20 Lakki-cum-Bannu (Old Bannu-II)	Mr. Muhammad Kabir Khan	Haji Ghulam Sarwar	Village Ahmad Khel, Teh. and Distt. Lakki Marwat.
NA-21 Swat-I	Mr. Miangul Aurangzeb	Mian Guljahanzeb	Saidu Sharif, Swat.
NA-22 Swat-II (Old Swat- III)	Mr. Muhammad Afzal Khan	Mr. Muhammad Habib Khan.	Village and P.O. Durush Khela Teh. Matta, District Swat.
NA-23 Buner-cum-Swat (Old Swat-II)	Mr. Abdul Matin Khan	Said Karim Khan	Village and P.O. Bajkata, Teh. Gagra Daggar, District Buner.
NA-24 Chitral	Moulana Abdul Rahim	Mr. Muhammad Issa	Village Mirasiandeh Broze, Teh. Chitral, Distt. Chitral.
NA-25 Dir	Sahibzada Fatehullah	Mr. Ahmad Sahibzada	Village Kotki, Tehsil Wari, District Dir.
NA-26 Malakand-cum-Dir	Mr. Muzaffar Khan	Mr. Muhammad Yousaf	Ouch, District Dir.
FATA			
NA-27 Tribal Area-I	Mr. Baroz	Mr. Niamat	Musakhel, Mohmand Agency.
NA-28 Tribal Area-II	Mr. Zulfiqar Ali	Mr. Islamdin	Parachamkani, Kurram Agency.
NA-29 Tribal Area-III	Mr. Muhammad Afzal	Mr. Seen Asghar	Village Chapper, Ali Khel, Jasrat Khel, Orakzai Agency.
NA-30 Tribal Area-IV	Mr. Arsslla Khan	Mr. Shehed Amin	Village Hassu Khel, Tehsil Mirali, North Waziristan Agency.
NA-31 Tribal Area-V	Mr. Abdul Qayyum Khan	Mr. Amar Khan Mahsud	Makin, South Waziristan.
NA-32 Tribal Area-VI	Mr. Bismillah Khan	Mr. Masoom Jan Khan	Village Nawagai, Bajaur Agency.
NA-33 Tribal Area-VII	Haji Muhammad Shah	Haji Aka Khel	Sepah Bara, Khyber Agency.
NA-34 Tribal Area-VIII	Malik Aslam Khan	Mr. Salehbat Khan	F.R. kohat.

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## FEDERAL CAPITAL

NA-35 Federal Capital	Haji Muhammad Nawaz Khokhar	Mr. Allah Ditta	H. No. 10, Nazim-ud- Din Road, F-8 1, Islamabad.
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## PUNJAB PROVINCE

NA-36 Rawalpindi-I	Mr. Shahid Khaqan Abbasi	Mr. Muhammad Khaqan Abbasi	R o Village Dewal, Tehsil Murree Distt. Rawalpindi.
NA-37 Rawalpindi-II	Raja Nadir Pervez Khan	Raja Nadir Khan	Chak No. 279-C, Gali No. 3, Faisalabad.
NA-38 Rawalpindi-III	Sheikh Rashid Ahmed	Sheikh Ahmad	House No. D 268, Sarafa Bazar, Rawalpindi.
NA-39 Rawalpindi-IV	Mr. Muhammad Ijaz-ul- Haq	Mr. Muhammad Zia-ul- Haq	House No. 203, Aibak Road, Westridge-I, Rawalpindi.
NA-40 Rawalpindi-V	Ch. Nisar Ali Khan	Brig. Ch. Fateh Khan	Chakri, Tehsil and District Rawalpindi
NA-41 Attock-I	Mr. Aftab Ahmad Sheikh	Sh. Ghulam Sarwar	Ward No. 6, Behar Colony, Attock
NA-42 Attock-II	Malik Lal Khan	Malik Muhammad Khan	Kamrial, Tehsil Pindigheb, District Attock.
NA-43 Chakwal-I	Lt. Gen. (Retd.) Malik Abdul Majeed	Malik Abbas Ali	H. No. 5 418, National Bank Street, Mohallah Charch, Chakwal.
NA-44 Chakwal-II	Sardar Mumtaz Khan	Malik Allah Yar Khan	Mohallah Jamia Masjid Tamman, Tehsil Talagang, District Chakwal.
NA-45 Jhelum-I	Raja Muhammad Afzal Khan	Raja Rehmat Khan	Machine Mohallah No. 3, Islamia High School Road, Jhelum.
NA-46 Jhelum-II	Nawabzada Iqbal Mehdi Khan	Raja Afzal Mehdi	Darapur, Tehsil and District Jhelum.
NA-47 Sargodha-I	Brig. (Retd.) Ghulam Hussain Cheema	Mr. Karam Dad	Chak No. 23/N. B. Tehsil Bhalwal, District Sargodha.
NA-48 Sargodha-II	Mr. Ijaqat Hayat Badrana	Mr. Muhammad Nazir	Mauza Baddar P.O. Medh Ranjha, Tehsil Bhalwal, District Sargodha.
NA-49 Sargodha-III	Mr. Ahmad Zia-ul Rehman Khan Lak	Mehr Ahmed Yar Khan	Village Jaura Sakeser, Tehsil and Distt. Sargodha.
NA-50 Sargodha-IV	Ch. Anwar Ali Cheema	Ch. Sultan Ali Cheema	Chak No. 35/SB, Tehsil and Distt. Sargodha.
NA-51 Sargodha-cum- Khushab	Malik Muhammad Naeem Khan	Brigadier Sanwal Khan	H. No. 79-A, Satellite Town, Sargodha.

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NA-52 Khushab	Sardar Shuja Muhammad Khan	Sardar Matah Muhammad Khan	Village Jamali, Tehsil Noorpur Thal, District Khushab.
NA-53 Mianwali-I	Mr. Ubaid Ullah Khan	Haji Ghulam Rasool Khan	Mohallah Shadi Khel, Kamar Mashani, Tehsil Issakhel, District Mianwali.
NA-54 Mianwali-II	Dr. Sher Alghan Khan Niazi	Mr. Muhammad Khan	Watta Khel Pakka, Mianwali.
NA-55 Bhakkar-I	Mr. Muhammad Zafar Ullah Khan	Haji Atta Muhammad Khan	Jandanwala, Tehsil Kallurkot, District Bhakkar.
NA-56 Bhakkar-II	Mr. Rasheed Akbar Khan	Mr. Ghulam Akbar Khan	Village Niwani, P.O. Shahani, Teh. and Distt. Bhakkar.
NA-57 Faisalabad-I	Rana Zahid Touseef	Rana Touseef Ali	Chak No. 76/RB, Tehsil Jaranwala, Distt. Faisalabad.
NA-58 Faisalabad-II	Mr. Arif Hussain	Rai Sikandar Khan	Chak No. 282/GB, Tehsil Jaranwala, District Faisalabad.
NA-59 Faisalabad-III	Mr. Khan Shahdat Ali Khan Baloch	Haji Nizam Khan	Chak No. 409/GB, Tehsil Samundri, Distt. Faisalabad.
NA-60 Faisalabad-IV	Ch. Shahid Nazir	Ch. Muhammad Nazir Ahmad	Chak 199/RB, Tehsil and Distt. Faisalabad.
NA-61 Faisalabad-V	Ch. Muhammad Ilyas Ahmad	Ch. Bashir Ahmad	Chak No. 44/JB, Dhandra, Tehsil and Distt. Faisalabad.
NA-62 Faisalabad-VI	Sardar Dildar Ahmad Cheema	Sardar Hafiz-ur- Rehman	People Colony, Block B. Jungal Sing-Wala, Faisalabad.
NA-63 Faisalabad-VII	Haji Muhammad Akram Ansari	Mr. Muhammad Ibrahim	1077-D. Ghulam Muhammadabad, Faisalabad.
NA-64 Faisalabad-VIII	Ch. Sher Ali	Haji Faqir Muhammad	Ward No. 53 Khalidabad, Faisalabad.
NA-65 Faisalabad-IX	Mian Amjad Yaseen	Mian Yaseen Amanullah	431-Yaseen Manzal, Abdullahpur, Faisalabad.
NA-66 Jhang-I	Mr. Zafar Abbas Syed	Sardar Ghulam Abbas Shah	Rajoa House, Chiniot, Distt. Jhang.
NA-67 Jhang-II	Makhdoomzada Syed Assad Hayat Shah	Makhdoom Syed Muhammad Ghauns Shah	Shah Jewana City, Teh. and Distt. Jhang.
NA-68 Jhang-III	Hafiz Muhammad Azam	Haji Fateh Muhammad	Mohallah Haq Nawaz Shaheed, Jhang Sadar.
NA-69 Jhang-IV	Makhdoom Syed Faisal Saleh Hayat	Makhdoom Syed Muhammad Ghauns Shah	Shah Jewana City, Tehsil and Distt. Jhang.



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NA-70 Jhang-V	Sahibzada Muhammad Nazeer Sultan	Sultan Muhammad Noor-ul-Hassan	Darbar Hazrat Sultan Bahu, Teh. Shorkot, Distt. Jhang.
NA-71 Toba Tek Singh-I	Mr. Khalid Ahmad Khan Kharl	Khan Sardar Khan	Mohallah Pir Shah Bukhari, Kamalia Distt. T.T. Singh
NA-72 Toba Tek Singh-II	Ch. Muhammad Ashfaq	Ch. Muhammad Saleem	136-Jhang Road. Iqbalnagar, T.T. Singh.
NA-73 Toba Tek Singh-III	Mr. Hamza	Maulvi Abdullah	H. No. P-95, Eid Gah Road, Gojra, Tehsil Gojra, Distt. T.T. Singh.
NA-74 Gujranwala-I	Ch. Hamid Nasir Chatha	Ch. Salah-ud-Din Chatha	Ahmad Nagar, Tehsil Wazirabad, Distt. Gujranwala.
NA-75 Hafizabad (Old Gujranwala-II)	Ch. Mehdi Hassan Bhatti	Mr. Ghulam Abass Bhatti	Village Burj Dara, Tehsil and District Hafizabad.
NA-76 Gujranwala-III	Mr. Ghulam Dastagir Khan	Haji Ghulam Hussain	7-A, Satellite Town, Gujranwala.
NA-77 Gujranwala-IV	Ch. Muhammad Asghar	Mr. Muhammad Akram	Civil Lines Feroze Wala, Nai Abadi Chah Wadha, Gujranwala.
NA-78 Gujranwala-V	Ch. Muhammad Abdullah Virk	Ch. Qasim Ali	Raja, P.O. Sadoke, Tehsil Kamoke, District Gujranwala.
NA-79 Gujranwala-cum- Hafizabad (Old Gujranwala-VI).	Ch. Ijaz Ahmad	Ch. Ghulam Rasool	Mohallah Baghanwala, Street Jamia Masjid Markazi, Killa Dedar Sing, District Gujranwala.
NA-80 Gujrat-I	Nawabzada Ghanzanfar Ali Gul	Nawabzada Asghar Ali	Ajnala, Tehsil and Distt. Gujrat.
NA-81 Gujrat-II	Ch. Ahmad Mukhtar	Ch. Muhammad Hussain	Service Shoes Colony, Gujrat.
NA-82 Gujrat-cum-Jhelum (Old Gujrat-III)	Haji Muhammad Asghar	Ch. Abdul Hakeem	Mohallah Kaira, Ward No. 1, Lalamusa, Teh. Kharian, Distt. Gujrat.
NA-83 Mandi Bahauddin- cum-Gujrat (Old Gujrat-IV)	Mr. Zafar Ullah Tarar	Mr. Ghulam Rasul	Village and P.O. Jokallan, Tehsil Phalia Distt. Mandi Bahauddin.
NA-84 Mandi Bahauddin (Old Gujrat-V)	Mr. Nazar Muhammad Gondal	Haji Sher Muhammad	Village Gojra, Teh. Malakwal, Distt. Mandi Bahuddin.
NA-85 Sialkot-I	Khawaja Muhammad Asif	Kh. Muhammad Safdar	34-284, Gali Chaudhry Sultan, Sialkot.
NA-86 Sialkot-II	Ch. Akhtar Ali	Mr. Ghulam Ahmad	Veryo, Tehsil and District Sialkot.

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NA-87 Sialkot-III	Syed Iftikhar-ul-Hassan Shah	Syed Faiz-ul-Hassan Shah	Village Aalo Mahar Sharif, Teh. Daska, Distt. Sialkot.
NA-88 Sialkot-IV	Ch. Abdul Sattar	Mr. Ghulam Ahmad	Village Waryo, Tehsil and Distt. Sialkot.
NA-89 Sialkot-cum- Narowal (Old Sialkot-V)	Ch. Muhammad Sarwar Khan	Ch. Qasim Khan	Village Rupo Chak, Teh. and Distt. Narowal.
NA-90 Narowal-I	Mr. Ahsan Iqbal	Mr. Iqbal Ahmad	Village Fatwal, Teh. Shakargarh, District Narowal.
NA-91 Narowal-II (Old Sialkot-VII)	Mr. Muhammad Ishfaq	Mr. Abdul Rahim	Village Miangri, Teh. Shakargarah, Distt. Narowal.
NA-92 Lahore-I	Mian Muhammad Abbas Sharif	Mian Muhammad Sharif	90-Railway Road, Lahore.
NA-93 Lahore-II	Mr. Humayun Akhtar Khan	Mr. Akhtar Abdur Rehman Khan Shaheed	73-N, Defence Housing Society, Lahore Cantt.
NA-94 Lahore-III	Mian Abdul Waheed	Mian Abdul Majeed	Gohawa Road, Gohawa, Lahore Cantonment.
NA-95 Lahore-IV	Mr. Muhammad Ishaq Dar	Muhammad Channan Din Dar	7-H, Gulberg-III, Lahore.
NA-96 Lahore-V	Mr. Muhammad Javed Hashmi	Makhdoom Muhammad Shah	Noor Chiaghwala, Teh. and Distt. Multan.
NA-97 Lahore-VI	Mr. Tariq Badar-ud- Din Banday	Mr. Badar-ud-Din	13-D-1 Gulberg, Lahore.
NA-98 Lahore-VII	Mian Muhammad Munir	Haji Din Muhammad	96-C, Windsor Park, Ichhra, Lahore.
NA-99 Lahore-VIII	Mehar Zulfiqar Ali Babu	Mehr Umar Din	Khudpur, Ward No. 5/6, Lahore.
NA-100 Lahore-IX	Ch. Khalid Javaid Ghurki	Haji Muhammad Asghar	16/F.G.G. Gulberg-III, Lahore.
NA-101 Sheikhupura-I	Mr. Nisar Ahmad Pannu	Haji Muhammad Malik	Muradpur, Teh. Ferozewala, District Sheikhupura.
NA-102 Sheikhupura-II	Haji Munawar Hussain Manj	Ch. Faqir Hussain Manj	Manj House, Housing Colony, Sheikhupura.
NA-103 Sheikhupura-III	Mr. Muhammad Burjees Tahir	Mr. Noor Muhammad Awan	Hamid Nizami Road, Sangla Hill, Sheikhupura.
NA-104 Sheikhupura-IV	Ch. Tawakkal Ullah Virk	Ch. Khushi Muhammad	Rafiqi Road, Civil Lines, City Sheikhupura.
NA-105 Sheikhupura-V	Rai Bashir Ahmad Khan	Rai Hussain Khan	Kot Hussain East, Tehsil Nankana Sahab, Sheikhupura.
NA-106 Kasur-I	Sardar Asif Ahmad Ali	Sardar Ahmad Ali	H. No. 341, Usmanwala, Teh. & Distt. Kasur.

1	2	3	4
NA-107 Kasur-II	Rao Khizar Hayat Khan	Haji Muhammad Din Khan	Kot Jhandu Khan, Rao Khan Wala, Kasur
NA-108 Kasur-III	Sardar Talib Hassan	Sardar Abdul Hameed	Kot Kahnsingh, Teh Pattoki, District Kasur
NA-109 Kasur-IV	Sardar Muhammad Ashiq Dogar	Sardar Haji Nazam Din.	Jamsher Kalan, P O Shamkot Nau, Teh Chuman, Distt. Kasur
NA-110 Okara-I	Rao Sikandar Iqbal	Rao Muhammad Iqbal	Nadeem Park, Okara City.
NA-111 Okara-II	Rai Muhammad Aslam Khan Khari	Mr. Ahmad Khan	Mauza Bakhsho, Teh & Distt. Okara
NA-112 Okara-III	Rao Qaiser Ali Khan	Mr. Nasir Ali Khan	Abadi Rao Qaiser, Dakhli Mazharabad, Teh. & Distt. Okara
NA-113 Okara-IV	Mian Muhammad Yaseen Khan Wattoo	Hafiz Fateh Muhammad Wattoo	Jamalkot, Tehsil Depalpur, District Okara
NA-114 Multan-I	Syed Yousaf Raza Gilani	Syed Alamdar Hussain Gilani	Chah Dhoreywala, Mouza Hamidpur Kanora, Tehsil and District Multan
NA-115 Multan-II	Haji Muhammad Boota	Ch. Noor Muhammad	Out Side Dehli Gate, Multan
NA-116 Multan-III	Sh. Muhammad Tahir Rashid	Mr. Muhammad Rashid	H. No. 21-B, Gulgashat Colony, Multan
NA-117 Lodhran-I (Old Multan-IV)	Rana Mumtaz Ahmad Noon	Rana Allah Ditta Noon.	Mauza Naukabil Wah, Tehsil Kehror Pacca, Lodhran
NA-118 Multan-cum- Lodhran (Old Multan-V)	Mirza Muhammad Nasir Baig	Mirza Muhammad Azhar Baig	Thateywala, Mouza Jamranwala, Tehsil Kehror Pacca, Distt Lodhran.
NA-119 Multan-VI	Syed Javeed Ali Shah	Syed Fakhr-ud-Din Shah	Mouza Tahirpur, Tehsil Shujabad, District Multan.
NA-120 Multan-cum- Khanewal	Shah Mehmood Qureshi	Makh. Muhammad Sajjad Hussain Qureshi.	Chak No. 2 T, Tehsil and District Multan.
NA-121 Khanewal-I	Haji Muhammad Iqbal Hiraj	Haji Nabi Bakhsh Khan Hiraj	Mauza Vanoi Halqa Kotbahadar, Teh. Kabirwala, Distt. Khanewal.
NA-122 Khanewal-II	Mr. Aftab Ahmad Khan	Mr. Gul Muhammad Khan	3-Civil Line, Khanewal.
NA-123 Khanewal-III	Pir Muhammad Aslam Bodla	Pir Sanaullah Bodla	H. No. 1, Bodla House, Lakar Mandi, Mian Channu.
NA-124 Sahiwal-I	Mr. Naurez Shakoor Khan	Ch. Abdul Shakoor Khan	Chak No. 73 4-R, Tehsil and District Sahiwal.

1	2	3	4
NA-125 Sahiwal-II	Mehr Ghulam Fraid Kathia	Mehr Noor Ahmad Kathia	Murad Ke Kathia, Harappa. District Sahiwal.
NA-126 Sahiwal-III	Mst. Shehnaz Javid	W/o Javed Rafi	Kothi Shahid Zaman Khan, Ward No. 13, Chichawatni.
NA-127 Sahiwal-IV	Mian Muhammad Amjid Joiya	Mian Muhammad Hayat	Chak No. 51/EB Arifwala, District Sahiwal.
NA-128 Pakpattan NA-129 Vehari-I	Rao M. Hashim Khan  Mian Noor Muhammad Khan Bhabah	Ch. Muhammad Ali Khan Mian Ghulam Muhammad Khan Bhabah	Chak Bedi, Pakpattan Sharif. Mouza Malkoo, P.O. Sher Ghar, Teh. Mailsi, District Vehari.
NA-130 Vehari-II	Mst. Tehmina Aqeel Daulatana	W/o Mian Shaukat Ali Aqeel	Dera Mian Riaz Daulatana, Teh. & Distt. Vehari.
NA-131 Vehari-III	Mr. Qurban Ali Chuhan	Ch. Muhammad Bakhsh	H. No. 33, Grain Market, Burawala, Vehari.
NA-132 Dera Ghazi Khan NA-133 Dera Ghazi Khan- cum-Rajanpur NA-134 Rajanpur NA-135 Muzaffargarh-I NA-136 Muzaffargarh-II	Kh. Kamal-ul-Din Anwar Sardar Mansoor Ahmad Leghari  Mir Balakh Sher Mazari Mr. Abdul Qayyum Khan Jatoi Nawabzada Nasrullah Khan	Kh. Ghulam Nasir-ud- Din Sardar Mehmood Khan Leghari  Mir Murad Bakhsh Mazari Sardar Nazar M. Khan Jatoi. Nawab Saif Ullah Khan	Qadirpur Teh. Mailsi. Distt. Vehari. Leghari Manzil, Choti Zareen, Teh. & Distt. D.G. Khan. Rojhanpur, District Rajanpur. Ward No. 8, Jatoi, District Muzaffargarh. H. No. 300/94, Kothi Nawab Sahib, Khangarh, Tehsil & District Muzaffargarh. Basti Dara, Muaza Khar Gharbi, Teh. Ko Adu, District Muzaffargarh. Khar Gharbi, Kot Adu Distt. Muzaffargarh. Basti Jakhar, Mauza Jakhar Pakka, Teh. & Distt. Layyah.
NA-137 Muzaffargarh-III	Malik Ghulam Muhammad Fakhar-ul- Rusul Arbi	Malik M. Yar Khar	Mauza Waraseran, Tehsil Karor, District Layyah.
NA-138 Muzaffargarh-IV NA-139 Layyah-I	Malik Ghulam Mustafa Khar Malik Niaz Ahmed Jakkar	Malik Muhammad Yar  Malik Haider Bakhsh	Sadiq Garh Palace, Dera Nawab Sahib, Bahawalpur.
NA-140 Layyah-II	Mr. Muhammad Jhangir Khan	Mr. Bashir Ahmad Khan	Sadiq Garh Palace, Dera Nawab Sahib, Bahawalpur.
NA-141 Bahawalpur-I	Nawab Salah-ud-Din Ahmad Abbasi	Birg. Alhaj M. Abbas Abbasi	Sadiq Garh Palace, Dera Nawab Sahib, Bahawalpur.
NA-142 Bahawalpur-II	Sahibzada Farooq Anwar Abbasi	Mr. Muhammad Anwar Abbasi	Sadiq Garh Palace, Dera Nawab Sahib, Bahawalpur.

1	2	3	4
NA-143 Bahawalpur-III	Mian Riaz Hussain Pirzada	Mian Shahnawaz Pirzada	Mauza Sh. Wahn, Teh Khairpur Tam-e-Wali, Distt. Bahawalpur.
NA-144 Bahawalnagar-I	Mian Abdul Sattar Laleka	Mr. Fateh Muhammad Laleka.	Doonga Boonga, Distt Bahawalnagar
NA-145 Bahawalnagar-II	Mian Mumtaz Ahmed	Mian Khan Muhammad	Mauza Matha Jhaidee, Tehsil Chishtian, Bahawalnagar.
NA-146 Bahawalnagar-III	Mr. Ali Akbar Mazhar Wains	Ch. Muhammad Wains	Chak No. 109 6, R. Tehsil Haroonabad, Distt. Bahawalnagar
NA-147 Rahimyar Khan-I	Syed Ahmed Alam Anwar	Makhdoom Syed Muhammad Shah	Mohsinabad, P.O. Tarinda Pannah, Teh Liaquat Pur, Distt R.Y. Khan.
NA-148 Rahimyar Khan-II	Makhdoom Shahab- ud-Din	Makhdoom Hameed- ud-Din	H. No. 1, Mianwali Qureshian, District R.Y. Khan.
NA-149 Rahimyar Khan-III	Ch. Muhammad Jaffer Iqbal	Ch. Muhammad Iqbal	Chak No. 105 P, Tehsil and District Rahimyar Khan.
NA-150 Rahimyar Khan-IV	Syed Ahmad Mehmood	Syed Hassan Mehmood	Jamal Din Wali, Teh. Sadiqabad, Distt. Rahimyar Khan.

## SINDH PROVINCE

NA-151 Sukkur (Old Sukkur-I)	Mr. Khursheed Ahmad Shah	Mr. Zulifqar Ali Shah	Near Regent Cinema, Sukkur.
NA-152 Sukkur-cum-Ghotki (Old Sukkur-II)	Sardar Ghulam Muhammad Khan Mahar	Sardar Ali Muhammad Khan	Village Khan Garh Sharif, P.O. Khanpur Maher, Taluka Mirpurmathelo, Distt. Ghotki.
NA-153 Ghotki (Old Sukkur-III)	Sardar Haji Noor Muhammad Khan Lund	Sardar Dadan Khan Lund	Village Noorabad, P.O. Jarwar, Taluka Mirpur Mathelo, Distt. Ghotki.
NA-154 Shikarpur-I	Mr. Aftab Shahban Meerani	Mr. Ghulam Qadir Meerani	Meerani Muhallah, Shikarpur.
NA-155 Shikarpur-II	Mr. Altaf Ali Bhayo	Haji Koura Khan	Village Jagan, Taluka and District Shikarpur.
NA-156 Jacobabad-I	Mir Ahmad Nawaz Khan Jakhrani	Sardar Azam Khan Jakhrani	Sardar Jakhrani House, Jacobabad Town, Jacobabad.
NA-157 Jacobabad-II	Mir Mehran Khan Bijrani	Mir Behram Khan Bijrani	Village Mir Mehran Khan Bijrani, Taluka Kandkot, Distt. Jacobabad.
NA-158 Naushero Foroze-I	Mr. Ghulam Mustafa Khan Jatoi	Haji Ghulam Rasool Jatoi	Village New Jatoi, Taluka Moro, Distt. Naushero Foroze.

1	2	3	4
NA-159 Naushero Feroze-II	Mr. Zafar Ali Shah	Mr. Muhammad Ali Shah	New Darbelo, Taluka Bhiria, District Naushero Feroze.
NA-160 Nawabshah-I	Mr. Asif Ali Zardari	Mr. Hakim Ali Zardari	Zardari House Society, Nawabshah.
NA-161 Nawabshah-II	Mr. Hakim Ali Zardari	Mr. Muhammad Hussain Zardari	Zardari House Society, Nawabshah.
NA-162 Khairpur (Old Khairpur-I)	Mr. Manzoor Hussain Wasan	Haji Ariz Mahmood Wasan	Village Nawab Wasan, Taluka Kotdiji. Distt. Khairpur.
NA-163 Khairpur-cum-Sukkur	Pir Syed Abdul Qadir Shah	Pir Syed Ahmad Shah	Ward No. 5, Town Committee Ranipur, Distt. Khairpur.
NA-164 Larkana-I	Begum Nusrat Bhutto	W/o Zulfiqar Ali Bhutto	Al-Murtaza House, Larkana.
NA-165 Larkana-II	Mr. Shabir Ahmed Khan Chandio	Mr. Ahmad Sultan Khan Chandio	Village Gaibeedero, Taluka Kambar, Distt. Larkana.
NA-166 Larkana-III	Mst. Benazir Bhutto	D/o Late Zulfiqar Ali Bhutto	Noudero, Taluka Ratodero Larkana.
NA-167 Hyderabad-I	Mukhdum Muhammad Amin Faheem	Makh. M. Zaman Talib-ul-Moula	Makhdoom Gali Hala, Hyderabad.
NA-168 Hyderabad-II	Sahibzada Shabbir Hussain Ansari	Mr. Muhammad Hassan	Paratabad, Ansari Mohallah, Hyderabad.
NA-169 Hyderabad-III	Qazi Asad Abid	Qazi Abdul Majeed Abid	23, Civil Lines, Hyderabad.
NA-170 Hyderabad-IV	Mr. Naveed Qammar	Syed Qammar Zaman Shah	Bungalow No. 1233/O, Unit No. 12, Latifabad, Hyderabad.
NA-171 Hyderabad-V	Mr. Abdul Sattar Bachani	Haji Muhammad Sattar	House No. 200, Ward "C" Tando Allahyar, Distt. Hyderabad.
NA-172 Badin-I	Mr. Abdul Sattar	Haji Faiz Muhammad Laghari	H. No. 3/67-117 Miram School Road, Hirabad, Hyderabad.
NA-173 Badin-II	Dr. Zulfiqar Ali Mirza	Mirza Zafar Hussain	Mirza Sugar Mills, Deh Charo Taluka and Distt. Badin.
NA-174 Mirpurkhas (Old Tharparkar-I)	Pir Aftab Hussain Shah Jilani	Pir Ghulam Rasool Shah Jilani	Jilani House, Pir Colony, Mirpurkhas.
NA-175 Mirpurkhas-cum-Umerkot	Nawab Muhammad Yousif Talpur	Nawab Pir Bux Talpur	Talpur Mansion, Goods Naka, Hyderabad.
NA-176 Thar (Old Tharparkar-III)	Arbab Ghulam Rahim	Arbab Haji Taj Muhammad	Village Khetlari, Taluka Diplo, District Thar.
NA-177 Dadu-I	Malak Asad Sikandar	Malik Sikandar Khan	Malik Road, Kotri, District Dadu.

1	2	3	4
NA-178 Dadu-II	Haji Muhammad Bux	Mr. Dattal Khan	Jamali Street, Dadu.
NA-179 Dadu-III	Mr. Rafique Ahmed Mahessar	Mr. Abdullah Khan Mahessar	Village Gahi Mahessar, Tehsil Mahar, Distt. Dadu.
NA-180 Sanghar-I	Haji Khuda Bux	Mr. Gul Muhammad	Village Haji Peer Bukhsh, Rajar, Taluka and Distt. Sanghar
NA-181 Sanghar-II	Jam Mashooq Ali	Late Jam Sadiq Ali	Village Jam Nawaz Ali, Taluka Sinjhor, Distt. Sanghar
NA-182 Thatta-I	Mr. Ghulam Hussain alias Baboo.	Haji Abdul Wahid	Ward No. 3, Thatta Town, Mohallah Soni Mandi, Thatta.
NA-183 Thatta-II	Syed Shafquat Hussain Shah Sheerazi	Alhaj Qadirdino Shah	Syedpur, Taluka Sujawal, Thatta
NA-184 Karachi West-I	Mian Ejaz Ahmed Shafi	Mian Muhammad Shafi	42 Al-Hamrah Society, Tipu Sultan Road, Karachi.
NA-185 Karachi West-II	Mr. Muhammad Afaq Khan	Mr. Muhammad Ishaque Khan	2 28, 10-O, Bismillah Colony, Orangi Town, Karachi.
NA-186 Karachi Central-I	Mr. Dost Muhammad Faizi	Mr. Muhammad Maqbool Faizi	E-4, Block-10, Gulshan- e-Iqbal, Karachi.
NA-187 Karachi Central-II	Hafiz Muhammad Taqi	Sheikh Muhammad Rafi	J-II-18 S 60 C Area, Liaquatabad, Karachi.
NA-188 Karachi Central-III	Mr. Muzaffar Ahmad Hashmi	Mr. Muhammad Rafi Hashmi	B-168, Block A, North Nazimabad, Karachi.
NA-189 Karachi South-I	Mr. Ahmad	Mr. Karimdad Baloch	2 26, G.K. 63, Ibrahim Terrace, Qasim Hameed Street, Kharadar, Karachi.
NA-190 Karachi South-II	Mr. Abdul Aziz Memon	Mr. Abdul Ghani	Shahid Square, Shahwalliullah Road, Lyari, Karachi.
NA-191 Karachi South-III	Mr. Haleem Ahmad Siddiqi	Mr. Aziz Ahmad Siddiqi	39-B, First Street Line, D.H. Society, Karachi.
NA-192 Karachi East-I	Mr. Zuhair Akram Nadeem	Hakim Asrar Ahmad	1082, P.I.B. Colony, Karachi.
NA-193 Karachi East-II	Mr. Abu Bakar Shaikhani	Mr. Abdul Latif	CA-5, Chandni Chowk, Karachi.
NA-194 Karachi East-III	Mr. Muzzafar Ali Shujra	Mr. Abdul Razzak	Gorach Para, Karachi.
NA-195 Karachi East-IV	Professor N.D. Khan	Mr. Kaleem Dad	101-B, Bon Vista, Block- 2, Clifton, Karachi.
NA-196 Karachi East-V	Mr. Sher Muhammad Baloch	Mr. Ghulam Muhammad	Ghazi Daud Village, Malir, Karachi-23.

1	2	3	4
	<b>BALUCHISTAN PROVINCE</b>		
NA-197 Qetta-cum-Chagai	Mr. Mehmood Khan Achakzai	Mr. Abdul Samad Khan Achakzai	Killi Inyatullah Karez, Gulistan.
NA-198 Pishin-cum-Killa Abdullah	Dr. Hamid Khan Achakzai	Mr. Abdul Samad Khan	Killi Inyatullah Karez, Shirki, Distt. Killa Abdullah.
NA-199 Loralai-cum- Musakhel-cum- Barkhan	Haji Gul Muhammad	Haji Rozy	Village Uzlaze Sinjawi, District Loralai.
NA-200 Zob-cum- Killasifullah	Nawab Muhammad Ayyaz Khan Jomezai	Mr. Sadullah Khan Jomezai	Village Mehboob, Terkha Gharbi, Teh. & Distt. Killa Saifullah.
NA-201 Bolan-cum-Jhal Magsi (Kachhi)	Sardar Yar Muhammad Khan	Sardar Khan Rind	Mauza Shoran, Tehsil Sanni, Distt. Bolan.
NA-202 Sibi-cum-Kohlu- cum-Dera Bugti- cum-Ziarat	Nawab Muhammad Akbar Khan Bugti	Nawab Mehrab Khan Bugti	Ward 1, House No. 1 Sadar, Dera Bugti.
NA-203 Jaffarabad-cum- Nasirabad	Mir Zafarullah Khan	Mir Shah Nawaz Khan	Rojhan Jamali, District Jaffarabad.
NA-204 Kalat-cum-Mastung- cum-Kharan	Moulvi Abdul Ghafoor Haidry	Mr. Muhammad Azeem	Khardan Kalat.
NA-205 Khuzdar-cum- Awaran	Mr. Muhammad Ayub	Mir Yaqoob Jan	Sarap Zehri, District Khuzdar.
NA-206 Lasbela-cum- Gawdar	Mr. Ghulam Akbar Lasi	Haji Juma Lasi	Moza Rajal, Tehsil Bela, Distt. Lasbela.
NA-207 Turbat-cum-Panjgur	Dr. Muhammad Yaseen	Mullah Rahim Bakhsh	Kallag, Tehsil and District Turbat.



## NON-MUSLIMS

Sl. No.	Name	Father's name	Community	Address
1	2	3	4	5
1.	Mr. Julius Salik	Mr. E. Salik	Christian	H-8, Tariq Street, Kacha Ravi Road, Lahore.
2.	Mr. Tariq C. Qaiser	Mr. Chaman Lal Qaiser	Christian	Martinpur, Chak No. 371, Tehsil Nankana Sahib, District Sheikhpura.
3.	Father Rufin Julius	Mr. Mehr Din Julius	Christian	48-A, Jamil Town, Gujranwala.
4.	Mr. George Clament	Mr. M. Amanual	Christian	Chak No. 224 RB, Warris-pura, Faisalabad.
5.	Mr. Kishanchand Parwani	Mr. Kunoomal	Hindu/Scheduled Caste	Perumal Town, Taluka and District Sanghar.
6.	Rana Chandar Singh	Rana Arjan Singh	Hindu/Scheduled Caste	21-C, Gali No. 6-B, PECHS, Karachi.
7.	Dr. Khatu Mal	Mr. Dayarami	Hindu/Scheduled Caste	Post Office and Village Tanhero, Taluka Umerkot, District Mirpurkhas.
8.	Mr. Moti Ram	Mr. Mahadev	Hindu/Scheduled Caste	Post Office Mithi, District Tharparkar.
9.	Mr. Yazdiar Kaikobad	Mr. Homi Jamshed Kaikobad	Sikh, Budhist, Parsi and other non-Muslim communities	30, Haider Road, Rawalpindi.
10.	Malik Bashir-ud-din Khalid	Malik Salah-ud-din Khalid	Persons belonging to Quadiani Group or Lahori Group (who call themselves Ahmadis).	Maqbool Road, Ichhra, Lahore.

## CHAPTER XXIII

## ELECTION TO THE SEATS RESERVED FOR THE MINORITY COMMUNITIES

## Legal Provisions

Under the Constitution of the Islamic Republic of Pakistan, due representation is given to the non-Muslim population in the National Assembly as well as in the Provincial Assemblies. For this purpose seats have been reserved for different categories of non-Muslims under clause (2A) of Article 51 (in case of National Assembly) and clause 3 of Article 106 (in case of Provincial Assemblies) of the Constitution. The minority communities are grouped in the following four categories for the purpose of allocation of seats in the legislatures :--

- (1) Christians.
- (2) Hindus and persons belonging to the Scheduled Castes.
- (3) Sikh, Budhist and Parsi communities and other non-Muslims.
- (4) Persons belonging to the Quadiani group or the Lahori group (who call themselves Ahmadis).

## Procedure of Election

2. The members to fill the seats reserved for non-Muslims in the Assemblies are elected on the basis of separate electorates by direct and free vote by voters who are enrolled on the electoral rolls for non-Muslim. This system of separate electorates for the Muslims and non-Muslims was first introduced in the electoral system of Pakistan on September 24, 1978, by amending the relevant law. Section 47-A of the Representation of the People Act, 1976 read with rules 84 to 94 (Chapter-IV) of the Representation of the People (Conduct of Election) Rules, 1977 lays down the procedure for election to the reserved seats in the Assemblies.

## Population and Number of Voters

3. According to 1981 census, the population of non-Muslims was 28,03,587 which comes to 3.33% of the total population. Community-wise population is given below:—

Community	Federal Capital	FATA	Punjab	Sindh	NWFP	Baluchistan	Total
1	2	3	4	5	6	7	8
1. Ahmadis	1,183	973	63,694	21,210	11,360	5,824	1,04,244
2. Christians	7,846	5,931	10,61,037	1,76,898	38,583	20,131	13,10,426

1	2	3	4	5	6	7	8
3. Hindus	36	825	29,268	12,21,961	4,428	19,598	12,76,116
4. Sikhs	3	405	832	393	324	189	2,146
5. Budhists	5	-	756	1,714	58	106	2,639
6. Parsis	35	3	1,766	4,305	459	439	7,007
7. Others	11	2	24,883	45,473	2,179	28,461	1,01,009
Total:	9,119	8,139	11,82,236	14,71,954	57,391	74,748	28,03,587

4. The total number of voters belonging to the non-Muslim communities was 14,78,071 upto 31st July, 1993, as per detail given below:

Province Area	Total number of voters as on 31-7-1993					Grand total
	Christians	Hindus and Scheduled Castes	Sikh, Budhist, Parsi and other non-Muslim communities	Persons belonging to the Qadiani group or the Lahori Group (who call themselves Ahmadis)		
1	2	3	4	5	6	
Islamabad Federal Capital	4,594	4	11	109	4,718	
Punjab	5,85,617	42,170	1,085	2,817	6,31,689	
Sindh	85,212	7,10,566	4,787	1,767	8,02,332	
N.W.F.P.	12,171	1,972	2,190	85	16,418	
F.A.T.A.	-	-	-	-	-	
Baluchistan	7,575	14,958	359	22	22,914	
Total:—	6,95,169	7,69,670	8,432	4,800	14,78,071	

### Allocation of Seats

5. Ten seats have been allocated to non-Muslims in the National Assembly of Pakistan under clause 2A of Article 51 of the Constitution. The

detail of these seats is given below:—

- |   |         |
|---|---------|
| (1) Christians  | 4 seats |
| (2) Hindus and Scheduled Castes   | 4 seats |
| (3) Sikh, Budhist and Parsi communities and other non-Muslims.                                | 1 seat  |
| (4) Persons belonging to the Quadiani group or the Lahori group (who call themselves Ahmadis) | 1 seat  |

Similarly, 23 seats are reserved in the Provincial Assemblies under Article 106 of the Constitution for persons belonging to the minority communities as per detail given below:

Provincial Assembly	Christians	Hindus and Scheduled Castes	Sikh, Budhist Parsi and other non-Muslims	Persons belonging to Quadiani group or Lahore group (who call themselves Ahmadis)	Total
1	2	3	4	5	6
Balochistan	1	1	1	—	3
NWFP	1	—	1	1	3
Punjab	5	1	1	1	8
Sindh	2	5	1	1	9
Total	9	7	4	3	23

### Electorate

6. Every person whose name appeared on the electoral roll of a particular community was entitled to vote for election of a member of that community in the National Assembly or a Provincial Assembly, and every such voter had only one non-transferable vote for a constituency of the National Assembly and a Provincial Assembly.

### **Constituencies**

7. The whole of Pakistan, excluding the FATA, formed one constituency with as many seats as were allocated to various categories of the non-Muslims in the National Assembly. Similarly, each Province constituted one constituency with as many seats as were allocated to a particular community of the non-Muslims in the Provincial Assembly of that Province.

### **Polling Stations**

8. The same polling stations as were established for the general elections, served both the Muslim and the non-Muslim voters. If the number of non-Muslim voters at a polling station was small, they were assigned to one of the booths at that polling station. Separate booths were, however, provided for the non-Muslims in case they were in sizeable number at a polling station.

### **Qualifications and Disqualifications**

9. The qualifications and disqualifications applicable to the candidates for election to the reserved seats for non-Muslims in the National Assembly and the Provincial Assemblies were the same as were applicable to the candidates for the Muslim seats except the ones mentioned in clauses (d) and (e) of Article 62 of the Constitution. Similarly, bar against the double membership under Article 223 which was applicable to the candidates for Muslim seats was also applicable to the candidates for the non-Muslim seats.

### **Returning Officer for National Assembly Election**

10. In pursuance of the provisions of section 7 of the Representation of the People Act, 1976 read with section 47 thereof, the Election Commission appointed the District and Sessions Judge, Islamabad as Returning Officer for election to the ten seats reserved in the National Assembly for four categories of the non-Muslims. The whole country for the purpose of this election formed one constituency with as many seats as are allocated to each category of non-Muslims.

### **Appointment of Assistant Returning Officers**

11. The Returning Officers for Muslim constituencies in the National Assembly were appointed to act as Assistant Returning Officers for election to non-Muslim seats in respect of their respective areas. Sub-section (3) of section 7 of the Representation of the People Act, 1976 provides that "an Assistant

Returning Officer shall assist the Returning Officer in the performance of his functions under this Act and may, subject to any conditions imposed by the Commission, exercise and perform under the control of the Returning Officers, the powers and functions of the Returning Officer". For facility of the prospective candidates from the Provinces to file their nomination papers for non-Muslim seats in the National Assembly, the Assistant Returning Officers were authorised to exercise and perform the following powers and functions of the Returning Officer under the control of the Returning Officer:—

- (a) To receive nomination papers from the candidates for election to the non-Muslim seats in the National Assembly;
- (b) to scrutinize the nomination papers;
- (c) to send the list of contesting candidates to the Returning Officer at Islamabad for allocation of symbols; and
- (d) to perform any other function, that may be assigned to him.

12. The names of the officers, who were so authorised province-wise are given below:—

- (1) Mr. Jahangir Khan, Additional District and Sessions Judge, (Returning Officer for NA-2 Peshawar-II) Peshawar, for the NWFP.
- (2) Mr. Muhammad Arif, Additional District and Sessions Judge, (Returning Officer for NA-93 Lahore-II) Lahore, for the Punjab.
- (3) Mr. Mohammad Ashfaq Baluch, Additional District and Sessions Judge, (Returning Officer for NA-190 Karachi South-II) Karachi Central, for Sindh.
- (4) Special Judge, (Returning Officer for NA-197 Quetta-Cum-Chagai) Quetta, for Baluchistan.

#### **Returning Officers for Provincial Assemblies Election**

13. For the purpose of election to the non-Muslim seats in the Provincial Assemblies for the four categories of the non-Muslims, the

appointments of Returning Officers and Assistant Returning Officers were made as under:—

Name of Provincial Assembly	Returning Officer	Assistant Returning Officer
1	2	3
(1) Provincial Assembly, Punjab.	District and Sessions Judge, Lahore.	All Returning Officers for Muslim constituencies of the Provincial Assembly, Punjab.
(2) Provincial Assembly, Sindh.	District and Sessions Judge, Karachi (Central).	All Returning Officers for Muslim constituencies of the Provincial Assembly, Sindh.
(3) Provincial Assembly, NWFP.	District and Sessions Judge, Peshawar.	All Returning Officers for Muslim constituencies of the Provincial Assembly, NWFP.
(4) Provincial Assembly, Baluchistan.	District and Sessions Judge, Quetta.	All Returning Officers for Muslim constituencies of the Provincial Assembly, Baluchistan.

### Schedule of Election

14. According to the Constitution, elections to the non-Muslim seats in the National Assembly and Provincial Assemblies are required to be held simultaneously with the election to the Muslim seats in these Assemblies. Accordingly, the same schedule of election as was notified by the Election Commission on 23rd and 24th August, 1993 for election to the seats in Muslim constituencies was followed for election to non-Muslim seats in the National Assembly and the Provincial Assemblies respectively.

### Nominations/Scrutiny and withdrawal of Candidature

15. Details of nominations, scrutiny, appeals, withdrawal of candidature and retirement from the contest in case of election to the non-Muslim seats in the National Assembly and the Provincial Assemblies appear in Chapters XV, XVI and XVII.

### **Printing of Ballot Papers**

16. Separate ballot papers were printed for election to the seats for Christians, the seats allocated to Hindus and Scheduled Castes, seats reserved for Sikh, Budhist and Parsi communities, and the seats reserved for the persons belonging to Qadiani group or the Lahori group (who call themselves Ahmadis). The ballot papers for each category on non-Muslim were printed on coloured paper to distinguish them from the ballot papers for the Muslim seats for facility of counting of votes.

### **Voting Procedure**

17. Voting procedure for the non-Muslim voters was the same as was prescribed for the Muslim voters. The same ballot box was used for inserting ballot papers by Muslim and non-Muslim voters.

### **Preliminary Consolidation of Result**

18. The poll for election of non-Muslim members of the National Assembly was held on 6th October, 1993 and the poll for non-Muslim seats in the Provincial Assemblies was held on 9th October, 1993, alongwith the poll for Muslim seats. Preliminary result of election to the non-Muslim seats was released to the information media from the Central Control Room of the Election Commission at Islamabad.

### **Consolidation of Result**

19. At the close of the poll, the Presiding Officer at a polling station was required to separate the ballot papers cast by the Muslims and each category of the non-Muslims into different lots. Count of the Muslim votes was completed first and the count of votes of different communities of the non-Muslims was completed thereafter. The statement of the count and the statement of ballot papers account were also prepared separately by the Muslim and non-Muslim voters. These statements were sent to the Assistant Returning Officer for consolidation.

20. The Assistant Returning Officers consolidated the results furnished by the Presiding Officers. Thereafter, they forwarded the consolidated statement of the result of count for election to the National Assembly constituency of their respective Province including in the statement the postal ballot papers received by them before the commencement of consolidation to the Returning Officer at Islamabad.



### Final Consolidation by the Returning Officer

21. On receipt of the result from Assistant Returning Officers, the Returning Officer finally consolidated the Province-wise result of entire constituency of the National Assembly and submitted the final statement to the Election Commission.

22. In case of consolidation of results of Provincial Assemblies the result received from the Assistant Returning Officers (Returning Officers for Muslim constituencies of the Provincial Assemblies) was consolidated by the Returning Officers and the final consolidated statement of each non-Muslim constituency in the Provincial Assembly was submitted to the Election Commission.

### Publication of Result in the Official Gazette

23. In accordance with the provisions of sub-rule 4 of rule 93 of the Representation of the People (Conduct of Election) rules, 1977 read with section 47A of the Representation of the People Act, 1976, the Election Commission published in the official Gazette, the names of the candidates returned to the non-Muslim seats in the National Assembly and the Provincial Assemblies on 15th October and 18th October, 1993 respectively. The detail of result of the count was also notified simultaneously.

### Statistics relating to non-Muslim seats in the National Assembly

24. For election of ten members, the voting strength of the non-Muslims was 14,89,961. Detail of the votes cast by them at the polls for the non-Muslim seats in the National Assembly is as under:—

Community	Registered votes	Total votes cast	Number of votes rejected	Total valid votes	No. of seats to be filled	Percentage of votes cast to registered votes
Christians.	707076	242331	1411	243742	4	34.27%
Hindus and Scheduled Castes.	768588	213219	2980	216199	4	27.74%
Sikh, Budhist, Parsi and other non-Muslims.	9209	4359	22	4381	1	47.33%
Persons belonging to the Qadiani group or Lahori group (who call themselves Ahmadis).	5088	545	5	550	1	10.71%
Total:—	1489961	460454	4418	464872	10	30.90%

### Statistics relating to non-Muslim seats in the Provincial Assembly, Punjab

25. Total number of non-Muslim voters in the Punjab was 6,05,166 for election of eight members. Detail of votes cast by them is as under:—

Community	Registered votes	Total votes cast	Number of votes rejected	Total valid votes	No. of seats to be filled	Percentage of votes cast to registered votes
1. Christians.	587699	214385	1323	213062	5	36.48%
2. Hindus and Scheduled Castes.	41971	15986	74	15912	1	38.09%
3. Sikh, Budhist, Parsi and other non-Muslims.	1467	797	—	797	1	54.33%
4. Persons belonging to the Quadiani group or Lahori group (who call themselves Ahmadis).	3411	574	8	566	1	16.83%
Total:—	634548	231742	1405	230337	8	36.52%

### Statistics relating to non-Muslim seats in the Provincial Assembly, Sindh

26. For election of nine members of the Provincial Assembly of Sindh, the total number of non-Muslim voters was 8,09,568. Detail of the votes cast by the non-Muslim voters is as under:—

Community	Registered votes	Total votes cast	Number of votes rejected	Total valid votes	No. of seats to be filled	Percentage of votes cast to registered votes
1. Christians.	90040	33752	—	33752	2	35.89%
2. Hindus and Scheduled Castes.	709520	208295	4455	212750	5	29.36%
3. Sikh, Budhist, Parsi and other non-Muslims.	4762	Uncontested			1	—
4. Persons belonging to the Quadiani group or Lahori group (who call themselves Ahmadis).	1246	217	—	217	1	17.42%
Total:—	809568	242264	4455	246719	9	29.93%

### Statistics relating to non-Muslim seats in the Provincial Assembly, NWFP

27. Three seats were allocated to the non-Muslims in the Provincial Assembly of NWFP. Their total voting strength was 17,383. Detail of the votes cast by them is tabulated below:—

Community	Registered votes	Total votes cast	Number of votes rejected	Total valid votes	No. of seats to be filled	Percentage of votes cast to registered votes
1. Christians.	12602	6340	42	6382	1	50.31%
2. Sikh, Budhist, Parsi and other non-Muslims (including Hindus and Scheduled Castes).	4481	2735	47	2782	1	61.04%
3. Persons belonging to the Quadiani group or Lahori group (who call themselves Ahmadis).	300	92	1	93	1	30.67%
<b>Total:</b>	<b>17383</b>	<b>9167</b>	<b>90</b>	<b>9257</b>	<b>3</b>	<b>52.74%</b>

### Statistics relating to non-Muslim seats in the Provincial Assembly, Baluchistan

28. Three seats were reserved for the non-Muslims in the Provincial Assembly, Baluchistan. The total number of registered voters in the Province was 23,449 excluding Quadiani (Ahmadis). Detail of their voting pattern is as under:—

Community	Registered votes	Total votes cast	Number of votes rejected	Total valid votes	No. of seats to be filled	Percentage of votes cast to registered votes
Christians.	7846	4445	17	4462	1	56.65%
Hindus and Scheduled Castes.	14959	5551	55	5606	1	37.11%
Sikh, Budhist, Parsi and other non-Muslims.	622	416	3	419	1	66.88%
<b>Total:</b>	<b>23449</b>	<b>10412</b>	<b>75</b>	<b>10487</b>	<b>3</b>	<b>44.40%</b>

## Recommendations

29. The Election Commission in its report on general elections, 1980 pointed out the following practical difficulties experienced in organizing and holding elections to the seats reserved for minority communities:—

- “(a) The constituency was too large for a candidate to launch his election campaign. Economically, such a campaign was expensive and practically the candidate was unable to establish contact with his electorate scattered all over the country or Province.
- (b) The ballot paper containing a large number of names was generally un-wieldy and beyond the comprehension of an illiterate voter.
- (c) The election managers also experienced difficulties in making arrangements for taking the poll and compilation of election results.
- (d) Finally, if a casual vacancy occurs in the National Assembly or Provincial Assembly, the holding of bye-election to fill it, would necessitate streamlining all arrangements throughout the country in case of National Assembly and, throughout a Province, in case of the Provincial Assemblies. This would mean holding of a mini general election to fill one seat, which may not be feasible in any manner.”

30. The Commission, therefore, recommended that the extent of constituencies of non-Muslims may be of manageable size and small constituencies may be provided to them. Areas having large population of particular community may be assigned one constituency on the basis of ratio of population and law may be suitably amended on the analogy of Federal Administered Tribal Areas. Since then this question has remained under active consideration of the Government, but no decision has so far been taken in this regard.

31. In order to sort out the difficulties being experienced by candidates for election to the non-Muslim seats, the Election Commission is currently busy in holding a series of meetings with them. Two such meetings have already been held at Lahore and Karachi under the Chairmanship

Mr. Justice (Retired) Naimuddin, Chief Election Commissioner of Pakistan and the deliberations will continue at Islamabad and, if required, at other places in the near future. The object of this discussion is to identify the areas where reforms could possibly be introduced and to make suitable recommendations to the Government, with consensus of opinion of the representatives of minority communities. The Government will be requested to give due consideration to the recommendations of the Election Commission and to amend the Representation of the People Act, 1976, and the Delimitation of Constituencies Act, 1974, to give effect to them.

### **Pattern of Representation of non-Muslims in National Assembly and Provincial Assemblies on the basis of population**

32. Under the Constitution 207 Muslim seats have been provided in the National Assembly. They are divided into single-member territorial constituencies. On average a Muslim constituency has quota per seat as 4,07,022, which has been obtained by dividing the total population of the country by the total number of Muslim seats in the National Assembly.

Ten additional seats have been reserved for the minority communities as detailed below:—

- |  |   |
|--|---|
| (1) Christians.  | 4 |
| (2) Hindus and the persons belonging to the Scheduled Castes.                              | 4 |
| (3) Sikh, Budhist and Parsi communities and other non-Muslims.                             | 1 |
| (4) Persons belonging to Quadiani group or the Lahori group (who call themselves Ahmadis). | 1 |

33. The non-Muslim or the minority communities have multi-member constituencies spread over throughout the country. Quota per seat can be obtained by dividing population of each community or group of communities by the number of seats reserved for such community or group of

communities in the National Assembly as follows:—

Name of minority group	Population in 1981	No. of seats in the National Assembly
1	2	3
Christian	13,10,426	4
Hindus Scheduled Castes.	12,76,116	4
Sikh, Budhist, Parsi communities and other non-Muslims.	Sikh = 2146 Budhist = 2639 Parsi = 7007 Others = 101009	1
Quadiani	1,04,244	1
Total:	28,03,587	10

34. The above figures show that while a Muslim seat represents 4,07,022 Muslim population, a Christian seat represents 327606 population, a Hindu/Scheduled Caste, 319029 population of their community, a Sikh-Budhist-Parsi-others seat, 112801 population and a Quadiani/Ahmadi seat merely 104244 population of its community. On average a minority community represents 280358 non-Muslim population.

35. From this it is quite evident that number of seats reserved in the National Assembly for non-Muslim communities far exceeds the quota allocated to a Muslim seat. Statistically speaking, minority communities have more representation as compared to Muslim.

36. In the Provinces the allocation of seats for the Muslim and non-Muslims communities is as follows:—

Provincial Assembly	Muslim Seats	Seats reserved for non-Muslims					Total non-Muslim Seats
		Christians	Hindus and persons belonging to the Scheduled Castes	Sikh, Budhist and Parsi Communities and other non-Muslims	Persons belonging to the Quadiani group or Lahori group (who call them-selves Ahmadis)		
1	2	3	4	5	6	7	
Punjab	240	5	1	1	1	8	
Sindh	100	2	5	1	1	9	
NWFP	80	1	—	1	1	3	
Baluchistan	40	1	1	1	—	3	
Total:	460	9	7	4	3	23	

### Punjab Assembly

37. In the Punjab Quota for one Muslim seat is 197052. Quota per seat of minority communities can be worked out by dividing total population of minorities in the province as in 1981 by the number of seats reserved for that community in that province as follows:

Community	Population	Seats Reserved
1	2	3
(1) Christians.	10,61,937	5
(2) Hindus and the persons belonging to the Scheduled Castes.	29,264	5
(3) Sikh, Budhist and Parsi communities and other non-Muslims.	Sikh = 832 Budhist = 756 Parsi = 1766 Others = 24883	5
(4) Persons belonging to the Quadiani group or the Lahori group (who call themselves Ahmadis).	63,694	5
Total	11,82,236	20

38. This shows that a minority seat in the Punjab represents 147779 minority population, which are 50 thousand less than the Muslim population represented in the province by a Muslim seat.

### Sindh Assembly

39. In Sindh, Quota for a Muslim seat is 190287 while a seat of minority communities represents 163550 minority population, as is found in the table below:—

Community	Population	Seats Reserved
1	2	3
(1) Christians.	176898	2
(2) Hindus and the persons belonging to the Scheduled Castes.	1221961	5
(3) Sikh, Budhist and Parsi communities and other non-Muslims.	Sikh = 393 Budhist = 1714 Parsi = 4305 Others = 45473	1
(4) Persons belonging to the Quadiani group or the Lahori group (who call themselves Ahmadis).	21210	1
Total:—	1471954	9

**NWFP Assembly**

40. In the NWFP, a Muslim seat represents 138266 population while a non-Muslim represents merely 19130 minority population, as calculated from the table below :—

Community	Population	Seats Reserved
1	2	3
(1) Christians.	38583	1
(2) Hindus and the persons belonging to the Scheduled Castes.	4428	Nil
(3) Sikh, Budhist and Parsi communities and other non-Muslims.	Sikh = 324 Budhist = 58 Parsi = 459 Others = 2179	1
(4) Persons belonging to the Quadiani group or the Lahori group (who call themselves Ahmadis).	11360	1
Total :—	57391	3

*Note.*—As Hindus and the persons belonging to the scheduled castes have no seat they contested and polled votes with Sikh, Budhist and Parsi. The sitting member also belongs to Hindu community.

**Baluchistan Assembly**

41. In Baluchistan the quota per seat for Muslim is 108309, while a non-Muslim seat represents 2404 non-Muslim population, as calculated from the table below :—

Community	Population	Seats Reserved
1	2	3
(1) Christians.	20131	1
(2) Hindus and the persons belonging to the Scheduled Castes.	19598	1
(3) Sikh, Budhist and Parsi communities and other non-Muslims.	Sikh = 189 Budhist = 106 Parsi = 439 Others = 28461	1
(4) Quadiani	5824	Nil
Total :—	74712	3



42. Discussion of comparative quotas for a Muslim seat in the National Assembly or in any of the four Provincial Assemblies, when juxtaposed with corresponding quota of a non-Muslim seat in that Assembly, amply shows that non-Muslim representation is being treated generously in the country.

43. A statement showing non-Muslim population according to 1981 census is appended.

NON-MUSLIM POPULATION ACCORING TO 1981 CENSUS

Sl. No.	Province/Area	Population of								Total
		Ahmadis	Christians	Hindus	Sikhs	Budhists	Parsis	Others		
1	2	3	4	5	6	7	8	9	10	
1.	Islamabad Federal Capital.	1,183	7,846	36	3	5	35	11	9,119	
2.	F.A.T.A.	973	5,931	825	405	—	3	2	8,139	
3.	Punjab	63,694	10,61,037	29,268	832	756	1,766	24,883	11,82,236	
4.	Sindh.	21,210	1,76,898	12,21,961	393	1,714	4,305	45,473	14,71,954	
5.	N.W.F.P.	11,360	38,583	4,428	324	58	459	2,179	57,391	
6.	Baluchistan	5,824	20,131	19,598	189	106	439	28,461	74,748	
Total:—		1,04,244	13,10,426	12,76,116	2,146	2,639	7,007	1,01,009	28,03,587	

### **Comparison of allocation of Muslim and Non-Muslim seats on the basis of voters strength**

44. Under the Delimitation of Constituencies Act, 1974, allocation of seats or quota of population per seat is worked out on the basis of population. This has been already discussed in the preceding paragraphs.

45. Changing parameters from demographic representation to the electorate representation, the position, as it would appear, is discussed below:—

#### **Allocation of seats in the National Assembly**

46. The population of the country according to 1981 census is 8,14,50,057. There were 5,23,26,021 registered Muslim voters in the country on 31-7-1993 represented by 207 seats in the National Assembly. Quota per seat in the National Assembly on the basis of voting strength works out as 2,52,782 (*i.e.* registered voters  $\div$  207). Accordingly the total number of non-Muslim voters as on 31-7-1993 were 14,89,961. Quota per non-Muslim seat in the National Assembly on the basis of voters strength of the non-Muslim comes to 1,48,996 (*i.e.* number of registered non-Muslim voters  $\div$  number of seats for non-Muslims). This is almost 3/5th of Muslim quota.

#### **Allocation of seats in the Punjab Assembly**

47. The population of the Punjab Province according to 1981 census is 4,61,10,205. There were 3,02,64,766 registered Muslim voters on 31-7-1993 in that Province represented by 240 seats in the Provincial Assembly. Quota per seat in the Provincial Assembly Punjab on the basis of voting strength works out to be 1,26,103. Accordingly, the total number of non-Muslim voters as on 31-7-1993 was 6,34,548. The seats in the Assembly are 8. Quota per non-Muslim seat in the Provincial Assembly on the basis of voters strength of the non-Muslim comes to 79,318. This is almost 2/3rd of Muslim quota.

#### **Allocation of seats in Sindh Assembly**

48. The population of Sindh Province according to 1981 census is 1,75,56,712. There were 1,12,02,367 registered Muslim voters on 31-7-1993 in that Province represented by 100 seats in the Provincial Assembly. Quota per seat in the Provincial Assembly on the basis of voting strength comes out to be 1,12,024. Accordingly, the total number of non-Muslim voters as on 31-7-1993 was 8,09,568. There being 9 seats in the Assembly, on the basis of voters

strength of the non-Muslims comes to 89,952. This is almost 3/4th of Muslim quota.

#### Allocation of seats in N.W.F.P. Assembly

49. The population of N.W.F.P. according to 1981 census is 1,10,03,937. There were 63,68,525 registered Muslim voters on 31-7-1993 in the Province represented by 80 seats in the Provincial Assembly. Quota per seat in the Provincial Assembly on the basis of voting strength comes out to be 79,607. Accordingly, the total number of non-Muslim voters as on 31-7-1993 was 17,383. There are 3 seats in the Assembly and quota per non-Muslim seat in the Provincial Assembly on the basis of voters strength of the non-Muslims was 5,794. This is almost 1/14th of Muslim quota.

#### Allocation of seats in Baluchistan Assembly

50. The population of Baluchistan Province according to 1981 census is 42,57,628. There were 27,53,029 registered Muslim voters on 31-7-1993 in the Province represented by 40 seats in the Baluchistan Assembly. Quota per Muslim seat on the basis of voting strength comes out to be 68,826. Accordingly, the total number of non-Muslim voters as on 31-7-1993 was 23,449 and the seats in the Assembly are 3. Therefore, quota per non-Muslim seat in the Baluchistan Assembly on the basis of voters strength of the non-Muslim comes to 7,816. This is almost 1/9th of Muslim quota.

51. The corollary in each case, National Assembly or Provincial Assembly, is that a non-Muslim seat is allocated for a far less number of voters than for a Muslim seat. This shows that the non-Muslim electorate is treated generously in electoral representation.

52. Statements of Muslim voters and non-Muslim voters as on 31-7-1993 are appended hereunder:—

#### VOTERS AND POPULATION (NON-MUSLIM)

Province	Population as per 1981 Census	Voters registered as on 31-7-1993
Punjab	11,82,236	6,34,548
Sindh	14,71,954	8,09,568
N.W.F.P	57,391	17,383
Baluchistan	74,748	23,449
Total:—	27,86,329	14,84,948

**VOTERS AND POPULATION  
(MUSLIM)**

Province	Population as per 1981 Census	Voters registered as on 31-7-1993
Punjab	4,61,10,205	3,02,64,766
Sindh	1,75,56,712	1,12,02,367
N.W.F.P	1,10,03,937	63,68,525
Baluchistan	42,57,628	27,53,029
Total :-	<u>7,89,28,482</u>	<u>5,05,88,687</u>

## CHAPTER XXIV

## REFUND/FORFEITURE OF SECURITY DEPOSITS

**Security Deposit**

Section 13 of the Representation of the People Act, 1976, requires that no nomination paper shall be accepted unless a sum of rupees four thousand for election to a seat in the National Assembly and rupees two thousand for election to a seat in the Provincial Assembly is deposited by the candidate or by any person on his behalf at the time of filing the nomination paper. The amount can be deposited in cash with the Returning Officer or in the form of a deposit at any branch of the National Bank or at a Government Treasury or sub-Treasury. A receipt in token of having deposited the amount in the Bank or Treasury has to be enclosed with the nomination form. Not more than one deposit is required to be made in the case of a candidate filing more than one nomination paper for election to the same seat.

2. All deposits, whether made in cash to the Returning Officer or in a bank or treasury, were credited to the Government under the prescribed head of account. A receipt in token of having deposited the amount in the bank or Treasury was required to be enclosed with the nomination form. For every deposit made in cash with the Returning Officer, he maintained proper account by making an entry to that effect in a register and issued a receipt to the candidate.

**Legal Basis for Refund**

3. Under the law, the amount of security is refundable to a candidate or his authorised representative in case of—

- (i) Rejection of nomination of a candidate.
- (ii) Withdrawal of candidature by a candidate by the due date.
- (iii) Retirement of a candidate from the contest within specified time.
- (iv) A candidate securing more than one-eighth of the total votes cast in the constituency.
- (v) Termination of proceedings of election in a constituency due to the death of validly nominated candidate.

4. Applications for refund of security are required to be made under the law within six months of the termination of the proceedings or as the case may be, the declaration of the result of the election.

### **Basis of Forfeiture**

5. The deposit in respect of a candidate is liable to be forfeited to the Federal Government if he has received less than one-eighth of the total votes cast at an election in a constituency. In addition, a deposit shall be forfeited if an application for its refund is not made within six months of the termination of the proceedings or, as the case may be, of the declaration of the result of election.

### **Deposits for National Assembly**

6. The number of candidates nominated for the 1993 general election to the Muslims seats in the National Assembly was 2029 and number of candidates nominated for the seats reserved for the non-Muslim was 79. In all 2108 candidates were nominated for National Assembly elections and the total amount of security deposited by them was Rs. 84,32,000.

### **Deposits for Provincial Assemblies**

7. A total number of 6064 candidates were nominated for election to the four Provincial Assemblies and they deposited a sum of Rs. 1,21,28,000 as security for election as detailed below:—

Provincial Assembly	Number of candidates nominated for		Total No. of Candidates	Total deposits
	Muslim seats	Non-Muslim seats		
Punjab	2776	95	2871	5742000
Sindh	1736	115	1851	3702000
NWFP	647	20	667	1334000
Baluchistan	646	29	675	1350000
<b>Total:</b>	<b>5805</b>	<b>259</b>	<b>6064</b>	<b>12128000</b>

**Total amount deposited**

8. The total amount deposited as security for the 1993 general election to the National Assembly and Provincial Assemblies was Rs. 2,05,60,000.

**Amount Refundable for National Assembly Election**

9. As against 2108 persons nominated for election to the National Assembly, the deposits amounting to Rs. 52,20,000 made by 1305 candidates were refundable to them. Of these, 1280 candidates contested election for the Muslims Constituencies and 25 candidates contested election to the seats reserved for the minority communities.

**Amount refundable for Provincial Assembly Election**

10. A total sum of Rs. 6576000 was refundable to 3288 candidates for election to the Provincial Assemblies as under:—

Provincial Assembly	No. of candidates	Refundable amount
1	2	3
Punjab	1737	34,74,000
Sindh	721	14,42,000
NWFP	443	8,86,000
Baluchistan	387	7,74,000
Total:	3288	65,76,000

**Forfeiture of Security for National Assembly Election**

11. In case of election to the National Assembly, the deposits in respect of 803 candidates amounting to Rs. 32,12,000 were forfeited to the Federal Government for having received less than the requisite number of votes. Of these, 749 were candidates for the Muslim seats, 54 were candidates for the non-Muslim seats.



### Forfeiture of Security for Provincial Assemblies Elections

12. The deposits in respect of 2776 candidates amounting to Rs. 5552000 were forfeited to the Federal Government in case of election to the Provincial Assemblies, as under:—

Provincial Assembly	No. of candidates whose deposits forfeited		Total	Amount forfeited
	Muslims	Non-Muslims		
Punjab	1055	79	1134	2268000
Sindh	1044	86	1130	2260000
NWFP	218	6	224	448000
Baluchistan	269	19	287	574000
<b>Total:</b>	<b>2586</b>	<b>190</b>	<b>2776</b>	<b>5552000</b>

13. A comparative statement showing the amount of security refunded and forfeited to the Federal Government as a result of general elections held in 1988, 1990 and 1993 is given below:—

#### NATIONAL ASSEMBLY OF PAKISTAN

	1993	1990	1988
1. Number of nominated candidates	2108	2442	1978
2. Number of candidates whose security deposits was liable to be refunded	1305	1557	1248
3. Number of candidates whose security deposits was liable to be forfeited.	803	885	730
4. Amount of security deposit liable to be refunded.	52,20,000	62,28,000	49,92,000
5. Amount of security deposit liable to be forfeited.	32,12,000	35,40,000	29,20,000
6. Amount of security deposit forfeited as unclaimed.	—	—	4,76,000

**ALL PROVINCIAL ASSEMBLIES**

	1993	1990	1988
1. Number of nominated candidates	6064	6806	5960
2. Number of candidates whose security deposits was liable to be refunded.	3288	4259	3486
3. Number of candidates whose security deposits was liable to be forfeited.	2776	2547	2474
4. Amount of security deposit liable to be refunded.	65,76,000	85,18,000	69,72,000
5. Amount of security deposit liable to be forfeited.	55,52,000	50,94,000	49,48,000
6. Amount of security deposit forfeited as unclaimed.	—	—	9,18,000

14. The information with regard to the additional amount which is also likely to be forfeited to the Government in case of such candidates for National Assembly and the Provincial Assemblies elections as might not apply for refund of their deposits within the specified period, is being collected.

15. The total amount thus forfeited to the Government for general elections to the National Assembly and the Provincial Assemblies, excluding the unclaimed amount comes, to Rs. 87,64,000.

**Recommendations**

16. The possibility to treat the refundable security for election as "non-refundable election fee" may be considered by the Federal Government as has been done by the Provincial Governments in case of elections to the local bodies. Such a step will ease the financial burden on the national exchequer.

## CHAPTER XXV

## ELECTION EXPENSES OF CANDIDATES

Free elections depend on free communication of the candidates and political parties with the electorate. Mass communication is an expensive exercise. Complete freedom of communication gives advantage to rich candidates and parties and tends to violate the principle of equality. The object of imposition of reasonable limits on the expenses of a candidate on his election campaign through electoral code is mainly aimed at affording equal opportunity to every candidate, to prevent corruption in elections and to equalise poor and wealthy candidates and parties in the electoral arena.

**The law on election expenses**

2. Chapter VI of the Representation of the People Act, 1976, consisting of section 48 to section 51 deals exclusively with "Election Expenses". Before the Election Commission could proceed against the defaulting candidates for incurring expenditure in excess of the limit prescribed under section 49 or for not filing the returns of election expenses in violation of section 50 during the 1990 general elections, all provisions relating to the returns of election expenses were omitted from the Act through the Representation of the People (Amendment) Ordinance, 1991 (Ordinance No. XI of 1991) promulgated on 15th April, 1991. Before the lapse of this Ordinance, the Parliament enacted the Representation of People (Amendment) Act, 1991 (Act No. IX of 1991), which came into force on 9th June, 1991, giving legal effect to the amendments made through that Ordinance. Resultantly, the provisions relating to election expenses were removed *in toto* from the statute book.

3. The Election Commission in its Report on General Elections, 1990, made the following recommendation:—

"In order to provide a fair chance to the middle class and low-income aspiring candidates for election to the National and Provincial Assemblies *vis-a-vis* the rich and the privileged ones, it is further recommended that a moderate and reasonable ceiling of election expenses may be fixed and a mechanism be devised to regulate the election expenses of a candidate effectively."

4. After the announcement of general elections in 1993, the Election Commission again considered the question of election expenses of the candidates and decided in its meeting on 19th May, 1993, to make a

recommendation to the Government to the effect that provisions relating to the returns of election expenses may be restored by making necessary amendments in the law. The Commission further decided to enhance the ceiling of election expenses from the erstwhile limit of rupees five hundred thousand to rupees one million in case of election to the National Assembly and from rupees three hundred thousand to rupees six hundred thousand in case of election to a Provincial Assembly. Reference was accordingly made by the Election Commission to the Government and consequently the President promulgated the Representation of the People (Amendment) Ordinance, 1993, (Ordinance No. XVI of 1993), on 19th August, 1993, whereby all provisions relating to election expenses were restored and ceiling of election expenses were enhanced as per recommendations of the Election Commission.

### Definition of Election Expenses

5. The term "election expenses" has been defined under section 48 of the Representation of the People Act, 1976 to mean any expenditure which is 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 otherwise presenting to the electors the candidate or his views, aims or objects, but does not include the security deposit made under section 13 for nomination of a candidate.

### Ceiling of Expenses

6. Section 49 of the Representation of the People Act, 1976 provides that election expenses of a candidate shall not exceed—

- (a) rupees one million in case of election to a seat in the National Assembly, and
- (b) rupees six hundred thousand in case of election to a seat in a Provincial Assembly.

Contravention of this provision is a corrupt practice within the meaning of section 78 *ibid* and, as provided under section 82 of the Act, the same is punishable with imprisonment for a term which may extend to five years, or with fine which may extend to ten thousand rupees, or with both.

### Return of Election Expenses

7. Section 50 of the Representation of the People Act, 1976 read with rule 30 of the Representation of the People (Conduct of Election) Rules, 1977 requires that every contesting candidate shall within 30 days after the publication of the name of the returned candidate, file with the Returning Officer a return of election expenses incurred by him in the prescribed form which shall contain the following information:—

- (a) a statement of all payments made by the contesting candidates together with all the bills and receipts;
- (b) a statement of all disputed claims of which the contesting candidate is aware;
- (c) a statement of all unpaid claims, if any, of which the contesting candidate is aware; and
- (d) a statement of all moneys, securities or equivalent of money received from any person for the purpose of election expenses specifying the name of every such person.

8. The contesting candidates are also required to submit an affidavit in the prescribed form duly signed by them alongwith their election expenses return. Failure to comply with the provisions of section 50 is an illegal practice as envisaged under section 83(1)(a) *ibid*. The defaulters are punishable with fine which may extend to two thousand rupees.

### Maintenance of account and submission of return of Election Expenses

9. Rule 30 of the Representation of the People (Conduct of Election) Rules, 1977 envisages that the contesting candidate shall maintain or cause to be maintained a register of receipts and expenditure in a prescribed form (Form-XVIII). It also requires that the return of election expenses and affidavit duly sworn by the candidate shall be submitted in Form-XVIII and Form-XIX respectively, appended to the rules.

### Inspection of Returns etc.

10. Section 51 of the Representation of the People Act, 1976 requires that the return of election expenses and documents showing the detail of accounts in respect of each contesting candidate shall be kept by the Returning

Officer in his office or at such other convenient place as he may think fit and that the return shall be open to inspection by any person for a period of one year and copies thereof can be supplied on payment of the prescribed fee.

### **Last dates for filing the returns**

11. The names of returned candidates to the National Assembly and Provincial Assemblies were notified respectively on 14th October, 1993 and 17th October, 1993. Last date for filing of election expenses return in case of election to the National Assembly fell on 13th November, 1993 and 16th November, 1993, in case of election to the Provincial Assemblies.

### **Legal proceedings relating to the election expenses**

12. Persons found guilty of contravention of the provisions of section 49 and section 50 of the Representation of the People Act, 1976 are liable to be proceeded against in accordance with provisions of section 96 *ibid* which requires that the Election Commission shall direct the Returning Officer to launch proceedings in the appropriate Court against the defaulting candidates. Conviction of a person on his failure to comply with the legal provisions may lead to his disqualification from being, or being elected as, a member of an Assembly for a period not exceeding five years, if so ordered by the Chief Election Commissioner, as contemplated by section 100 of the Act. The Chief Election Commissioner is also empowered to order removal and remission of disqualification on an application made to him in this behalf by the person concerned, as envisaged under section 102.

13. Soon after the publication of names of the returned candidates in the official Gazette, a press note was issued by the Election Commission on 21st October, 1993 drawing attention of the contesting candidates to the relevant legal provision in respect of filing of the election expenses return, highlighting the consequences accruing in the event of the cotravention thereof. Detailed instructions were also issued to all the Returning Officers on 20th October, 1993 in this behalf. The Returning Officers were also asked to submit the statement on the prescribed proforma showing the position of the return of election expenses to the Election Commission. Position of returns of

election expenses relating to the National Assembly, as reported so far by the Returning officers is tabulated below:—

Province/Area	Total number of contesting candidates	Nature of default			Total No. of defaulting candidates
		Excess Expenditure	Non-submission of return	Delayed submission of return	
(1) Federal Capital	10	—	5	—	5
(2) Punjab	558	—	200	36	236
(3) Sindh	461	—	188	7	195
(4) NWFP	125	—	30	4	34
(5) FATA	107	—	46	11	57
(6) Baluchistan	80	—	33	3	36
*Total:—	1341	—	502	61	563

\*Note:—Does not include information in respect of 8 constituencies as the same are still awaited from the R.O. concerned.

14. Likewise, the position in respect of return of election expenses relating to the Provincial Assemblies is as under:—

Provincial Assembly	Total number of contesting candidates	Nature of default			Total No. of defaulting candidates
		Excess Expenditure	Non-submission of return	Delayed submission of return	
Provincial Assembly, Punjab.	1,488	—	662	33	695
Provincial Assembly, Sindh.	1,225	—	691	9	700
Provincial Assembly, NWFP.	454	—	126	20	146
Provincial Assembly, Baluchistan	290	—	144	30	174
*Total:—	3,457	—	1,623	92	1,715

\*Note:—Does not include information in respect of 29 constituencies as the same are still awaited from the ROs concerned.

15. The Election Commission will consider all cases of violation of provisions of law relating to election expenses and issue necessary directions to the Returning Officers to launch proceedings against the defaulting candidates in appropriate courts as required under section 96 of the Act.

16. 1,341 candidates contested the election to the National Assembly, of which 778 candidates have filed election expenses returns with the concerned Returning Officers. The expenditure incurred by them thus comes to Rs. 22,62,13,705.64. Similarly, for the Provincial Assemblies election 3457 candidates were in the field. Out of these, 1742 candidates have filed their returns and incurred a sum of Rs. 25,98,59,047.67. The detail of this expenditure both for election to the National Assembly and the four Provincial Assemblies election is given hereunder:—

Province/ Area	Total Number of candidates	No. of candidates who filed returns of election expenses	No. of candidates who filed to file return of elec- tion expenses	No. of candidates who filed return of election expenses after the due date	total expenditure
<b>NATIONAL ASSEMBLY</b>					
Federal Capital	10	5	5	—	17,71,806.00
Punjab	558	322	200	36	12,80,49,451.72
Sindh	461	266	188	7	4,32,56,599.88
NWFP	125	91	30	4	3,22,43,826.30
FATA	107	50	46	11	1,04,64,140.59
Baluchistan	80	44	33	3	1,04,27,881.15
<b>*Total:—</b>	<b>1341</b>	<b>778</b>	<b>502</b>	<b>61</b>	<b>22,62,13,705.64</b>

\*Note:—Does not include information in respect of 8 constituencies as the same are still awaited from the RO concerned.

<b>PROVINCIAL ASSEMBLIES</b>					
Punjab	1488	793	662	33	14,36,23,446.9
Sindh	1225	525	691	9	4,05,64,508.9
NWFP	454	308	126	20	5,39,37,896.8
Baluchistan	290	116	144	30	2,17,33,194.9
<b>Total:—</b>	<b>3457</b>	<b>1742</b>	<b>1623</b>	<b>92</b>	<b>25,98,59,047.6</b>

\*Note:—Does not include information in respect of 29 constituencies as the same are still awaited from the ROs concerned.

### Past Experience

17. During the 1985 general election, the provisions relating to election expenses were violated by a number of contesting candidates. The Election Commission could not proceed against the defaulting candidates.



the law was amended through an Ordinance on 19th March, 1985, and the candidates for that election were exempted from filing the returns of election expenses.

18. In case of the 1988 general elections, the Election Commission had issued necessary directions on 3rd October, 1989, to the Returning Officers for proceeding against the contesting candidates, who had failed to file their returns of election expenses or exceeded the prescribed ceiling of election expenses. Before, however, the proceedings could be launched, the Government promulgated an Ordinance on 2nd December, 1989, allowing the candidates to submit their returns within such further time as the Government may by notification in the official Gazette specify. The Notification was issued by the Ministry of Law and Parliamentary Affairs on 14-12-1989 which enhanced the period for filing the returns to 120 days from the date of publication of the names of the returned candidates.

19. Similarly, after the expiry of time for filing the returns of election expenses relating to 1990 elections and before any direction could be given by the Commission to the Returning Officers in this behalf, the provision of section 48 to 51 of the Representation of the People Act, 1976 were omitted *vide* Ordinance promulgated on 15-4-1991 and the Representation of the People (Amendment) Act, 1991 (Act No. IX) of 1991 of this Chapter.

### **Recommendations**

20. The process of filing the return of election expenses, as envisaged under the law, should not be revised or modified in any manner to suit the convenience of a few candidates. Such a step defeats the very purpose for which the law is enacted.

21. Expenditure incurred by the political parties on behalf of the candidates nominated by them should be accounted for by the candidates in their returns of election expenses. The political parties generally incur huge expenditure on public meetings in furtherance of the candidature of their nominees. All such expenditure should be regulated by law and subjected to scrutiny of the Election Commission.

22. In order to regulate the election expenditure during the election campaign for 1993 general elections in consultation with the representatives of political parties on their proposals for electoral reforms the Election Commission in exercise of the powers conferred on it by Article 218(3) of the

Constitution of the Islamic Republic of Pakistan read with section 103 of the Representation of the People Act, 1976 (LXXXV of 1976), imposed complete ban on the display of cloth banners and hoardings of all sizes, large posters exceeding the size of 3sq. ft. (2 x 1-1/2) and hoisting of party flags on public buildings, public places and electric and telephone poles by the candidates during their campaign for election to the National Assembly and Provincial Assemblies with immediate effect and until culmination of the process of general election. The Election Commission directed the Deputy Commissioners and Superintendents of Police to remove in accordance with law all such banners, hoardings, large size posters and party flags, if found displayed within their territorial jurisdiction in violation of this Order. By and large, the political parties and the candidates adhered to the instructions of the Commission and no complaint to this effect was lodged with the Commission. Thus the very objective of imposition of ban was perhaps fully achieved. It is, therefore, recommended that the law may be amended on these lines and wall chalking should also be banned.

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## CHAPTER XXVI

## CONDUCT OF BYE-ELECTIONS

**Legal Frame work for Bye-Elections**

Under Article 219 of the Constitution of the Islamic Republic of Pakistan, the Chief Election Commissioner is charged *inter-alia* with the duty of organizing and conducting election to the Senate or to fill casual vacancies in the Senate, the National Assembly or a Provincial Assembly.

**Time limit for Bye-Election**

2. Clause (4) of Article 224 of the Constitution lays down that when, except by dissolution of the National Assembly or a Provincial Assembly, a seat in any such Assembly has become vacant, not later than 120 days before the term of that Assembly is due to expire, an election to fill the seat shall be held within sixty days from the occurrence of the vacancy.

**Fresh Proceedings**

3. Section 18 of the Representation of the People Act, 1976 requires that if a contesting candidate dies before the day for taking the poll, the Returning Officer shall, by public notice, terminate the proceedings relating to that election. The proceedings relating to election in the following five constituencies of the National Assembly and one constituency of Provincial Assembly, Sindh were terminated by the Returning Officer concerned due to the death of a contesting candidate in each constituency, in accordance with that provision :—

- |           |                   |                         |
|-----------|-------------------|-------------------------|
| (1) NA-26 | Malakand-cum-Dir  | Mr. Mohammad Hanif Khan |
| (2) NA-34 | Tribal Area-VII   | Mr. Momin Khan Afridi   |
| (3) NA-60 | Faisalabad-VI     | Ch. Nazir Ahmad         |
| (4) NA-72 | Toba Tek Singh-II | Mr. Muhammad Ismail     |

- (5) NA-123  
Khanewal-III Mr. Ghulam Hyder Wyne
- (6) PS-86  
Karachi South-I Mr. Bilal Chohan

4. After the process of general elections, the fresh proceedings were launched to complete the process of election in these constituencies in accordance with sub-section (2) of section 18 which reads as under:—

“(2) where the proceedings relating to an election have been terminated under sub-section (1), fresh proceedings shall be commenced in accordance with the provisions of this Act, as if for a new election;

Provided that it shall not be necessary for the other contesting candidates to file fresh nomination papers or make a further deposit under section 13”.

5. Accordingly, the following programme for holding fresh proceedings in the constituencies referred to above was notified by the Election Commission on October 20, 1993:—

- |     |  |                 |
|-----|--|-----------------|
| (a) | Notification calling upon the electors to elect their representatives                | 20-10-1993      |
| (b) | Last date for filing nomination papers   | 26-10-1993      |
| (c) | Scrutiny of nomination papers.   | 27 & 28-10-1993 |
| (d) | last date for filing appeals against the rejection/ acceptance of nomination papers. | 01-11-1993      |
| (e) | last date for deciding appeals by the Tribunals                                      | 07-11-1993      |
| (f) | Last date for withdrawal of candidature  | 08-11-1993      |
| (g) | Publication of revised list of candidates  | 09-11-1993      |
| (h) | Polling day  | 02-12-1993      |

#### **Vacation of seats on account of double membership**

6. Article 223 of the Constitution provides that no person shall, at the same time, be a member of both Houses, or a House and a Provincial

Assembly, or the Assemblies of two or more Provinces or a House or a Provincial Assembly in respect of more than one seat. If a person is declared elected from more than one seat, he is entitled to retain one seat of his choice and is obliged to resign from the other seat or seats within a period of thirty days after declaration of the result.

7. Consequent upon the election as members of the National Assembly or a Provincial Assembly, five senators vacated their seats in the Senate.

8. Another 15 persons were elected to 32 seats in the National Assembly and Provincial Assemblies. They made oath in the Assembly of their choice and the remaining 17 seats were consequently rendered vacant as per detail given below :

Name of returned candidates	Number and name of National Assembly Provincial Assembly constituencies		
	where-from the candidate had been elected.	which the returned candidate has retained	vacated by the returned candidate
1	2	3	4
1. Sardar Mahtab Ahmad Khan	(1) NA-11 Abbottabad- cum-Haripur-I (2) PF-35 Abbottabad-II	NA-11 Abbottabad-cum- Haripur-I	PF-35 Abbottabad-II
2. Mian Muhammad Nawaz Sharif	(1) NA-12 Abbottabad- cum-Haripur-II (2) NA-92, Lahore-I (3) NA-95 Lahore-IV	NA-12 Abbottabad- cum-Haripur-II	(1) NA-92 Lahore-I (2) NA-95 Lahore-IV
3. Ch. Nisar Ali Khan	(1) NA-40 Rawalpindi-V (2) PP-6 Rawalpindi-VI	NA-40 Rawalpindi-V	PP-6 Rawalpindi-VI
4. Ch. Muhammad Riaz	(1) NA-37 Rawalpindi-II (2) PP-10 Rawalpindi-X	PP-10 Rawalpindi-X	NA-37 Rawalpindi-II

1	2	3	4
5. Ch. Sher Ali	(1) NA-64 Faisalabad-VIII (2) PP-59 Faisalabad-XVII	NA-64 Faisalabad-VIII	PP-59 Faisalabad-XVII
6. Hafiz Muhammad Azam	(1) NA-68 Jhang-III (2) PP-65 Jhang-V	NA-68 Jhang-III	PP-65 Jhang-V
7. Ch. Hamid Nasir Chatta	(1) NA-74 Gujranwala-I (2) PP-78 Gujranwala-II	NA-74 Gujranwala-I	PP-78 Gujranwala-II
8. Ch. Mehdi Hasan Bhatti	(1) NA-75 Gujranwala-II (2) PP-80 Hafizabad-II	NA-75 Gujranwala-II	PP-80 Hafizabad-II
9. Ch. Akhtar Ali	(1) NA-86 Sialkot-II (2) PP-108 Sialkot-VI	NA-86 Sialkot-II	PP-108 Sialkot-VI
10. Malik Ghulam Muhammad Mustafa Khar	(1) NA-137 Muzaffargarh-III (2) NA-138 Muzaffargarh-IV (3) PP-213 Muzaffargarh-VIII	NA-138 Muzaffargarh-IV	NA-137 Muzaffargarh-III  PP-213 Muzaffargarh-VIII
11. Mian Muhammad Shahbaz Sharif	(1) NA-96 Lahore-V (2) PP-125 Lahore-X	PP-125 Lahore-X	NA-96 Lahore-V
12. Mr. Shafqat Abbas Rubera	(1) NA-111 Okara-II (2) PP-153 Okara-I	PP-153 Okara-I	NA-111 Okara-II
13. Sardar Farooq Ahmad Khan	(1) NA-133 D.G. Khan-cum- Rajanpur (2) PP-203 D.G. Khan-V	NA-133 D.G. Khan-cum- Rajanpur	PP-203 D.G. Khan-V

1	2	3	4
14. Makhdoom Muhammad Amin Fahim	(1) NA-167 Hyderabad (uncontested) (2) PS-35 Hyderabad-I (uncontested)	NA-167 Hyderabad-I	PS-35 Hyderabad-I
15. Mr. Mahmood Khan Achakzai	(1) NA-197 Quetta-cum- Chagai (2) NA-198 Pishin-cum-Killa Abdullah	NA-197 Quetta-cum-Chagai	NA-198 Pishin-cum-Killa Abdullah

Consequently, the number of seats vacated in each Assembly was as under:

(1) National Assembly	7
(2) Provincial Assembly, Punjab.	8
(3) Provincial Assembly, Sindh.	1
(4) Provincial Assembly, NWFP.	1
Total:	17

9. The detail of vacant seats is given below:—

#### National Assembly

1. NA-37 Rawalpindi-I
2. NA-92 Lahore-I
3. NA-95 Lahore-II
4. NA-96 Lahore-V
5. NA-111 Okara-II
6. NA-137 Muzaffargarh-III
7. NA-198 Pishin-cum-Killah Abdullah

### **Provincial Assembly, Punjab**

1. PP-6 Rawalpindi-VI
2. PP-59 Faisalabad-XVII
3. PP-65 Jhang-V
4. PP-78 Gujranwala-II
5. PP-80 Hafizabad-II
6. PP-108 Sialkot-VII
7. PP-203 D.G. Khan-V
8. PP-213 Muzaffargarh-VII

### **Provincial Assembly, Sindh**

1. PS-35 Hyderabad-I

### **Provincial Assembly, NWFP**

1. PF-35 Abbottabad-II

### **Legal Basis for Bye-election to the National Assembly and Provincial Assemblies.**

10. Section 108 of the Representation of the People Act, 1976, provides that "When the seat of a member becomes vacant, the Chief Election Commissioner shall, by notification in the official Gazette, call upon the constituency concerned to elect a person to fill the seat for such constituency before such date as may be specified in the notification, and thereupon the provisions of this Act and rules, shall apply, as far as may be, to the election to fill such seat....". By virtue of this provision, bye-elections to fill the causal vacancies in the National Assembly and Provincial Assemblies are required to be held in accordance with Representation of the People Act, 1976, and the Representation of the People (Conduct of Election) Rules, 1977.

### **Programme of Bye-Elections**

11. Bye-elections were, therefore, required to be held to fill the 17 vacancies in accordance with the provisions of Article 224(4) of the Constitution.

12. Keeping in view the fact that election to the office of President was due to be held by 13th November, 1993 and that the (members) of National Assembly and Provincial Assemblies form electoral college for that election, it



was proposed that the programme may be so chalked out as to complete the process of bye-election before the poll for Presidential election. Accordingly, the following schedule was notified in terms of proviso to sub-section (1) of section 108 of the Representation of the People Act, 1976:—

### Schedule of Bye-election

(a)	Notification calling upon the constituencies to elect their representatives.	20-10-1993
(b)	Last date for filing of nomination papers.	26-10-1993
(c)	Scrutiny of nomination papers by the Returning Officers.	27-10-1993
(d)	Last date for filing of appeals against the decisions of Returning Officers rejecting/accepting the nomination papers.	28-10-1993
(e)	Last date for deciding appeals by the Tribunal.	31-10-1993
(f)	Last date for withdrawal of candidature.	01-11-1993
(g)	Publication of revised list of candidates.	01-11-1993
(h)	Polling day.	10-11-1993

13. The programme for holding bye-election to seven seats in the National Assembly, eight seats in the Provincial Assembly, Punjab, one seat each in the Provincial Assembly of Sindh and NWFP, which were rendered vacant under Article 223 of the Constitution, was chalked out by abridging various phases to hold the poll on 10th November, 1993 to enable the newly elected members to participate in election to the office of President due on 13th November, 1993.

### Revised Schedule

14. Sub-section 3A of section 42 of the Representation of the People Act, 1976, however, requires that a candidate securing the highest number of votes should within the seven days from the poll of an election or within such time, as the Chief Election Commissioner may allow, submit a statement of assets and liabilities of his own, spouse and dependents to him. Publication of the names of candidates returned as a result of bye-election on 10th November,

was not feasible before 18th November and it was therefore, not possible for the returned candidate to participate in the Presidential election on 13th November, 1993. Keeping this practical difficulty in view, the schedule for bye-election was revised as under in accordance with section 11A read with section 108 of the Representation of the People Act, 1976:—

(a)	Last date for the filing of nomination papers	30-10-1993
(b)	Scrutiny of nomination papers by the Returning Officers.	31-10-1993
(c)	Last date for filing of appeals against the decisions of Returning Officers rejecting/accepting the nomination papers.	04-11-1993
(d)	Last date for deciding appeals by the Tribunal.	08-11-1993
(e)	Last date for withdrawal of candidature.	10-11-1993
(f)	Publication of revised list of candidates.	10-11-1993
(g)	Polling day.	02-12-1993

15. These elections were also held under the supervision of judicial officers. The same officers, as had conducted the general elections, were appointed to act as District Returning Officers, Returning Officers and Assistant Returning Officers for the on-going elections as well.

#### **Arrangements for bye-elections**

16. Taking advantage from the experience of general elections, the Chief Election Commissioner made the same arrangements for bye-elections as were made for the general elections held in October, 1993. On the advice of District Returning Officers and Returning Officers, the Deputy Commissioners called army in aid of civil administration in Lahore, Okara, Jhang, Pishin-cum-Killa-Abdullah and Malakand-cum-Dir and the army remained present there to maintain peace and order on the polling day. Almost the same polling staff was appointed and the same polling stations were established for bye-elections as in case of general elections. Exactly the same procedure was followed for the conduct of the poll, counting of votes and announcement of result at the polling station.

### **Steps taken to ensure free and impartial elections**

17. In the discharge of constitutional duty in relations to elections held on 2nd December, 1993, the Chief Election Commissioner convened a meeting of the Election Commission at Lahore on 29th and 30th November, 1993 to have first hand knowledge of the events taking place on the eve of polls. The Additional Chief Secretary, Local Government and Rural Development, Home Secretary, Secretary, Services and General Administration and Additional Inspector General of Police and other high functionaries of the Provincial Government were also present in the meeting. Complaints received from different quarters were discussed in greater detail with them and the result of the inquiries were reported in the national press. The Commission advised the officers of the Provincial Government to maintain complete impartiality in the process of bye-elections as they had acted during the last general elections.

### **Proceedings of Fresh Elections.**

18. In Punjab, 29 candidates contested elections for three seats in the National Assembly.

19. In FATA, 14 candidates contested election for one seat in the National Assembly.

20. In NWFP, 6 candidates contested election for one seat in the National Assembly.

21. In Sindh, 15 candidates contested election for one seat in the Provincial Assembly.

### **Proceedings of bye-elections**

22. In Punjab, 24 candidates contested election to eight seats in the National Assembly and 34 candidates contested election to eight seats in the Provincial Assembly.

23. In Sindh, Makhdoom Rafique-uz-Zaman, being the only validly nominated candidate, was declared elected uncontested form constituency No. 35 Hyderabad-I.

24. In NWFP, four candidates contested election for one seat in the Provincial Assembly.

25. In Baluchistan, eight candidates contested election for one seat in the National Assembly.

### Result of Fresh election

26. The following candidates, who secured the highest number of votes, were declared elected from the constituencies noted against their names:—

Number and name of constituency	Name of returned candidates	Party affiliation
<b>NATIONAL ASSEMBLY</b>		
1. NA-26 Malakand-cum-Dir.	Mr. Muzaffar Khan	PPP
2. NA-34 Tribal Area-VIII	Malik Aslam Khan	IND
3. NA-60 Faisalabad-IV	Mr. Shahid Nazir	PPP
4. NA-72 Toba Tek Singh-II	Ch. Muhammad Ashfaq	PPP
5. NA-123 Khanewal-II	Pir Muhammad Aslam Bodla	PPP
6. PS-86 Karachi South-II	Mr. Abdul Qadir	PPP

### Result of bye-elections

27. The following candidates, who secured the highest number of votes in the constituencies when bye-election was held, were declared elected from the constituencies noted against their names:—

Number and name of constituency	Name of returned candidates	Party affiliation
<b>NATIONAL ASSEMBLY</b>		
1. NA-37 Rawalpindi-II	Raja Nadir Pervez Khan	PML (N)

2. NA-92 Lahore-I	Mian Muhammad Abbas Sharif	PML(N)
3. NA-95 Lahore-IV	Muhammad Ishaq Dar	PML(N)
4. NA-96 Lahore-V	Muhammad Javaid Hashmi	PML(N)
5. NA-111 Okara-II	Rai Muhammad Aslam Khan Kharl	PPP
6. NA-137 Muzaffargarh-III	Malik Ghulam Muhammad Fakhar-ur-Rasul Arbi.	PPP
7. NA-198 Pishin-cum-Killa Abdullah	Dr. Hamid Khan Achakzai	PKMAP

### PROVINCIAL ASSEMBLY OF PUNJAB

1. PP-6 Rawalpindi-VI	Ch. Waqar Ali Khan	PML(N)
2. PP-59 Faisalabad-XVII	Muhammad Ismail	PPP
3. PP-65 Jhang-V	Sh. Hakim Ali son of Zulfiqar Ali	MDM
4. PP-78 Gujranwala-II	Muhammad Arif Chatha	PML(J)
5. PP-80 Hafizabad-II	Khizar Hyat Mangat	PML(J)
6. PP-108 Sailkot-VII	Armaghan Subhani	PML(J)
7. PP-203 D.G. Khan-V	Sardar Rafiq Ahmed Khan Leghari	PPP
8. PP-213 Muzaffargarh-VII	Malik Bilal Mustafa Khar	PPP

### PROVINCIAL ASSEMBLY OF SINDH

1. PS-35 Hyderabad-I	Makhdoom Rafique-uz-Zaman	Uncontested PPP
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### PROVINCIAL ASSEMBLY OF NWFP

1. PF-35 Abbottabad-II	Sardar Fida Muhammad Khan	PML(N)
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28. The detail of the applications and the petitions filed under section 103AA of the Representation of the People Act, 1976 during the bye-elections

is as under :

- (1) Application under clause (3) of Article 218 of the Constitution filed by Mian Abbas Sharif Vs. Mr. Aziz-ur-Rehman Chan and others from Constituency No. NA-92 Lahore-I.
- (2) Application under section 100 of the Representation of the People Act, 1976 filed by Mr. Zafarullah Khan Vs. Mr. Muhammad Javed Hashmi and others from constituency No. NA-96 Lahore-V.
- (3) Application for recounting of ballot papers from constituency No. NA-37 Rawalpindi-II filed by Raja Pervez Ashraf.
- (4) Application under section 103AA of the Representation of the People Act, 1976 filed by Moulvi Aabdul Ghani Vs. Dr. Hamid Khan Achakzai and others from constituency No. NA-198 Pishin-cum-Killa Abdullah.
- (5) Petition under section 103AA of the Representation of the People Act, 1976 filed by Mian Aziz-ur-Rehman Chan against Mian Abbas Sharif and others from consatituency No. NA-92 Lahore-I
- (6) Petition under section 103AA of the Representation of the People Act, 1976 filed by Mr. Abdur Rehman Vs. Mr. Khalid Pervez Virk and others from constituency No. PP-82 Gujranwala-VI.
- (7) Petition under section 103AA of the Representation of the people Act, 1976 filed by Rana Sanaullah Khan Vs. Mr. Muhammad Ismail and others from constituency No. PP-59 Faisalabad-XVII.

29. In all, 7 applications/petitions have been dismissed by the Chief Election Commissioner after hearing the parties.

30. The detail of the election petitions filed before the Chief Election Commissioner of Pakistan during the bye-elections and referred for trial to the Tribunals is given below :

Sl. No.	No. and name of Constituencies	Parties	Name of the Tribunal referred for trial
1.	PP-59 Faisalabad-XVIII	Rana Sanaullah Khan Versus Muhammad Ismail and others	Mr. Justice Tanveer Ahmed Khan
2.	NA-37 Rawalpindi-II	Raja Pervez Ashraf Versus Raja Nadir Pervez and othes.	-do-
3.	NA-92 Lahore-I	Mr. Aziz-ur-Rehman Versus Mian Abbas Sharif and others.	-do-
4.	PF-35 Abbottabad-II	Mr. S. Muhammad Gulzar Abbasi Versus Sardar Fida Muhammad and others.	Dismissed by the Chief Election Commissioner.
5.	NA-95 Lahore-IV	Mr. Shahid Nabi Malik Versus Mr. Muhammad Ishaque and others	Mr. Justice Khalid Paul Khawaja .
6.	NA-198 Pishin-cum-Killa Abdullah	Moulvi Abdul Ghani Versus Dr. Hamid Khan Achzkzai and others.	Under process
7.	PP-82 Gujranwala-VI	Mr. Abdur Rehman Versus Mr. Khalid Pervez Virk and other	Mr. Justice Tanveer Ahmed Khan

31. With the conduct of bye-election to fill the vacant seats, the process of general elections in the country came to a successful end.

## CHAPTER XXVII

## COMPLAINTS AND THEIR DISPOSAL

The Election Commission's mandate of conducting free, fair and impartial elections necessitated measures to ensure that chances of any sort of malpractices are removed. The Election Commission has always been conscious of the fact that elections in Pakistan are mostly held in a highly charged and tense atmosphere. Making of allegations and counter-allegations by politicians and political parties during election is a usual feature. It was, therefore, decided to deal with various complaints in a more organized and systematic manner. For this purpose, a complaint cell was set up in the Election Commission Secretariat, which was headed by a Joint Secretary. All complaints received daily were quickly processed and necessary orders/instructions passed, wherever required. All endeavours were made for quick disposal of complaints by obtaining necessary reports from concerned Provincial Governments/Departments over telefax and taking actions accordingly. The majority of complaints received during the pre-poll period were against Government Officers/Officials, who allegedly had political affiliations and were thus accused of misusing their official position and resources. Although all the Provincial Governments made unprecedented large scale transfers of officers belonging to almost all departments, yet flow of complaints against Government Officers/Officials remained constant. In order to ensure that complaints sent to the Provincial Government receive prompt attention and no delay in their disposal occurs, the Chief Secretaries were advised by the Election Commission to set up "Special Complaint Cells" in their respective Provincial Headquarters. In this connection, the following communication was addressed to all Chief Secretaries by the Secretary Election Commission: -

"Complaints are being received against Government officials having political affiliations, who allegedly indulge themselves in using their influence on voters and harrassing the prospective candidates in one way or the other. Such complaints are promptly processed in the Election Commission Secretariat and are sent thereafter to you for immediate inquiries/reports and necessary action wherever required. You will appreciate that inaction or delayed action in the disposal of such complaints impair the fairness of elections whereas prompt action lends credibility to the election process. In order to ensure quick disposal of such complaints it is suggested that you may kindly set up special *Complaint Cell*, not to be called election cell, in your office to deal with complaints and concerned officials be advised



promptly furnish reports to this Commission. I hope you will accord highest priority in the context of Government's commitment towards holding fair elections by this Commission."

2. The Chief Secretaries responded positively to the request of Election Commission and "special complaint cells" were set up at all the four Provincial Headquarters under the charge of senior officers. Necessary telephones/telex facilities were also provided in these cells for prompt disposal of complaints.

### Nature of Complaints

3. The complaints mainly related to indulgence of Government officers/officials in active politics, intimidation of the voters, misuse of official positions, vehicles, development funds and other Government resources, etc. The Election Commission took cognizance of each and every complaint even if it was anonymous or contained general allegations. Apparently baseless fictitious complaints originating from office/department/personal rivalries, where no violation of electoral laws/rules were reported, were also duly processed by the Election Commission.

### Number of Complaints

4. Out of a total number of 2173 complaints, only 136 (or 6.25%) were found correct after enquiries and necessary remedial action were promptly taken. The following table will illustrate the disposal of complaints during the pre-poll period ending on 5th October, 1993: -

DISPOSAL OF COMPLAINTS RECEIVED UPTO 5-10-1993

Name of the Province	Total Complaints received	Complaints duly processed being without substance ordered by the Election Commission to be filed	Complaints sent to the Chief Secretaries concerned Authorities for appropriate necessary action	Complaints sent to the Chief Secretaries for necessary action and report	Report received		Remarks
					Grievances removed	Complaint found baseless	
Punjab	1349	1019	174	156	84	72	-
Sindh	452	310	89	53	23	30	-
N.W.F.P.	290	181	71	38	15	23	-
Baluchistan	82	40	21	21	14	7	-
Total:	2173 =	1550 +	355 +	268 =	136 +	132	

### Instances of Action on some of the specific Complaints

5. A few specific instances of action taken on some of the specific complaints are narrated below:—

- (1) On the complaints of some political parties, the entire Civil Administration of Islamabad District was transferred.
- (2) A complaint against involvement of some officers posted at Chakwal in active politics was sent to the Provincial Government for inquiry and report. The report revealed that some officers belonging to Banking Institutions and other Departments have political affiliation which was likely to affect fairness of the polls. Therefore, the Election Commission ordered immediate transfer of the officers and they were accordingly shifted out of the District.
- (3) A number of complaints against WAPDA employees were referred to concerned authorities. Response by WAPDA authorities was prompt and the employees involved in electoral malpractices were taken to task. Besides, the following office order was circulated among all officers/employees of WAPDA, which had salutary effect on them:—

“In pursuance of Government’s policy restraining the public servants from participating in politics, the Authority has decided that all WAPDA employees shall maintain neutral stance during the forthcoming General Elections. No WAPDA employee will, directly or indirectly, show any inclination or support towards any political group, party or an individual other than casting of his/her vote. All Heads of Divisions and Formations will kindly ensure that this directive is implemented in letter and spirit. Violation of the same will invoke application of Efficiency and Discipline Rules under the Pakistan WAPDA employees (Conduct) Rules, 1978”.

- (4) A complaint against some local council officer was forwarded to the Punjab Government for appropriate action. The Secretary, Local Government replied—

“The Department is carrying out an exercise to scrutinize the record and past conduct of Local Council Service

Officers. Officers found to be partial or having political affiliations with any political party or political figure will be transferred/ withdrawn”.

- (5) The leader of a political party complained that Pakistan Television is not giving due coverage and weightage to political rallies of his party in the news. The matter was taken up with Television Authorities and the grievance was redressed.
- (6) Some complaints regarding law and order situation in Sindh were promptly attended to by the Provincial Government. The culprits were arrested to ensure that polls were held in a free and peaceful atmosphere.
- (7) In cases where it was found that official vehicles were being misused in election campaign of some contesting candidates, such vehicles were immediately withdrawn from concerned officers/institutions.
- (8) During all this exercise, the complainants were also kept informed about the action taken on their complaints. In a number of other cases the complainants disowned the complaints. However, in a particular case, a complaint against a WAPDA Officer was referred for appropriate action where-upon the Officer concerned was transferred.
- (9) Even senior officers like Secretaries to Provincial Governments were transferred when complaints against them were found correct.
- (10) A complaint regarding involvement of some political parties of Azad Jammu and Kashmir in the election campaign of a particular political party of Pakistan, was sent to the Federal Government. The concerned Ministry of the Federal Government advised the Azad Jammu and Kashmir Government as under:—

“It is requested that appropriate measures should be taken by the Azad Jammu and Kashmir Government to avoid any kind of involvement of officials/official transport/resources or parties etc. from Azad Kashmir, in the forthcoming General Elections in Pakistan. Necessary instructions in this regard may kindly be issued to all concerned and compliance reported to this Ministry urgently”.

### **Complaints of MQM (Haq Parast Group)**

6. A number of telegraphic complaints were received from workers and candidates of MQM (Haq Parast Group) requesting that operation cleanup in Sindh Province may be liquidated. All such complaints were sent to the Sindh Government for comments. The Provincial Government reported that operation clean up was necessary for maintaining proper law and order in the province and could not be wound up at the request of any individual or group. However, they assured that the operation was directed against criminals and law breaking citizens only and not against any particular political party or group. In spite of all such assurances by the Government, the MQM decided to boycott General Elections on October, 6, 1993. As soon as the news item to this effect appeared in the National Press, the Election Commission went into an emergency meeting on 2nd October, 1993. The Commission appealed the leadership of MQM (Haq Parast Group) to reconsider its decision to boycott the polls in the large interest of the country and to participate in the General Elections in order to strengthen the democratic process in the country. The Commission at the same time directed the Provincial Government on 2nd October, 1993 to dispose of all complaints filed by MQM (Haq Parast Group). In the meantime, the MQM announced boycott of election on the same day. Resultantly, further action on their complaints became redundant. In spite of appeal of the Election Commission, the MQM did not participate in elections to the National Assembly. They, however, did take part in elections to the Provincial Assembly, held on 9th October, 1993.

### **Complaints of Teacher's Association Sindh**

7. A number of telegraphic complaints were received from United Teachers Association, Karachi wherein it was requested that the Government should accept their pending demands before conduct of elections otherwise they threaten to boycott the process of elections and stated that they would not perform duties assigned to them as Polling Personnel. The matter was referred to the Provincial Government for necessary action and report. The Secretary, Education, Government of Sindh held a meeting with the representatives of teachers on 14th September, 1993 and the matter was amicably settled and they performed their duties as Polling Personnel.

## CHAPTER XXVIII

**PETITIONS/APPLICATIONS FILED UNDER  
SPECIFIC PROVISIONS OF LAW**

A total number of 51 petitions were filed before the Election Commission under section 103AA of the Representation of the People Act, 1976. Besides, the Election Commission received 48 applications for recounting under section 39(6) (b) of the Act.

**Petitions under Section 103AA**

2. Section 103AA confers upon the Election Commission the powers to declare a poll void if from the facts apparent on the face of the record and after a summary inquiry as it deems necessary the Commission is satisfied that in the poll in any constituency grave illegalities or violation of the provisions of the Act or the rule were committed. For facility of ready reference section 103AA is reproduced below:—

“103AA. *Power of Commission to declare a poll void.*—(1) Notwithstanding anything contained in this Act, if, from facts apparent on the face of the record and after such summary inquiry as it may deem necessary, the Commission is satisfied that, by reason of grave illegalities or violation of the provisions of this Act or the rules, the poll in any constituency ought to be declared void, the Commission may make a declaration accordingly and, by notification in the official Gazette, call upon that constituency to elect a member in the manner provided for in section 108.

(2) Notwithstanding the publication of the name of a returned candidate under sub-section (4) of section 42, the Commission may exercise the powers conferred on it by sub-section (1) before the expiration of sixty days after such publication; and, where the Commission does not finally dispose of a case within the said period, the election of the returned candidate shall be deemed to have become final, subject to a decision of a Tribunal.

(3) While exercising the powers conferred on it by sub-section (1), the Commission shall be deemed to be a Tribunal to which an election petition has been presented and shall, notwithstanding anything contained in Chapter VII, regulate its own procedure.”

3. After hearing the parties and making summary inquiries, the Election Commission dismissed all the 51 complaints filed under section 103AA or disposed of these as withdrawn as the Commission did not find grave illegalities or violation of any provisions of the Representation of the People Act, 1976 or the rules apparrant on the face of the record. The details of these complaints are given below:—

**“PETITIONS FILED UNDER SECTION 103AA OF  
THE REPRESENTATION OF THE PEOPLE ACT, 1976.**

Sl. No.	Constituency No.	Name of the Parties	Decision of the Commission
1	2	3	4
1.	NA-9 Kohat	Mr. Javed Ibrahim Paracha <i>Vs.</i> Syed Iftikhar Hussain Gilani	Dismissed as withdrawn <i>vide</i> order dated 28-10-1993
2.	NA-99 Lahore-VIII	Mr. Wazir Ali Bhatti <i>Vs.</i> Mehr Zulfiqar Ali Babbo and others.	disposed of as withdrawn <i>vide</i> order dated 14-10-1993.
3.	PF-63 Bunair-I	Mr. Muhammad Karim <i>Vs.</i> Mr. Nadir Khan	dismissed as withdrawn <i>vide</i> order dated 30-10-1993.
4.	NA-150 Rahimyar Khan-IV	Sardar Rafique Haider <i>Vs.</i> Returning Officer & others.	dismissed as withdrawn <i>vide</i> order dated 30-10-1993.
5.	NA-106 Kasur-I	Mian Khursheed Mehmood Kasuri <i>Vs.</i> Returning Officer, Sardar Asif Ahmed Ali & others	Dismissed <i>vide</i> order dated 14-11-1993
6.	NA-100 Lahore-IX	Ch. Muhammad Ashiq Diyal <i>Vs.</i> Mr. Khalid Javed Ghurki & others	Dismissed
7.	PB-39 Turbat-III	Mir Muhammad Ali Rind	Dismissed for non-prosecution on 18-10-1993
8.	Seat reserved for Sikh, Budhist, Parsis and other non-Muslims.	Mr. M. Bhandara	Dismissed as withdrawn on 30-10-1993
9.	NA-33 Tribal Area-VIII	Mr. Abdul Latif Afridi & other <i>Vs.</i> Haji Muhammad Shah & others.	Disposed of <i>vide</i> order dated 10-11-1993.

Sl. No.	Constituency No.	Name of the Parties	Decision of the Commission
1	2	3	4
10.	PB-38 Turbat-II	Mr. Munshi Muhammad	Dismissed for non-prosecution on 18-10-1993.
11.	NA-20 Bannu-cum-Lakki-II	Mr. Amir Nawaz Vs. Mr. Muhammad Kabir Khan & others	Dismissed as withdrawn <i>vide</i> order dated 28-10-1993.
12.	NA-149 Rahimyar Khan-III	Mr. Zafar Iqbal Warraich Vs. Returning Officer & others.	Dismissed as withdrawn <i>vide</i> order dated 30-10-1993
13.	PP-66 Jhang-VI	Mehr Muhammad Aslam Bharwana Vs. Returning Officer & others.	Disposed of <i>vide</i> order dated 17-11-1993.
14.	PS-11 Jacobabad-II	Mir Hakim Ali Khan Vs. Returning Officer & others	Disposed of <i>vide</i> order dated 15-12-1993.
15.	Seat reserved for Hindus & Scheduled Castes in Sindh Assembly	Mr. Sudham Chand Vs. Returning Officer & others	Dismissed <i>vide</i> order dated 8-12-1993.
16.	PF-73 Dir-I	Haji Amanullah Khan Vs. Sahibzada Tariqullah.	Disposed of <i>vide</i> order dated 10-11-1993.
17.	Seats reserved for Hindus & Scheduled Castes in Sindh Assembly.	Mr. Namchand Vs. Returning Officer & others	Dismissed <i>vide</i> order dated 16-12-1993.
18.	PB-9 Killah Abdullah-II	Mr. Naseer Ahmed <i>alias</i> Bacha Khan Vs. Mr. Abdul Hameed Achakzai & others	Dismissed as withdrawn <i>vide</i> order dated 4-11-1993.
19.	PF-40 Haripur-II	Mr. Babar Nawaz Khan Vs. Mr. Yousaf Ayub Khan & others	Dismissed as withdrawn <i>vide</i> order dated 28-10-1993
20.	PP-126 Lahore-XI	Kh. Ahmed Tariq Rahim	Dismissed for non-prosecution <i>vide</i> order dated 23-10-1993
21.	PP-119 Lahore-IV	Mr. Javed Amin Nayyar Vs. Mr. Haroon Akhtar	Dismissed for non-prosecution <i>vide</i> order dated 4-11-1993.
22.	Seat reserved for Christians in Punjab Assembly	Ch. Fateh Jang Vs. Returning Officer & others	Dismissed <i>vide</i> order dated 8-12-1993.

Sl. No.	Constituency No.	Name of the Parties	Decision of the Commission
1	2	3	4
23.	PS-67 Sanghar-IV	Mr. Abdullah Khan Warya <i>Vs.</i> Mr. Rasool Bux Marri and others	Dismissed <i>vide</i> order dated 8-12-1993.
24.	NA-181 Sanghar-II	Mr. Shah Nawaz Junejo <i>Vs.</i> Jam Mashooq Ali	Dismissed <i>vide</i> order dated 8-12-1993.
25.	Seat reserved for Sikhs, Budhists, Parsis and other non-Muslims in the National Assembly.	Mr. M. P. Bhandara <i>Vs.</i> Returning Officer & others	Disposed of <i>vide</i> order dated 27-11-1993.
26.	Seats reserved for Hindus & Scheduled Castes in Punjab Assembly	Mr. Bhartha Ram <i>Vs.</i> Mr. Ashok Kumar & others	Dismissed <i>vide</i> order dated 27-11-1993.
27.	NA-150 Rahimyar Khan-IV	Sardar Rafique Haider Khan Leghari <i>Vs.</i> Returning Officer & others	Dismissed <i>vide</i> order dated 24-11-1993.
28.	PP-226 Bahawalnagar-II	Syed Mumtaz Gillani <i>Vs.</i> Returning Officer & others.	Disposed of as withdrawn <i>vide</i> order dated 18-11-1993.
29.	Seat reserved for Sikhs, Budhist, Parsis and other non-Muslims in the National Assembly	Mr. M. P. Bhandara <i>Vs.</i> Returning Officer & others	Disposed of <i>vide</i> order dated 27-11-1993.
30.	NA-189 Karachi (S)-II	Mr. Muhammad Ayub <i>Vs.</i> Election Commission of Pakistan and others	Dismissed <i>vide</i> order dated 9-12-1993
31.	NA-190 Karachi (S)-III	Dr. Muhammad Farooq Sattar <i>Vs.</i> Abdul Aziz Memon & others	—do—
32.	NA-193 Karachi (E)-II	Mr. Khalid Bin Waleed <i>Vs.</i> Mr. Abu Bakar Shaikhani and others	—do—
33.	NA-168 Hyderabad-II	Mr. Aftab Ahmed Sheikh <i>Vs.</i> Mr. Shabbir Hassan Abbasi & others	Dismissed <i>vide</i> order dated 9-12-1993.
34.	NA-169 Hyderabad-III	Syed Sohail Mahmood <i>Vs.</i> Kazi Asad Abid & others	—do—
35.	NA-196 Karachi (E)-V	Syed Altaf Azad <i>Vs.</i> Mr. Sher Muhammad Balouch & others	—do—



Sl. No.	Constituency No.	Name of the Parties	Decision of the Commission
1	2	3	4
36.	NA-185 Karachi (W)-II	Prof. A. K. Shamas Vs. Mr. Afaq Khan & others	Dismissed <i>vide</i> order dated 9-12-1993.
37.	NA-191 Karachi (S)-II	Mr. M.A. Jalil Vs. Mr. Haleem Ahmed Siddiqui	—do—
38.	NA-184 Karachi (W)-I	Mr. Muhammad Irfan Khan Vs. Mian Ejaz Ahmed Shafi	—do—
39.	NA-194 Karachi (E)-III	Mr. Muhammad Arif Vs. Mr. Muzaffar Ali & others	—do—
40.	NA-187 Karachi (C)-II	Mr. Farooq Ahmed Vs. Hafiz Muhammad Taqi	—do—
41.	NA-186 Karachi (C)-I	Kanwar Khalid Younas Vs. Mr. Dost Muhammad & others	—do—
42.	NA-188 Karachi (C)-III	Mr. Farooq Ahmed Vs. Mr. Muzaffar Ahmed Hashmi & others	—do—
43.	NA-195 Karachi (E)-IV	Haji Jalal Khan Vs. Prof. N.D. Khan & others	—do—
44.	NA-161 Nawabshah-II	Mr. Abdul Majeed Vs. Mr. Asif Ali Zardari & others	—do—
45.	NA-151 Sukkur	Mr. Muhammad Saleem Vs. Mr. Khursheed Ahmed Shah & others	—do—
46.	NA-174 Mirpurkhas	Mr. Shabbir Ahmed Vs. Mr. Aftab Hussain Jilani & others	Dismissed <i>vide</i> order dated 9-12-1993.
47.	NA-187 Karachi (C)-II	Ms. Raisa Mohni Vs. Hafiz Muhammad Taqi & others	—do—
48.	NA-192 Karachi (E)-I	Mr. Ejaz Mehmood Vs. Mr. Zuhair Akram Nadeem & others.	—do—

Sl. No.	Constituency No.	Name of the Parties	Decision of the Commission
1	2	3	4
49.	Seats reserved for Christians in the Provincial Assembly, Sindh.	Sardar James Masih Vs. Returning Officer & others	Dismissed <i>vide</i> order dated 16-12-1993
50.	Seats reserved for Hindus & Scheduled Castes in the Provincial Assembly, Sindh.	Preetam Das	Dismissed as having become infructuous <i>vide</i> order dated 16-12-1993.
51.	PP-39 Mianwali-IV	Faqir Abdul Majid Vs. Malik Ghulam Shabbir & others	Dismissed as having become infructuous <i>vide</i> order dated 16-12-1993

### Applications under Section 39(6) (b)

4. Clause (b) of sub-section (6) of section 39 of the Representation of the People Act, 1976 provides that the Returning Officer may recount the ballot papers if so directed by the Commission, in which case the recount shall be held in such manner and at such place as may be directed by the Commission.

5. The Election Commission after hearing the applicants or the parties dismissed all the 48 applications filed under the above stated provision of law as the applicants failed to make out any case for recount. The detail of applications filed under section 39(6) (b) of the Representation of the People Act, 1976 are as follows:--

Sl. No.	Constituency	Names of the Parties	Decision of the Commission
1	2	3	4
1	NA-184 Karachi (W)-1	Syed Masroor Ahsan Vs. Returning Officer and others.	dismissed <i>vide</i> order announced on 27-11-1993.
2	NA-7 Mardan-II	Mr. Muhammad Azam Khan Vs. Haji Muhammad Yaqoob & others	Dismissed <i>vide</i> order dated 16-10-1993.
3.	NA-84 Mandi Bahauddin	Mr. Muhammad Iqbal Bosal	Dismissed <i>vide</i> order dated 24-11-1993.
4.	NA-7 Mardan-II NA-67 Jhang-II NA-84 Mandi Bahauddin NA-100 Lahore-IV NA-124 Sahiwal-I	Mr. Sartaj Aziz	Dismissed <i>vide</i> order dated 23-10-1993.

Sl. No.	Constituency No.	Name of the Parties	Decision of the Commission
1	2	3	4
5.	PF-47 Mansehra-VI	Mr. Muhammad Afsar Khan <i>Vs.</i> Mr. Zareen Gul	Dismissed <i>vide</i> order dated 17-11-1993.
6.	PF-9 Nowshera	Mian Iftikhar Hussain <i>Vs.</i> Mr. Iqbal Hussain Khattak	Dismissed on merit <i>vide</i> order dated 21-10-1993.
7.	Seats reserved for Christians in the National Assembly.	M.A. Joseph Francis <i>Vs.</i> Returning Officer	Dismissed <i>vide</i> order dated 17-11-1993.
8.	PP-43 Faisalabad-I	Ch. Muhammad Arshad <i>Vs.</i> Dr. Muhammad Shafique	Dismissed for non-prosecution <i>vide</i> order dated 14-10-1993
9.	NA-157 Jacobabad-II	Mir Hazar Khan Bijrani <i>Vs.</i> Mir Mehran Khan Bijrani	Disposed of <i>vide</i> order dated 10-11-1993.
10.	NA-62 Faisalabad-VI	Raja Nadir Pervez <i>Vs.</i> Sardar Dildar Ahmed Cheema	Dismissed <i>vide</i> order dated 17-11-1993.
11.	NA-87 Sialkot-III	Ijaz Ahmed Cheema <i>Vs.</i> Syed Iftikhar-ul-Hassan	Dismissed on merit <i>vide</i> order dated 16-10-1993.
12.	PF-2 Peshawar-II	Syed Ali Shah <i>Vs.</i> Returning Officer & others.	Dismissed <i>vide</i> order dated 24-11-1993.
13.	PF-45 Mansehra-IV	Mr. Faiz Muhammad <i>Vs.</i> Haq Nawaz Khan	Dismissed on merit <i>vide</i> order dated 3-11-1993.
14.	NA-195 Karachi (E)-IV	Dr. Rahim-ul-Haq	Dismissed for non-prosecution <i>vide</i> order dated 14-10-1993.
15.	PP-66 Jhang-VI	Mian Riaz Hashmat <i>Vs.</i> Mehtar Muhammad Aslam Bharwana & others	Disposed of being incomplete petition <i>vide</i> order dated 14-10-1993.
16.	PF-76 Dir-IV	Sardar Alam Badshah <i>Vs.</i> Bahadar Khan & others	Dismissed for want of prosecution <i>vide</i> order dated 14-10-1993.
17.	Seat reserved for Christians in the P/A NWFP	Mr. Walter Masih <i>Vs.</i> Returning Officer & others	Dismissed on merit <i>vide</i> order dated 16-10-1993.
18.	PP-215 Layyah-I	Mr. Allah Diwaya <i>Vs.</i> Returning Officer & others	Dismissed on merits <i>vide</i> order dated 21-10-1993.

Sl. No.	Constituency No.	Name of the Parties	Decision of the Commission
1	2	3	4
19.	PP-91 Gujrat-I	Mian Mushtaq Hussain Pagganwala <i>Vs.</i> Returning Officer & others	Dismissed as withdrawn <i>vide</i> order dated 28-10-1993.
20.	PP-20 Jhelum-I	Ch. Saeed Iqbal <i>Vs.</i> Ch. Khadim Hussain & others	Rejected <i>vide</i> order announced on 27-11-1993.
21.	PP-235 Rahimyar Khan-IV	Mian Muhammad Aslam	Dismissed as withdrawn <i>vide</i> order dated 21-10-1993.
22.	PP-174 Khanewal-I	Mehar Muhammad Nawaz Khan	Dismissed on merit <i>vide</i> order dated 20-10-1993.
23.	PP-106 Kasur-I	Ch. Zulfiqar Ahmed <i>Vs.</i> Muhammad Amjad Pervez and others	Dismissed <i>vide</i> order dated 18-11-1993.
24.	PP-32 Sargodha-X	Mr. Anwar-ul-Haq Piracha <i>Vs.</i> Dr. Ijaz Ahmed & others	Dismissed as withdrawn <i>vide</i> order dated 8-12-1993.
25.	PP-149 Kasur-V	Mr. Muhammad Aslam <i>Vs.</i> Rana Muhammad Iqbal	Disposed of <i>vide</i> order dated 20-10-1993.
26.	Seats reserved for Christians in the National Assembly	Mr. Nasir Mehmood Khokhar	Dismissed <i>vide</i> order dated 20-10-1993.
27.	PB-24 Bolan-I	Mr. Tariq Kurd <i>Vs.</i> Returning Officer	Dismissed as withdrawn <i>vide</i> order dated 30-10-1993.
28.	PP-75 Toba Tek Singh-V	Haji Ghulam Rabbani <i>Vs.</i> Ch. Ehsan-ul-Haq	Dismissed for non-prosecution <i>vide</i> order dated 28-10-1993.
29.	Seats reserved for Hindus in the P A Sindh.	Mr. Sarwanand <i>Vs.</i> Returning Officer	Dismissed <i>vide</i> order dated 16-12-1993.
30.	Seats reserved for Qadianis in the P A, Sindh.	Mr. Shah Jahan <i>Vs.</i> Malik Atta Muhammad	Dismissed for want of prosecu <i>vide</i> order dated 21-10-1993.
31.	PP-54 Faisalabad-XII	Mr. Tariq Mehmood Bajwa <i>Vs.</i> Mr. Muhammad Afzal Sahi	Dismissed for non-prosecution <i>vide</i> order dated 20-10-1993.
32.	PF-63 Bunir-I	Mr. Muhammad Karim <i>Vs.</i> Returning Officer	Dismissed <i>vide</i> order dated 24-11-1993.

Sl. No.	Constituency No.	Name of the Parties	Decision of the Commission
1	2	3	4
33.	PP-163 Multan-IV	Mr. Ilyas Khan	Dismissed on merit <i>vide</i> order dated 20-10-1993.
34.	NA-190 Karachi (S)-II	Mr. Muhammad Hanif Tayyab <i>Vs.</i> Abdul Aziz Memon.	Dismissed <i>vide</i> order dated 17-11-1993.
35.	PP-38 Mianwali-III	Mr. Mumtaz Ahmed Malik <i>Vs.</i> Mr. Inamullah Khan	Dismissed for want of prosecution <i>vide</i> order dated 20-10-1993.
36.	PF-41 Haripur-III	Mr. Akhtar Nawaz Khan	Dismissed <i>vide</i> order dated 17-11-1993.
37.	Seat reserved for Hindus in P/A, Sindh.	Mr. Krishan Ajeeto	Disposed of being un-signed <i>vide</i> order dated 18-10-1993
38.	PS-68 Sanghar-V	Mr. Muhammad Bakhsh Khashkheli <i>Vs.</i> Mr. Abdul Salam and Returning Officer	Dismissed <i>vide</i> order dated 24-11-1993.
39.	Seats reserved for Hindus & Scheduled Castes in the P/A, Sindh.	Mr. Mahendar Dev <i>Vs.</i> Mr. Hari Ram Kashkori Lal and others	Dismissed <i>vide</i> order dated 16-12-1993.
40.	PP-142 Sheikhpura-XI	Mr. Shahid Manzoor Gill <i>Vs.</i> Syed Akbar Shah & others	Dismissed for non-prosecution <i>vide</i> order dated 30-10-1993.
41.	PP-93 Gujrat-III	Ch. Pervez Ilahi	Dismissed <i>vide</i> order dated 17-11-1993.
42.	NA-80 Gujrat-I	Ch. Shujat Hussain	Dismissed <i>vide</i> order dated 17-11-1993.
43.	PB-18 Kohlu	Mr. Behram Khan Marri <i>Vs.</i> Mr. Gazeen Khan	Disposed of <i>vide</i> order dated 10-11-1993.
44.	PP-77 Dir-V	Malik Jehan Zeb	Disposed of <i>vide</i> order dated 10-11-1993.
45.	Seat reserved for Hindus & Scheduled Castes in the N/A	Pandat Jaydesh Kumar	Disposed of <i>vide</i> order dated 17-11-1993.
46.	PB-24 Bolan-I	Mr. Tariq Kurd <i>Vs.</i> Returning Officer & others	Disposed of <i>vide</i> order dated 8-12-1993.
47.	Seats reserved for Christians in the Punjab Assembly	Mr. Nazir Sehan Khokhar <i>Vs.</i> Returning Officer.	Dismissed <i>vide</i> order dated 17-11-1993.
48.	Seats reserved for Hindus & Scheduled Castes in the Provincial Assembly, Sindh.	Mr. Arjan Das	Dismissed on 27-11-1993.

### Complaints under Section 103

6. Section 103 of the Representation of the People Act, 1976 envisages that the Commission can stop poll at any stage of the election due to mal-practices, review an order passed by an officer under the aforesaid Act and issue such orders and exercise such powers (including re-poll in a constituency or at some polling stations thereof) so as to ensure that elections are held honestly, justly and fairly and in accordance with law. It is gratifying to note that not a single complaint in this respect was filed before the Election Commission in connection with the General Elections held in 1993. During 1990 General Elections, 9 such complaints were filed with the Commission out of which only one was accepted and the rest were rejected.

### Complaints under Section 27(2)

7. The Election Commission is empowered under section 27(2) of the Representation of the People Act, 1976 to order fresh poll at concerned polling stations in a constituency where the poll is stopped by the Presiding Officers and the Returning Officer so informs the Commission by reporting circumstances of such stoppage. It may be stated that during the previous election held in 1990, upon such complaints the Election Commission ordered repoll in four constituencies as a whole and at few polling stations in respect of five constituencies. The total constituencies involved in repoll were, therefore, nine. So far as the 1993 General Elections are concerned, the poll was not stopped at any polling station of a constituency.

### Summary of Disposal of Complaints by the Election Commission

8. The summary of disposal of complaints filed under different provisions of law is given in the following table :—

Section	Accepted	Dismissed	Total
1. 103AA (Power of Commission to declare a poll void)	—	51	51
2. 39(6)(b) (Recount on Commission's direction)	—	48	48
3. Miscellaneous regarding violation of Code of Conduct	—	16	16
Total :	—	115	115

### Comparative Statement of Complaints

9. As already stated, the Election Commission took special steps for prompt disposal of complaints and for this purpose special complaint cells were established in the Election Commission Secretariat, Islamabad and at the four Provincial Headquarters by the respective Provincial Governments. Even anonymous complaints and complaints of general nature were duly processed by the Commission. However, only 268 specific complaints were sent to different agencies for necessary action and report. Out of these, 132 complaints were found baseless and necessary action was taken on the rest of 136 complaints by the concerned Provincial Government departments. The number of complaints filed under section 103AA was 51 and 48 applications were filed under section 39(6)(b) of the Representation of the People Act, 1976. Accordingly, the total number of complaints and appeals for recount relating to 1993 General Elections were only 367. For the sake of comparison, the number of complaints including applications for recount filed in respect of post General Elections is given below:—

Sl. No.	General Election held in	Number of complaints appeals filed
1.	1970	Not available
2.	1977	3463
3.	1985	1907
4.	1988	1371
5.	1990	1323
6.	1993	367

### Conclusion

10. It can be safely concluded from facts placed on record that the 1993 General Elections were held in a completely impartial atmosphere. No complaint was filed with the Commission under section 103 of the Representation of the People Act, 1976. Similarly, no complaint was filed by any Returning Officer or Presiding Officer for fresh poll in a constituency or at a polling station under section 27(2) of the aforesaid Act. The fairness of the election can, therefore, be judged from these facts. As regards the other complaints, the very figure (367) speaks of the organisational skill of the Commission in conducting the General Elections honestly, justly, fairly and in accordance with law. In fact, prompt disposal of complaints and timely action by the executing agencies greatly helped in achieving the desired objective.

11. It may be stated that none of the Orders passed by the Election Commission on all the above mentioned petitions or applications was questioned by the petitioner or the applicant in the superior courts and were accepted by the parties. It may further be stated that in the petitions under section 103AA of the Representation of the People Act, 1976 most of grounds were such that they required detailed enquiry and evidence, which was beyond the scope of the provisions of section 103AA and could be made subject matter of the election petition. Indeed some of the petitioners have filed election petitions.

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## CHAPTER XXIX

## ELECTION DISPUTES

**Legal Provisions**

Article 225 of the Constitution read with section 52 of the Representation of the People Act, 1976, provide that no election can be called in question except by an election petition made by the candidate. The statutory provisions with regard to filing and disposal of election petitions are embodied in sections 52 to 77 of the Representation of the People Act, 1976.

**Limitation Period**

2. An election petition has to be presented to the Chief Election Commissioner within forty-five days of the publication in the official Gazette of the name of the returned candidate under the provisions of the Representation of the People Act, 1976. However, there is no provision with regard to the application of the Limitation Act thereto. All election petitions were, therefore, required to be filed within the prescribed period.

**Security Deposits**

3. Under the law it is incumbent upon a petitioner to deposit a sum of rupees one thousand each as security for the cost of the petition. This amount is required to be deposited at any branch of the National Bank or at a Government Treasury or sub-Treasury in favour of the Chief Election Commissioner.

**Presentation of Petition**

4. An election petition can be presented to the Secretary to the Election Commission either personally by the petitioner or through a person duly authorised in writing by him. It can also be sent through a registered post. An election petition sent by registered post within the prescribed period of limitation is deemed to have been presented within time.

**Parties to Petition**

5. The petitioner is required to join as respondents to his petition all contesting candidates and any other candidate against whom any allegation of

illegal or corrupt practice is levelled and shall serve personally or by means of registered post a copy of the petition on each such respondent.

### Contents of Petition

6. The petitioner is required to include a precise statement of the material facts, basing his claim thereon, together with full particulars of any illegal or corrupt practice allegedly committed and the names of the persons responsible thereof and also to mention the dates and places of such occurrences. The petitioner may claim, by way of relief, any of the following declarations:—

- (a) that the election of the returned candidate is void;
- (b) that the election of the returned candidate is void and that the petitioner or some other person has been duly elected; or
- (c) that the election as a whole is void.

Every election petition and its annexures are required to be signed and verified by the petitioner in the manner provided in the Code of Civil Procedure for verification of pleadings.

### Dismissal of Petition by the C.E.C.

7. The Chief Election Commissioner is vested with the powers to dismiss an election petition in a summary way under section 56 of Act which is reproduced below:—

“56. *Procedure on receipt of petition by the Commissioner.*—(1) If the Commissioner finds that any provision of section 52, section 53 or section 54 has not been complied with, the petition shall be dismissed forthwith.

(2) If an election petition is not dismissed under subsection (1), the Commissioner shall refer it for trial to a Tribunal.”

Section 52, 53 and 54 of the Act are as under:—

52. *Election Petition.*—(1) No election shall be called in question except by an election petition made by a candidate for

that election (hereafter in this Chapter referred to as the petitioner) Proviso omitted.

(2) An election petition shall be presented to the Commissioner within (forty-five) days of the publication in the official Gazette of the name of the returned candidate and shall be accompanied by a receipt showing that the petitioner has deposited at any branch of the National bank of Pakistan or at a Government Treasury or sub-Treasury in favour of the Commissioner, under the prescribed head of account, as security for the costs of the petition, a sum of one thousand rupees.

53. *Presentation of petition.*—(1) An election petition shall be presented by a petitioner and shall be deemed to have been presented.—

- (a) when it is delivered in person to the Secretary to the Commission or to such other officer as may be appointed by the Commission in that behalf,—
  - (i) by the petitioner; or
  - (ii) by a person authorised in writing in this behalf by the petitioner; or
- (b) when delivered by registered post to the Secretary to the Commission or to such other officer as aforesaid.

(2) An election petition, if sent by registered post, shall be deemed to have been presented in time if it is posted within the period specified in sub-section (2) of section 52.

54. *Parties to the Petition.*—The petitioner shall join as respondents to his election petition.—

- (a) all contesting candidates, and
- (b) any other candidate against whom any allegation of any corrupt or illegal practice is made and shall serve personally or by registered post on each such respondent a copy of the petition.

*Explanation.*—In this section and in the following provisions of this chapter, “corrupt or illegal practice” means a “corrupt practice” or an “illegal practice” within the meaning of Chapter VIII.”

### **Speedy Disposal of Petitions**

8. For speedy disposal of election petitions, a new provision was added in section 67 of the Representation of the People Act, 1976 just before 1993 General Elections requiring the Tribunals to take decision on the petitions within six months from the date of receipt from the Chief Election Commissioner. The relevant provision is reproduced below:—

“(IA) The Trial of the election petition shall proceed day to day and the decision thereof shall be taken by the Tribunal within six months from the date of its receipt from the Commissioner”

### **Procedure before Election Tribunal**

9. In pursuance of the powers conferred by sub-section (1) of section 62 of the Representation of the People Act, 1976, the Election Commission prescribed the following procedure for trial of election petitions:—

- “(1) Every election petition shall be filed with the Secretary, Election Commission of Pakistan, Secretariat Block ‘S’ Islamabad, in triplicate and shall be accompanied by all such documents and affidavits of the witnesses as are desired to be produced by the petitioner alongwith the receipt indicating that the copies of the petition and the attached documents and the affidavits annexed to the petition have been supplied to the respondent.
- (2) Every election petition shall be processed by the Secretary, Election Commission. In case the petition is not in accordance with the procedure laid down herein it shall not be entertained and the petitioner shall be informed accordingly.

Notice of the date published through the press, radio and television shall be deemed to be a valid notice and no personal notice shall be necessary unless the tribunal feels necessary to do so.

- (3) The respondent shall upon the receipt of notice of the petition from the petitioner within seven days file his written statement together with all documents relied upon by him and the affidavits of the witnesses as are desired to be produced in defence.
- (4) The petitioner shall make available for cross examination all witnesses whose affidavits are filed with the petition for cross examination on the first date of hearing before the tribunal [and the trial of election petitions shall proceed on day to day basis].
- (5) Where any party desires to summon any official witness he shall file with the petition a list of such witnesses justifying his production and also mention the documents, if any, which are required to be proved through such witness.
- (6) No witness whose name is not mentioned in the petition shall be summoned or examined unless required by the tribunal.
- (7) Where the election petition claims as relief a declaration that the election of the returned candidate is void on the ground that the returned candidate was not, on the nomination day, qualified for, or was disqualified from, being elected as a member, the tribunal may decide the question of such qualification or disqualification as a prequalification as a preliminary issue.
- (8) The tribunal may make a memorandum of the evidence of each witness as his examination proceeds unless it considers that there is special reason for taking down the evidence of any witness in full.
- (9) The tribunal may refuse to examine a witness if it considers that his evidence is not material or that he has been called on a frivolous or vexatious ground for the purpose of delaying the proceedings or defeating the ends of justice.
- (10) The tribunal may, pending the final disposal of the petition, grant such interim relief as it may deem fit."

### Grounds for Declaring Election as Void

10. The election of a returned candidate can be declared void if it is proved to the satisfaction of the Tribunal that:—

- (a) the nomination of the returned candidate suffered from any invalidity;
- (b) the returned candidate was not, on the day of nomination, qualified for, or was disqualified from being elected as a member;
- (c) the election of the returned candidate was obtained or influenced by any corrupt or illegal practice; or
- (d) the returned candidate or his election agent or any other person, with his connivance, indulged in a corrupt or illegal practice.

The Election Tribunal is competent under the law to declare the election of a returned candidate as void and adjudge the petitioner or any other contesting candidate to be elected, if so claimed by them, and if there are valid grounds warranting such order.

11. The election as a whole can also be declared void and set aside if it is proved to the satisfaction of the Tribunal that the result of the election has been materially affected or influenced by:—

- (a) the failure of any person to comply with the provisions of the Act or the rules framed thereunder; or
- (b) the commission of large scale corrupt or illegal practices during the election.

The above provisions have been enacted to prevent the Returning Officer and other members of the polling staff from misusing their official powers and indulging in corrupt or illegal practices.

### Appeal Against Decisions of the Tribunals

12. Decisions of the Tribunals are appealable under the law. A person aggrieved by such decision can file appeal in the Supreme Court of Pakistan within thirty days of the announcement of the judgment by the Tribunal. The decision of Supreme Court on such appeal is, however, final.

### Appointment of Election Tribunals

13. The Chief Election Commissioner appointed 19 Sitting Judges of the four High Courts as Election Tribunals for the trial of election petitions filed by the candidates for general election to the National and Provincial Assemblies held in October, 1993. The detail of such Tribunals Province-wise is given below:—

Name of the Province	No. of Tribunals
The Punjab	6
Sindh	7
N.W.F.P.	4
Balochistan	2
Total:	19

### Number of Election Petitions

14. A total number of 106 election petitions relating to the general elections, 1993 were filed. Of these, 6 petitions were dismissed by the Chief Election Commissioner under section 56(1) of the Representation of the People Act, 1976 for non-compliance of the provisions of sections 52, 53 or section 54. The detail of these 106 petitions is given below:—

Province/Area	Muslims	Christians	Hindu and scheduled Castes	Sikhs, Budhists, Parsis and other non-Muslims	Quadianis	Total
1	2	3	4	5	6	7
<b>NATIONAL ASSEMBLY</b>						
NWFP	4	—	—	—	—	4
FATA	7	—	—	—	—	7
Federal Capital	—	—	—	—	—	—
Punjab	15	1	—	1	—	17
Sindh	26	—	2	—	—	28
Balochistan	—	—	—	—	—	—
Total:	52	1	2	1	—	56
<b>PROVINCIAL ASSEMBLIES</b>						
Punjab	21	3	—	1	—	25
Sindh	5	—	6	—	1	12
NWFP	8	1	—	—	—	9
Balochistan	4	—	—	—	—	4
Total:	38	4	6	1	1	50

The statement showing the constituencywise detail of election petitions is annexed to this chapter.

### Comparison with Petitions Filed in Previous Elections

15. A total number of 106 election petitions were filed in respect of General Elections, 1993 as compared to 219, 103 and 145 filed in respect of previous General Elections held in 1985, 1988 and 1990 respectively. The details of these petitions is given below in the table for the sake of comparison:—

General Elections	No. of petitions filed		Total
	National Assembly	Provincial Assembly	
1985	76	143	219
1988	42	61	103
1990	67	78	145
1993	56	50	106

16. The latest position with regard to the disposal of election petitions is that out of 106 petitions filed, six were dismissed by the Chief Election Commissioner and one is under process in the Election Commission. One election petition has so far been dismissed by the Election Tribunal whereas the remaining 98 petitions are pending with Tribunals at the time of compilation of this Report. A comparative statement showing the disposal of election petitions in respect of 1993, 1990, 1988 and 1985 General Elections is given below:—

	1985	1988	1990	1993
(1) Total number of election petitions filed.	219	103	145	106
(2) Petitions dismissed by the Chief Election Commissioner.	4	4	15	6
(3) Petitions dismissed by the Election Tribunals	214	94	127	100
(4) Petitions allowed by the Election Tribunals.	1	3	1	—
(5) Petitions Pending.	—	2	2	98
(6) Petitions under process	—	—	—	—
Total:	219	103	145	106

17. It will be seen from the above table that the number of petitions filed in respect of General Elections 1993 are less (106) than the petitions (145) filed during the 1990 general elections. In fact, out of 106 petitions 6 have



already been dismissed by the Chief Election Commissioner under section 56(1) of the Representation of the People Act, 1976. The remaining 100 petitions have been referred to the various Election Tribunals for trial.

18. It may also not be out of place to mention here that for expeditious disposal of election petitions, a new provision has been added in section 67 of the Representation of the People Act, 1976, wherein the Election Tribunals are bound to decide the petitions within six months from the date of receipts from the Chief Election Commissioner. It is hoped that day to day hearing of the cases will facilitate disposal of the election petitions within the stipulated period of six months.

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STATEMENT SHOWING THE DETAILS OF ELECTION PETITIONS FILED IN RESPECT OF GENERAL ELECTIONS, 1993

Election Petition No.	Constituency Number	Subject of Election Petition	Name of Court where Election Petition is heard	Result of Election Petition	Remarks
1	2	3	4	5	6
1/93	Seats reserved for Sikh, Budhist, Parsis and other non-Muslims in the National Assembly.	Mr. M.P. Bhandara Vs. Returning Officer and Others.	—	Dismissed by the CEC. as withdrawn.	—
2/93	PS-14 Jacobabad-V	Agha Ghulam Ali Buledi Vs. Returning Officer and others.	Mr. Justice Imam Ali G. Kazi	Dismissed on 26-4-1994	—
3/93	PF-46 Mansehra-IV	Mr. Umar Khitab Vs. Habib-ur-Rehman and others.	Mr. Justice Mian Muhammad Ajmal	Pending	—
4/93	PP-189 Sahiwal-VIII	Pir Allah Yar Chishti Vs. Rana Ghulam Qadir and others.	Mr. Justice Rashid Aziz Khan	Pending	—
5/93	Seat reserved for Qadianis in the Provincial Assembly, Sindh.	Mr. Shah Jehan Vs. Mr. Atta Muhammad and others.	Mr. Justice Wajihuddin Ahmed	Dismissed on 27-3-1994 for non-prosecution.	—
6/93	NA-20 Lakki-cum-Bannu (Old Bannu-II)	Mr. Amir Nawaz Vs. Mr. Muhammad Kabir and others.	Mr. Justice Jalaluddin Akbarji	Pending	—

1	2	3	4	5	6
7 93	PP-169 Multan-X	Mr. Diwan Ashiq Hussain Vs. Malik Mushiaq Ahmed and others.	Mr. Justice Rashid Aziz Khan	Pending	
8 93	PF-60 Bannu-III	Malik Riaz Khan Vs. Syed Munir Shah	Mr. Justice Kazi Muhammad Farooq	Pending	
9 93	NA-87 Sialkot-III	Mr. Ijaz Ahmed Cheema Vs. Syed Iftikhar-ul-Hassan Shah	Mr. Justice Munir A. Shaikh	Pending	
10 93	NA-28 Tribal Area-II	Haji Kamal Hussain Vs. Mr. Zulfiqar Ali and others.	Mr. Justice Mian Muhammad Ajmal	Pending	
11 93	NA-9 Kohat	Mr. Javed Ibrahim Paracha Vs. Syed Iftikhar Hussain Gilani and others.	Mr. Justice Jalaluddin Akbarji	Pending	
12 93	NA-176 Thar	Mr. Abdul Quddoos Vs. Mr. Arbab Ghulam Rahim and others.	Mr. Justice Inam Ali G. Kazi	Dismissed on 21-4-1994	
13 93	PF-33 Karak-II	Nawabzada Mohsin Ali Khan Vs. Malik Zaffar Azam and others.	Mr. Justice Jalaluddin Akbarji	Pending	
14 93	PB-36 Panjgur	Mr. Asadullah Vs. Mr. Asghar Ali and others	Mr. Justice Anm-ul- Mulk-Mengal	Pending	
15 93	PP-110 Sialkot-cum- Narowal-I	Sheikh Fazal Ilahi Sethi Vs. Syed Akhtar Hussain Rizvi and others.	Mr. Justice Khalid Paul Khawaja	Pending	

1	2	3	4	5	6
16/93	NA-108 Kasur-III	Rana Muhammad Hayat Khan v.s.	Mr. Justice Khalid Paul Khawaja	Dismissed on 13-4-1994 for non-prosecution.	
17/93	NA-33 Tribal Area-VII	Sardar Talib Hussain and others. Malik Nadir Khan v.s. Haji Muhammad Shah and others.	Mr. Justice Sardar Muhammad Raza Khan.	Pending.	
18/93	NA-13 Haripur	Syed Sultan Ali v.s.	Mr. Justice Mian Muhammad Ajmal	Pending.	
19/93	PP-25 Sargodha-III	Gohar Ayub Khan and others. Sh. Amir Ahmad v.s.	Mr. Justice Khalid Paul Khawaja	Pending.	
20/93	PP-86 Gujranwala-X	Ch. Abdul Hamid and others. Ch. Muhammad Azam Cheema v.s.	Mr. Justice Khalid Paul Khawaja	Pending.	
21/93	Seat reserved for Christians in the Provincial Assembly. NWFP.	Mr. Imtiaz Safdar and others. Mr. Walter Masih v.s.	Mr. Justice Qazi Muhammad Farooq	Pending.	
22/93	NA-150 Rahimyar Khan- IV	Mr. Pervez K.G. and others. Sardar Rafique Haider Khan v.s.	Mr. Justice Munir A. Shaikh	Pending.	
23/93	PP-174 Khanewal-I	Syed Ahmed Mahmood Mehr Ahmed Nawaz Tarragar v.s.	Mr. Justice Rashid Aziz Khan	Dismissed on 16-3-1994 u/s 63 of the RP Act, 1976.	
24/93	PF-73 Dir-I	Mr. Hussain Jawaia Gardazi Haji Amanullah Khan v.s. Sahibzada Tariqullah and others.	Mr. Justice Qazi Muhammad Farooq	Pending.	

1	2	3	4	5	6
25/93	NA-49 Sargodha-III	Mr. Mumtaz Ahmed Kahloon Vs.	Mr. Justice Munir A. Shaikh.	Pending.	---
26/93	NA-33 Tribal Area-VII	Mr. Ahmed Zia-ur-Rehman Mr. Muhammad Ishaq Afridi Vs. Haji Muhammad Shah and others.	Mr. Justice Sardar Muhammad Raza Khan	Pending.	
27/93	NA-33 Tribal Area-VII	Haji Muhammad Ibrahim Vs. Haji Muhammad Shah and others.	Mr. Justice Sardar Muhammad Raza Khan	Pending.	
28/93	NA-33 Tribal Area-VII	Mr. Abdul Latif Afridi Vs. Haji Muhammad Shah and others.	Mr. Justice Sardar Muhammad Raza Khan	Pending.	
29/93	Seat reserved for Sikh, Budhist, and Parsis in the Provincial Assembly, Punjab.	Mr. Raju Ram Vs. Mr. Darayus Pestonji	Mr. Justice Rashid Aziz Khan	Dismissed for want of prosecution on 9-2-1994.	---
30/93	NA-118 Multan-cum- Lodhran (Old Multan-V)	Syed Nasir Ali Rizvi Vs. Mirza Nasir Baig	Mr. Justice Munir A. Shaikh	Pending.	
31/93	PS-67 Sanghar-IV	Mr. Muhammad Abdullah Khan Warya Vs. Mr. Rasool Bux and others.	Mr. Justice Wajihuddin Ahmed	Pending.	
32/93	NA-181 Sanghar-II	Mr. Shah Nawaz Junejo Vs. Jam Mashooq Ali and others	Mr. Justice Abdul Rahna Kazi	Pending.	

1	2	3	4	5	6
33 93	NA-183 Sahiwal-III	Mr. Jalal Din Dhakoo I/s. Mr. Saeed Ghulam Murtaza Sharazi and others.	Mr. Justice Khalid Paul Khawaja	Pending.	—
34 93	NA-125 Sahiwal-II	Ch. Muhammad Ashraf I/s. Mehr Ghulam Farid and others.	Mr. Justice Rashid Aziz Khan	Pending.	—
35 93	NA-27 Tribal Area-I	Mr. Tahir Akbar I/s. Haji Baroz Khan and others.	Mr. Justice Sardar Muhammad Raza Khan	Pending.	—
36 93	NA-27 Tribal Area-I	Haji Qadar Gul I/s. Haji Baroz Khan and others.	Mr. Justice Sardar Muhammad Raza Khan	Pending.	—
37 93	NA-100 Lahore-IX	Ch. Muhammad Ashiq Diyat I/s. Ch. Khalid Javed Ghurki and others.	Mr. Justice Munir A. Shaikh	Pending.	—
38 93	PP-66 Jhang-VI	Mehr Muhammad Aslam Khan Bherwana I/s. Mian Riaz Hashmat and others.	Mr. Justice Khalid Paul Khawaja	Pending.	—
39 93	Seat reserved for Hindus and Scheduled Castes in the National Assembly.	Mr. Krishan I/s. Mr. Kishanchand Parwani and others.	—	Dismissed by the CEC	—
40 93	NA-195 Karachi (E)-IV	Dr. Rahim-ul-Haq I/s. Prof. N.D. Khan and others.	Mr. Justice Wajihuddin Ahmed	Pending.	—

41/93	NA-84 Mandi Bahauddin	Ch. Muhammad Iqbal Bosal Vs. Mr. Nazar Muhammad Gondal and others.	Mr. Justice Rashid Aziz Khan	Pending.
42/93	Seat reserved for Christians in the National Assembly.	Mr. Peter Johan Sahootra Vs. Returning Officer and others.	Mr. Justice Ihsan-ul-Haq Chaudhry.	Pending.
43/93	NA-104 Sheikhpura-IV	Mr. Naeem Hussain Chatta Vs. Mr. Tawakkal Ullah and others.	Mr. Justice Malik Muhammad Qayyum	Pending.
44/93	NA-99 Lahore-VIII	Mr. Wazir Ali Bhatti Vs. Mehar Zulfiqar Ali Baboo and others.	Mr. Justice Malik Muhammad Qayyum	Pending.
45/93	NA-190 Karachi (South)-II	Haji Muhammad Hanif Tayyab Vs. Mr. Abdul Aziz Memon and others.	Mr. Justice Kamal Mansoor Alam	Pending.
46/93	PB-24 Bolan-I	Mr. Tariq Kurd Vs. Mir Lashkari Khan Raisani and others.	Mr. Justice Iftikhar Muhammad Chaudhary	Pending.
47/93	NA-47 Sargodha-I	Mr. Ihsanul Haq Paracha Vs. Mr. Ghulam Hussain Cheema and others.	Mr. Justice Malik Muhammad Qayyum	Pending.
48/93	PF-1 Peshawar-I	Mr. Ayub Shah Vs. Mr. Bashir Ahmed Bilour and others.	Mr. Justice Jalaluddin Akbarji	Pending.

1	2	3	4	5	6
49 93	NA-157 Jacobabad-II	Mir Hazar Khan Bijrani I.s.	Mr. Justice Abdur Rahim Kazi	Pending.	—
50 93	NA-116 Multan-III	Mir Mehran Khan Bijrani and others. Syed Tanvir-ul-Hassan Gillani I.s.	Mr. Justice Malik Muhammad Qayyum	Pending.	—
51 93	NA-184 Karachi (West)-I	Sh. Muhammad Tahir Rashid Syed Mastoor Ahsan I.s.	Mr. Justice Mukhtar Ahmad Junejo.	Pending.	—
52 93	NA-191 Karachi (South)-II	Mian Ejaz Ahmed Shafi and others. Mr. Muhammad Yousuf Qureshi I.s.	Mr. Justice Kamal Mansoor Alam	Pending.	—
53 93	PP-90 Gujranwala-XIV	Mr. Haleem Ahmed Siddiqui and others. Babu Muhammad Munir I.s.	Mr. Justice Rashid Aziz Khan	Pending.	—
54 93	Seat reserved for Hindus and Scheduled Castes in the National Assembly.	Mr. S.A. Hameed and others. Mr. Bhagwan Das Chawla I.s.	Mr. Justice Salahuddin Mirza	Pending.	—
55 93	NA-7 Mardan-II	Mr. Krishen Chand Perwani and others. Mr. Muhammad Azam Khan I.s.	Mr. Justice Jalal-ud-Din Akbarji.	Pending.	—
56 93	PB-18 Kohlu	Haji Muhammad Yaqoob and others. Mir Behram Khan Marri I.s. Sardar Ghazain Khan Marri and others.	Mr. Justice Iftikhar Muhammad Chaudhary	Pending.	—



1	2	3	4	5
57/93	NA-62 Faisalabad-VI	Raja Nadir Pervez I/s.	Mr. Justice Khalid Paul Khawaja	Pending.
58/93	NA-149 Rahimyar Khan-III.	Sardar Dildar Ahmed and others. Mr. Zafar Iqbal Warraich I/s.		Dismissed by CFC being barred by time.
59/93	NA-168 Hyderabad-II	Ch. Muhammad Jaffar and others. Mr. Aftab Ahmed Sheikh I/s.	Mr. Justice Kamal Mansoor Alam	Pending.
60/93	NA-174 Mirpurkhas	Mr. Shabbir Hassan Ansari and others. Mr. Shabbir Ahmed Qaimkhami I/s.	Mr. Justice Kamal Mansoor Alam	Pending.
61/93	NA-184 Karachi (West)-I	Pir Aftab Hussain Shah and others. Mr. Muhammad Irfan Khan I/s.	Mr. Justice Kamal Mansoor Alam	Pending.
62/93	NA-185 Karachi (West)-II	Mian Muhammad Shafi and others. Prof. A.K. Shamas I/s.	Mr. Justice Kamal Mansoor Alam	Pending.
63/93	NA-186 Karachi (Central)-I	Mr. Muhammad Afaq and others. Kanwar Khalid Younas I/s.	Mr. Justice Kamal Mansoor Alam	Pending.
64/93	NA-187 Karachi (Central)-II	Mr. Dost Muhammad Faizi and others. Ms. Raisa Mohini I/s.	Mr. Justice Kamal Mansoor Alam	Pending.
		Hafiz Muhammad Taqi and others.		

1	2	3	4	5	6
65/93	NA-188 Karachi (Central)-III	Mr. Farooq Ahmed Vs. Mr. Muzaffar Ahmed Hashmi and others.	Mr. Justice Kamal Mansoor Alam	Pending	
66/93	NA-189 Karachi (South)-I	Mr. Muhammad Ayub Vs. Mr. Ahmed and others.	Mr. Justice Kamal Mansoor Alam	Pending	
67/93	NA-190 Karachi (South)-II	Mr. Muhammad Farooq Sattar Vs. Mr. Abdul Aziz Memon and others.	Mr. Justice Kamal Mansoor Alam	Pending	
68/93	NA-191 Karachi (South)-III	Mr. Jalil Vs. Mr. Haleem Ahmed Siddiqui and others.	Mr. Justice Kamal Mansoor Alam	Pending	
69/93	NA-193 Karachi (East)-II	Mr. Khalid Bin Waleed Vs. Mr. Abu Bakar Shaikhani and others.	Mr. Justice Kamal Mansoor Alam	Pending	
70/93	NA-194 Karachi (East)-III	Mr. Muhammad Asif Khan Vs. Mr. Muzaffar Ali Shujra and others.	Mr. Justice Kamal Mansoor Alam	Pending	
71/93	NA-195 Karachi (East)-IV	Haji Jalal Khan Vs. Mr. N.D. Khan and others.	Mr. Justice Abdul Rahim Kazi.	Pending	
72/93	NA-196 Karachi (East)-V	Syed Altaf Azad Vs. Mr. Sher Muhammad Balooch and others.	Mr. Justice Kamal Mansoor Alam	Pending	

73/93	PP-91 Gujrat-I	Mian Mushtaq Hussain Pagganwala Vs. Mian Imran Masood and others.	Mr. Justice Tanvir Ahmed Khan	Pending.
74/93	PF-45 Mansehra-IV	Mr. Faiz Muhammad Khan Vs. Mr. Haq Nawaz and others.	Mr. Justice Mian Muhammad Ajmal	Pending.
75/93	PP-235 Rahimyar Khan-IV	Mian Muhammad Aslam Vs. Sheikh Muhammad Aslam and others.	Mr. Justice Rashid Aziz Khan	Dismissed for non-prosecution, on 9-2-1994.
76/93	PF-2 Peshawar-II	Syed Ali Shah Vs. Syed Qamar Abbas and others.	Mr. Justice Jalaluddin Akbarji	Pending.
77/93	NA-155 Sheikhpura-II	Agha Attia Muhammad Khan Vs. Mr. Aitaf Ali Bhayo and other.	Mr. Justice Salahuddin Mirza	Pending.
78/93	NA-151 Sukkur-I	Mr. Muhammad Saleem Vs. Syed Khurshheed Ahmed Shah and others.	Mr. Justice Kamal Mansoor Alam.	Pending.
79/93	NA-169 Hyderabad-III	Syed Sohail Mehmood Mashadi Vs. Qazi Asad Abid and others	Mr. Justice Kamal Mansoor Alam.	Pending.
80/93	NA-192 Karachi (E)-I	Mr. Ejaz Mehmood Vs. Mr. Zahair Akram Nadeem and others.	Mr. Justice Kamal Mansoor Alam.	Pending.

1	2	3	4	5	6
81/93	NA-160 Nawabshah-I	Mr. Abdul Majeed V/s.	Mr. Justice Kamal Mansoor Alam.	Pending.	—
82/93	PS-11 Jacobabad-II	Mr. Asif Ali Zardari and others. Mir Hakim Ali Khan Sundrani V/s.	Mr. Justice Salehuddin Mirza	Dismissed on merit, on 21-4-1994.	—
83/93	PP-87 Gujranwala-XI	Mr. Sher Muhammad Khan and others. Mr. Shahid Akram Bhinder V/s.	—	Dismissed by CEC	
84/93	PP-96 Gujrat-VI	Mian Azhar Hassan and others. Ch. Muhammad Safdar V/s.	Mr. Justice Munir A. Shaikh	Pending.	—
85/94	Seat reserved for Christians in the Provincial Assembly, Punjab.	Mr. Ijaz Ahmed and others. Ch. Fateh Jang V/s.	Mr. Justice Ihsan-ul-Haq Chaudhry	Pending.	—
86/93	Seat reserved for Christians in the Provincial Assembly, Punjab.	Dr. Sheela B. Charls and others. Mr. Qasier Ifraeem Saroya V/s.	Mr. Justice Ihsan-ul-Haq Chaudhry.	Pending.	—
87/93	PP-162 Multan-III	Mr. Adil Sharif Gill and others. Malik Khalil Ullah V/s.	Mr. Justice Tanvir Ahmed Khan	Pending.	—
88/93	PP-106 Sialkot-V	Mr. Ihsan-ud-Din Qureshi and others. Ch. Zulfiqar Ahmed V/s.	Mr. Justice Munir A. Shaikh.	Pending.	—
89/93	PP-20 Jhelum-I	Mr. Saifullah Cheema and others. Ch. Saeed Iqbal V/s.	Mr. Justice Malik Muhammad Qayyum	Pending.	—
		Ch. Khadim Hussain and others.			

1	2	3	4	5	6
90/93	PP-39 Mianwali-IV	Mr. Faqir Abdul Majeed Vs. Mr. Allah Nawaz Khan and others.	Mr. Justice Ihsan-ul-Haq Chaudhry.	Pending.	—
91/93	PP-32 Sargodha-X	Mr. Anwar-ul-Haq Piracha Vs. Mr. Ijaz Ahmed Malik and others.	Mr. Justice Tanvir Ahmed Khan	Pending.	—
92/93	PS-25 Khairpur-II	Mr. Rahim Bux Vs. Pir Syed Sadaruddin and others.	Mr. Justice Salahuddin Mirza	Dismissed on 5-3-1994 as the petitioner failed to prove his allegations.	—
93/93	Seat reserved for Hindus and Scheduled Castes in the P.A. Sindh.	Mr. Mahender Dev. Vs. Mr. Aloo Mall and others.	Mr. Justice Salahuddin Mirza	Pending.	—
94/93	Seats reserved for Charistains in the P/A., Punjab.	Mr. Nazir Sohen Vs. Begum Raj Hameed Gill and others.	Mr. Justice Ihsan-ul-Haq Chaudhry.	Dismissed on 28-4-1994 for non-prosecution.	—
95/93	Seats reserved for Hindus and Scheduled Castes in the P.A. Sindh.	Mr. Sarwanand Vs. Mr. Aloo Mall and others.	Mr. Justice Salahuddin Mirza	Pending.	—
96/93	PP-226 Bahawalnagar-II	Syed Mumtaz Alam Gillani Vs. Dr. Noor Muhammad Ghaffari and others.	Mr. Justice Khalid Paul Khawaja	Dismissed on 13-4-1994 for non-prosecution.	—
97/93	PP-54 Faisalabad-XII	Mr. Tariq Mehmood Bajwa Vs. Mr. Muhammad Afzal Sahi and others.	Mr. Justice Ihsan-ul-Haq Chaudhry.	Dismissed on 10-3-1994 under section 63 of the Representation of the People Act, 1976.	—

98/93	PB-8 Killa Abdullah-I	Mr. Bismillah Khan Vs.	Mr. Justice Amir-ul-Mulk Mengal.	Pending.	—
99/93	Seats reserved for Hindus and Scheduled Castes in the P/A., Sindh.	Mr. Abdul Qahar Khan and others.		Dismissed by CEC on 20-12-1993.	—
100/93	Seats reserved for Hindus and Scheduled Castes in the P/A., Sindh.	Mr. Tikamdas Vs. Mr. Lachman Das and others.	Mr. Justice Salahuddin Mirza	Pending.	—
101/93	Seats reserved for Hindus and Scheduled Castes in the P/A., Sindh.	Mr. Hari Ram and others Mr. Sadham Chand Vs.	Mr. Justice Salahuddin Mirza	Dismissed on 26-5-1994	—
102/93	Seats reserved for Hindus and Scheduled Castes in the P/A., Sindh.	Returning Officer and others. Mr. Namchand Vs.	Mr. Justice Salahuddin Mirza	Dismissed on 26-5-1994	—
103/93	Seats reserved for Hindus and Scheduled Castes in the P/A., Sindh. PS-68 Sanghar-V	Returning Officer and others. Mr. Muhammad Bux Vs.	Mr. Justice Kamal Mansoor Alam.	Pending.	—
104/93	PP-73 Toba Tek Singh-III	Mr. Abdul Salam and others. Qazi Ghias-ud-Din Janbaz Vs.	Mr. Justice Munir A. Shaikh	Pending.	—
105/93	NA-129 Vehari-I	Dr. Muhammad Anwar-ul-Haq and others. Mr. Muhammad Nawaz Khan Vs.	Under Process	—	—
106/93	PF-9 Nowshera-I	Mian Noor Muhammad Bhaba and others Mian Iftikhar Hussain Vs.	—	Dismissed by CEC	—
		Mr. Iqbal Hussain Khattak and others.			

## CHAPTER XXX

## FINANCIAL ARRANGEMENTS

## (EXPENDITURE ON ELECTIONS)

Election process is expenditure intensive. The procurement of services, all and sundry, precede the actual conduct of polls. These services include, *inter alia*, expenditure on printing of supplementary lists of additions, deletions and corrections for updating them for use on the poll days; printing of various types of forms, registers, placards, posters, banners, envelopes and over 100 millions of ballot papers for the Muslim and non-Muslim voters for National Assembly and Provincial Assemblies elections. These are besides a motley of stationery items, indelible ink, punch machines. These miscellany of articles are supplemented by logistics and installation of tele-communication network, etc. The financial arrangements include expenditure under several heads/major heads being election allowance for polling personnel, transportation of election material, improvisation of polling stations, petrol/oil/lubricants, contingencies, postage and tele-communications.

2. On the first dissolution of the National Assembly on 18th April, 1993, the Election Commission made a proposal for supplementary grant of Rs. 10,48,20,000 for the conduct of the general elections to the National Assembly only. The Finance Division released a supplementary grant of Rs. 10,00,00,000 for this purpose. As the National Assembly was restored by the order of the Supreme Court, the supplementary grant was not utilized and was surrendered. Subsequently, the National and all the four Provincial Assemblies were again dissolved and the Election Commission of Pakistan was required to hold general elections to the National Assembly as well as the Provincial Assemblies on 6th and 9th October, 1993, respectively. This called for working out the requirement of funds afresh.

3. At that time, token amount under the sub-head, "59900-Others-Conduct of Elections" to the tune of Rs. 20,00,000 was available in normal budget, which could meet the requirement of expenditure for bye-elections but was too scanty to meet the requirement of general elections in the country. This situation warranted more funds. It may be mentioned here that for 1990 general elections supplementary grant to the extent of Rs. 38,86,40,000 was provided by the Government of Pakistan (Finance Division). If this amount was taken as basis for working out requirements for 1993 general elections, a demand of Rs. 50,52,32,000 could be made by adding about 10% increase per

annum due to inflationary effect since 1990. However, a demand of Rs. 45,58,42,000 only was made under the directions of the Chief Election Commissioner of Pakistan, who has been much conscious about the financial constraints of the country and has made all possible endeavours for economy in the expenditure. Against this demand, the Finance Division released a supplementary grant of Rs. 42,52,50,000 only. The item-wise allocation and tentative figures of expenditure there-against are given below:—

Sl. No.	Item of expenditure	Allocation in Crore rupees	Expenditure incurred in Crore rupees
(1)	Printing of Ballot Papers	8,80,00,000	9,61,49,000
(2)	Printing of Forms	1,60,00,000	1,95,34,000
(3)	Cost of paper	1,40,00,000	
(4)	Procurement of Stationery	2,00,00,000	2,49,13,000
(5)	Indelible ink	50,00,000	53,73,000
(6)	Election Allowance	19,98,68,000	18,52,58,000
(7)	Honoraria	57,33,000	41,87,000
(8)	Transportation of Election Material	1,10,00,000	1,01,41,000
(9)	Improvisation of Polling Stations	36,00,000	37,46,000
(10)	Postage and Stamps	9,90,000	86,56,000
(11)	POL charges	13,10,000	17,55,000
(12)	Publicity	30,00,000	1,05,000
(13)	Telephone	1,50,00,000	1,81,42,000
(14)	Repair/painting/oiling/cleaning of ballot boxes	16,20,000	4,27,000
(15)	Allocation to Provincial Governments	3,00,00,000	2,21,12,000
(16)	Entertainment/conveyance	13,00,000	1,54,000
(17)	Misc. expenditure	64,22,000	61,49,000
(18)	Training of polling personnel	2,07,000	—
(19)	Printing of Election Report	10,00,000	—
(20)	Contingencies	4,00,000	7,61,000
	<b>Total:</b>	<b>42,52,50,000</b>	<b>40,75,62,000</b>

*Note.* The expenditure figures are likely to fluctuate and correct position will emerge subject to finalisation of some of the accounts.



4. As per past practice, funds were provided to the District Returning Officers/Returning Officers through Provincial Election Commissioners, who keep close coordination with the field organisation. Funds to the tune of Rs. 22,44,93,350 were accordingly released on 22nd August, 1993 to the Provincial Election Commissioners for further disbursement to the District Returning Officers/Returning Officers. The major portion of these funds was released under the sub-head, "03901-Election Allowance" due to demand on the basis of polling strength. The scales on which funds were allocated in different heads to District Returning Officers and Returning Officers are given below:—

- |                        |   |  |
|------------------------|---|--|
| (1) Election Allowance | = | Rs. 600 per Presiding Officer @ Rs. 100 per day for six days, Rs. 450 per Assistant Presiding Officer and Polling Officer @ Rs. 75 per day for 6 days. |
| (2) Transportation     | = | Rs. 25,000 per NA Constituency and Rs. 10,000 per PA Constituency.   |
| (3) Improvisation      | = | Rs. 300 per polling station.   |
| (4) POL Charges        | = | Rs. 1,500 for DRO and Rs. 1,200 for RO for one constituency.   |
| (5) Postage            | = | Rs. 1,500 for DRO and Rs. 900 for RO for one constituency.   |
| (6) Contingencies      | = | Rs. 500 for DRO and Rs. 400 for RO for one constituency.   |

5. The Provincial Governments are required to assist in the conduct of general elections by providing manpower and logistics where-ever required. Demands from all the Provincial Governments were received by the Commission for funds, against which Rs. 2,21,11,250 were allocated to them as detailed below:—

Punjab	Rs.	1,15,72,500
Sindh	Rs.	47,06,250
N.W.F.P.	Rs.	39,66,250
Baluchistan	Rs.	18,66,250
Total:		Rs. 2,21,11,250

These funds were further allocated by the Provincial Governments to the Deputy Commissioners at the rate of 50,000 per National Assembly constituency and Rs. 24,000 per Provincial Assembly constituency for two days (*i.e.* Rs. 25,000 per day for National Assembly and Rs. 12,000 per day for Provincial Assembly) in respect of Punjab and Sindh. Keeping in view the physical difficulties of NWFP and Baluchistan, the funds at the rate of Rs. 60,000 per National Assembly and at the rate of Rs. 30,000 per Provincial Assembly constituency for two days (*i.e.* Rs. 30,000 per NA and Rs. 15,000 per PA per day) were released for these two Provinces.

6. The funds for transportation were released for carrying election material from the offices of the Provincial Election Commissioners to the offices of the DROs/ROs and its further distribution to the Polling Stations. The transportation of election material alongwith Polling Personnel from district headquarter to Polling Stations and back was conducted by the Deputy Commissioners to whom funds were released through their respective provincial governments. In addition, funds under the sub-head, "51300-POL charges" were also provided to the Returning Officer for conduct of elections to minority seats.

7. In addition, funds available under almost all the sub-heads were augmented both in field organization and headquarters offices of the Provincial Election Commissioners and Election Commission of Pakistan Secretariat for the reason that almost all the sub-heads are effected due to increase in the magnitude of work on account of general elections.

8. All the Provincial Election Commissioners, DROs/ROs and Deputy Commissioners were advised by the Chief Election Commissioner to adopt economy measures in every head of expenditure.

9. Expenditure in main heads is as under:—

Object Code	Expenditure
52100-Postage and Telegram	Rs. 86,56,000
03901-Election/Diet Allowance	Rs. 18,52,58,000
51200-Transportation	Rs. 1,01,41,000
51300-POL charges	Rs. 17,55,000
59900-Other (Contingencies)	Rs. 7,61,000
59900-Other (Improvisation)	Rs. 37,46,000
59900-Other (installation of Telephone for DROs and ROs)	Rs. 1,81,42,293
Total:—	Rs. 22,84,59,293

### Comparative Budget and Expenditure figures.

10. The comparative position of budget as well as expenditure relating to 1985, 1988, 1990 and 1993 elections is given below :

Year	Supplementary Budget Grant	Percentage of increase	Expenditure	Percentage of Expenditure incurred as compared to budget grant
1.	2.	3.	4.	5.
1985	19,98,23,600	—	16,83,78,125	84.26%
1988	31,31,20,000	56.69%	31,30,57,593	99.95%
1990	38,94,40,000	24.37%	36,34,64,696	93.33%
1993	42,72,50,000	9.70%	40,75,62,000	95.39%

From the comparison of expenditure, it is evident that during 1988, an amount of Rs. 14,46,79,468 was spent in excess of the expenditure incurred during 1985, that is, 85.92 percent more than 1985 within a span of 3 years average being 28.64% per annum. However, in 1990 the excess expenditure was to the extent of Rs. 5,04,07,103 *i.e.* only 16.10 percent more than 1988 within two years at the average of 8.05% per annum. Similarly, the excess expenditure was further reduced to Rs. 4,40,97,304 in 1993 as compared to 1990 *i.e.* it was brought down to 12.13% only within a period of 3 years reducing the per annum average to 4.04%. Had the expenditure been allowed to increase on the pattern of 1988 which had registered an average increase of 28.64% per annum, the increase in expenditure could go upto 143.20% in five years *i.e.* from 1988 to 1993 *i.e.* upto Rs. 24,11,32,446. As such, by restricting the excess expenditure to Rs. 9,45,04,407 (*i.e.* 5,04,07,103 + 4,40,97,304) within aforesaid 5 years, a saving of Rs. **14,66,28,039** was achieved. This is notwithstanding the fact that during this period, there were two potent factors causing sharp increase of expenditure, firstly, the inflationary rate was 10% per annum due to which an additional amount of Rs. **2,41,13,244** was required, taking as basis the average excess expenditure of 1988 (*i.e.* Rs. 14,46,79,468 ÷ 3 = 4,82,26,489 × 5) upto 1993. Secondly, the strength of registered voters increased upto 44,21,762, *i.e.* from 4,79,259 in 1988 to 5,23,26,021 in 1993 and due to average cost per voter borne in 1993, *i.e.* Rs. 7.80, an additional

expenditure of Rs. 3,44,89,743 was also required. As such, a total saving of Rs. 20,52,31,026 was achieved due to strict adherence to principles of economy by the Chief Election Commissioner.

11. A comparison of expenditure on main heads of expenditure relating to 1985, 1988, 1990 and 1993 general elections is given below:—

Object	1985	1988	1990	1993
Election Allowance	10,57,309	18,21,71,432	18,48,34,600	18,52,58,000
Transportation	11,89,525	83,10,491	1,14,62,464	1,01,41,000
Improvisation	10,000	27,34,400	27,22,200	37,46,000
POL Charges	1,39,500	10,08,650	11,79,800	17,55,000
Postage	2,16,000	10,08,650	11,79,800	86,56,000
Contingencies	23,500	4,09,372	4,35,350	7,61,000
Telephones for DROs/ROs.	—	50,00,000	1,50,00,000	1,81,42,293

The expenditure shown against the head, "Transportation" during 1993 has increased as compared to 1990 for the reason that in addition to the funds allocated to the Provincial Election Commissioners for the purpose, the Chief Ministers/Chief Secretaries placed huge demands of funds for transportation of election material and polling personnel from district headquarters to polling stations and back. These funds were allocated to the Provincial Governments, which further released the same to Deputy Commissioners according to prescribed scale.

12. The average expenditure per registered voter during various general elections is as under:—

Year of Election	Average Expenditure per registered voter
1985	Rs. 04/90
1988	Rs. 06/51
1990	Rs. 07/47
1993	Rs. 07/80

**Saving by PECs/DROs/ROs and DCs**

13. On the conclusion of general elections, a process of rendering of accounts by the District Returning Officers/Returning Officers and by the Deputy Commissioners has been undertaken by the Election Commission of Pakistan. As measures of economy and vigilance, saving to the extent of Rs. 3,20,67,920 accrued in various heads of expenditure after completion of 1993 general elections as below:—

	(i) ECP Secretariat	Rs. 1,05,14,649
	(ii) Provincial Election Commissioners offices	Rs. 2,15,53,271
(a) Election Allowance	Rs.	1,94,16,753
(b) Transportation of Election Material	Rs.	12,67,000
(c) POL Charges	Rs.	1,11,574
(d) Postage and Telegrams.	Rs.	2,14,184
(e) Contingent expenditure	Rs.	1,11,910
(f) Improvisation of polling stations	Rs.	4,31,850
		<hr/>
		Rs. 2,15,53,271
		<hr/>
	Grand Total:	Rs. 3,20,67,920
		<hr/>

The above saving is in addition to the saving, which has been achieved by the District Returning Officers and Deputy Commissioners out of the allocations of funds made to them in various heads. So far saving to the extent of Rs. 25,00,000 has been deposited in the receipt head of the Election Commission and deposit of more saving is being ensured with the scrutiny and finalisation of accounts relating to the allocations given to the said officers.

14. The Commission being aware of the budgetary constraints, rightly shared the pride in not demanding separate budgetary grants or putting any

burden on the public exchequer for the conduct of bye-elections to 27 seats in the National Assembly and Provincial Assemblies, election to 41 Senate seats as well as Presidential elections. Instead, it utilized a chunk of above saving in defraying the expenditure in the fulfilment of above Constitutional obligations.

### **Future Saving Plans**

15. The Chief Election Commissioner, in the light of valuable experience gained through repeated general elections held in the past, has remained seized with the idea of introducing such concepts into electoral process, which could help achieve maximum saving during future elections. In this context, it is proposed to put into practice two more measures, firstly, during next elections, in each polling station, one booth will be eliminated and instead of two Polling Officers at a polling booth, only one Polling Officer will be engaged. The rationale of this concept is that in the recent election, a polling station having four booths was assigned approximately 1500 electors and by eliminating one booth, the entire strength of electors will be distributed at the rate of 500 per booth. In view of number of votes cast in the previous elections, their percentage with the total electors comes to approximately 40% *i.e.* only 200 electors per booth or at the most 300 electors per booth (if the percentage comes upto 60). Therefore, votes cast at this rate or pace will not pose any problem at a booth because in view of the duration of poll, *i.e.* eight hours, 2-3 minutes will be available for each elector to cast his vote and one polling officer can easily handle their entry into the booth and that even ballot box can accommodate three times more quantity of ballot papers than the above percentage. This concept will, therefore, not create any problem in the smooth conduct of voting. Conversely, this will save expenditure due to engagement of less manpower, payment of less election allowance, supply of less stationery items as well as expenditure on transportation of certain items of election material. Approximate saving on this score will be to the tune of Rs. 7,50,00,000.

16. Secondly, the Election Commission also intends to curtail expenditure on the printing of ballot papers to the extent of 15% during future general election on the analogy that as compared to 1990 general elections, it saved considerable amount on this item during 1993 elections. While printing ballot papers for National Assembly and Provincial Assemblies constituencies in 1993, their quantity was 100% as compared to the number of electors, whereas, in view of less percentage of votes cast during previous elections, it is proposed to print 85% of the total strength of electors by saving expenditure on printing of remaining 15% of ballot papers to the tune of Rs. 1,50,00,000.

because even 85% ballot papers of the total strength of the electors will be more than sufficient to cope with the actual requirement of votes cast at the polling station. In a nutshell, with the introduction of above two devices, the Commission intends to save approximately Rs. 9,00,00,000, which is 22% of the budgetary grant released for general elections, 1993.

### **Saving accrued due to retrieval of Election Material**

17. The Chief Election Commissioner has all along been keen to observe the cardinal principle of economy in the context of allowing expenditure in all fields. Accordingly, he issued explicit instructions during the course of elections that immediately after the culmination of polls, all items of election material utilized at the polling stations throughout the country, should be retrieved so as to achieve maximum economy in the expenditure that would be required to be incurred on the purchase of such items in future elections. As a result of this exercise throughout the country, the Election Commission has achieved a saving about Rs. 64,03,932 on account of cost of those items, which have been retrieved so far. Further saving will be possible when election bags are desealed in due process of the law in the future and the material is retrieved from polling bags, which are presently deposited in the Government Treasuries.

### **Recommendations for improving system of allocation of funds, submission of statement of accounts and audit of accounts**

18. It has been practice prior to 1985 general elections, that funds under various heads were allocated direct to the Provincial Governments to enable them to defray expenses in connection with the payments on account of "Election Allowance", "Transportation of Election Material", "Improvisation of Polling Stations", "POL Charges", "Postage" and "Contingencies" etc.

19. During 1985, 1988 and 1990 general elections, the funds were allocated partly to the Provincial Government/Deputy Commissioners direct and partly through the Provincial Election Commissioners for various purposes. However, in view of two-fold difficulties experienced in the past, that is, firstly, that they involved considerable delay in submission of detailed accounts and secondly Deputy Commissioners incurred expenditure exceeding the scales prescribed therefor, this pattern was changed on the eve of 1993 general elections by diverting the entire allocations to the DROs and ROs through the Provincial Election Commissioners. This was done only to ensure

that the accounts of all advances given to the DROs/ROs are correctly maintained by the Provincial Election Commissioners. In order to further improve the system, the following recommendations are made for guidance in the future elections:—

- (i) In case any excess expenditure is incurred by an DRO or DC, this should not be accepted even as a special case so as to restrict them within the provision made for a specific head;
- (ii) Reconciliation of the accounts may be carried out between the EC, offices of the PECs and DCs, as the case may be, so as to avoid discrepancies in the maintenance of accounts;
- (iii) The saving deposited by the DROs/ROs may also be reconciled with the Treasury concerned before its confirmation; and
- (iv) The DROs and Provincial Governments should furnish a certificate to the effect that the accounts of the funds provided by the Commission have been audited by the respective audit offices.



## CHAPTER XXXI

## ANALYSIS OF RESULTS OF ELECTIONS

It is one of the brightest feature of 1993 General Elections that its results have been accepted by all the main political parties and none has raised any serious objection in this behalf. It is scintillanting to note that the fairness of election results has been acknowledged by national and international media and rich tributes have been paid to the Election Commission and its Chairman and Chief Election Commissioner of Pakistan for holding the most free and fair polls in the electoral history of Pakistan.

**Special Measures**

2. It was decided by the Election Commission that the count will be carried out at the polling stations immediately after the poll in the presence of the candidates, their election or polling agents and such press representatives as may be present. An important improvement, which was made this time, was that the Statement of the Count in Form-XIV was amended and in addition to the signature of the Presiding Officer, the name, designation and thumb impression of the Presiding Officer were also required to be put on this important legal document. It was impressed upon the Presiding Officers that in the statement of count in Form-XIV the number of votes polled by each candidate should be clearly written both in words and figures. The Presiding Officer announced the result of his polling station immediately after the count of ballot papers and supplied an authentic copy of the statement of count to the candidates, their election or polling agents. An authentic copy of the statement of count was also displayed at a conspicuous place at the polling station for information of the general public. The Returning Officers were directed for the first time to announce the preliminary result in respect of a National or Provincial Assembly constituency as soon as they had received statements of counts from all the polling stations set up in their constituencies and had consolidated them into the overall result of the constituency. These were some of the important measures, which contributed positively to the credibility of election results.

**Uncontested Returns**

3. There was only one uncontested return in case of elections to the National Assembly of Pakistan. Makhdum Muhammad Amin Faheem returned to the National Assembly as a result of uncontested election from

NA-167 Hyderabad-I. Due to the assassination of Mr. Ghulam Hyder Wyne, a former Chief Minister from the Punjab, the proceedings of election from NA-123 Khanewal-III were postponed. Similarly, the proceedings relating to elections from NA-26 Malakand Protected Area-cum-Dir, NA-34 Tribal Area-VIII, NA-60 Faisalabad-IV and NA-72 Toba Tek Singh-II were also postponed due to death of a contesting candidate in each of these constituencies. Thus there are six constituencies, data about which would not be reflected in the analysis in the data given in para 6 hereafter.

### Statistics Relating to the National Assembly elections

4. According to the data compiled on the basis of official results consolidated by the Returning Officers in respect of the remaining 201 Muslim constituencies of the National Assembly, the total number of votes cast, including postal ballot papers was 20,293, 307 as against the total voting strength of 50,377,915. In all 272,769 votes were declared invalid. The total number of valid votes polled was 20,020,538. The percentage of total votes cast to registered voters was 40.28% and the percentage of valid votes to registered votes was 39.74%. The percentage of invalid votes to total votes polled was 1.34%.

5. The following table broadly depicts the pattern of voting for election to the National Assembly of Pakistan:—

Province/Area	Registered Muslim voters	Total No. of votes polled including postal ballot	No. of valid votes polled including postal ballot	No. of rejected votes including postal ballot	Tendered votes	Percentage of valid votes polled to registered vote	Percentage of total votes polled to registered votes	Percentage of rejected votes to total votes polled
1	2	3	4	5	6	7	8	9
Federal Capital	21,821	1,21,821	1,20,195	1,626	4	56.74%	57.51%	1.33%
Punjab	3,02,64,766	1,42,45,257	1,40,82,189	1,63,065	304	46.53%	47.07%	0.54%
Sindh	1,10,21,918	31,11,346	30,66,073	45,273	66	27.82%	28.22%	1.45%
FATA	33,805	20,891	20,187	704	5	59.72%	61.80%	3.37%
N-W.F.P.	60,92,576	21,07,209	20,68,489	38,720	41	33.95%	34.59%	1.84%
Baluchistan	27,53,029	6,86,783	6,63,405	23,378	73	24.09%	24.94%	3.40%
Total:—	5,03,77,915	2,02,93,307	2,00,20,538	2,72,769	493	39.74%	40.28%	1.34%

### Party Position in the National Assembly

6. The number of candidates, votes polled and the percentage of votes polled by the political parties is given in the following table:—

Name of Political Party	Number of contesting candidates	Valid votes polled	Percentage of valid votes polled by parties to total valid votes	Number of candidates elected
1	2	3	4	5
1. ANP	17	3,35,094	1.67%	3
2. BNM (Hyee)	5	47,648	0.24%	1
3. BNM (Mengal)	6	45,228	0.23%	1
4. IJM	51	4,80,099	2.40%	4
5. JWP	4	54,607	0.27%	2
6. MDM	35	2,16,937	1.08%	2
7. NDA	8	64,713	0.32%	1
8. NPP	2	48,721	0.24%	1
9. PIF	104	6,45,278	3.22%	3
10. PKMAP	6	97,541	0.49%	3
11. PKQP	2	54,144	0.27%	1
12. PML (Junejo)	18	7,81,652	3.91%	6
13. PML (Nawaz)	173	79,80,229	39.86%	73
14. PPP	166	75,78,635	37.86%	85
15. Other smaller parties	104	1,07,979	0.54%	-
16. Independents	750	14,82,033	7.40%	15
<b>Total:—</b>	<b>1,451</b>	<b>2,00,20,538</b>	<b>100.00%</b>	<b>201</b>

### Results of five seats elections whereof were postponed

7. The election to NA-26 Malakand Protected Area-cum-Dir, NA-34 Tribal Area-VIII, NA-60 Faisalabad-IV, NA-72 Toba Tek Singh-II, and NA-123 Khanewal-III, which were postponed due to death of a contesting candidate in each of the said five constituencies, were held on 2-12-1993. Four seats were won by PPP candidates and one by an independent candidate. As these elections were part of 1993 general elections, the statistics given in para 6 underwent a change and the final tally of various political parties,

independents, etc emerged as under :—

Name of Political Party	Number of contesting candidates	Valid votes polled	Percentage of valid votes polled by parties to total valid votes	Number of candidates elected
1	2	3	4	5
1. ANP	17	3,35,094	1.64%	3
2. BNM (Hyee)	5	47,648	0.23%	1
3. BNM (Mengal)	6	45,228	0.22%	1
4. IJM	52	4,83,007	2.36%	4
5. JWP	4	54,607	0.27%	2
6. MDM	35	2,16,937	1.06%	2
7. NDA	8	64,713	0.32%	1
8. NPP	3	48,932	0.24%	1
9. PIF	105	6,81,157	3.33%	3
10. PKMAP	6	97,541	0.48%	3
11. PKQP	2	54,144	0.26%	1
12. PML (Junejo)	18	7,81,652	3.82%	6
13. PML (Nawaz)	176	81,23,244	39.72%	73
14. PPP	170	78,19,624	38.24%	89
15. Other smaller parties	104	1,07,979	0.53%	—
16. Independents	774	14,88,193	7.28%	16
Total :—	1,451	2,04,49,700	100.00%	206

*Note* :—One MNA, namely Makhdum Muhammad Amin Faheem, who was elected as uncontested from NA-167 Hyderabad-I belonged to PPP.

### Final Statistics relating to the National Assembly Elections

8. According to the final data for 206 Muslim constituencies of the National Assembly, the total number of votes cast, including postal ballot papers, was 2,07,25,734 as against the total voting strength 5,06,55,611. In all 2,76,034 votes were declared invalid. The total number of valid votes polled was 2,04,49,700. The percentage of total votes cast to registered votes was 40.92% and the percentage of valid votes cast to registered votes was 40.37%. The percentage of invalid votes to total votes polled was 1.33.

### Summary of statistics for the Provincial Assemblies

9. Summary of statistics relating to the polls for Provincial

Assemblies is given in the following table:—

Province	Registered Muslim voters	Total No. of votes polled including postal ballot	No. of valid votes polled including postal ballot	No. of rejected votes including postal ballot	Tendered votes	Percentage of valid votes polled to registered votes	Percentage of total votes polled to registered votes	Percentage of rejected votes to total votes polled
1	2	3	4	5	6	7	8	9
Punjab	3,02,64,766	1,45,85,307	1,44,65,473	1,19,834	249	47.80%	48.19%	0.82%
Sindh	1,08,69,509	40,48,691	40,09,592	39,099	108	37.25%	36.89%	0.95%
NWFP	63,68,525	24,20,765	23,87,869	32,896	144	37.49%	38.01%	1.38%
Balochistan	27,53,029	7,87,173	7,70,018	17,155	122	27.97%	28.59%	2.18%
Total:—	5,02,55,829	2,18,41,936	2,16,32,952	2,08,984	623	43.05%	43.46%	0.95%

### Statistics relating to Provincial Assembly of Punjab

10. The total number of Muslim votes for 240 Muslim seats of the Provincial Assembly of the Punjab was 3,02,64,766 against which 1,45,85,307 votes were cast. The number of valid votes was 1,44,65,473 and the number of tendered votes was 249. Percentage of total votes cast to registered votes was 48.19% and the percentage of valid votes in relation to registered votes was 47.80%. The percentage of rejected votes to total votes polled was 0.82%.

### Party position Provincial Assembly Punjab

11. The break up of the number of candidates sponsored by each political party and the votes polled by each party with its percentage is tabulated below:—

Name of Political Party	Number of contesting candidates	Valid votes polled	Percentage of valid votes polled by parties to total valid votes	Number of seats won
1	2	3	4	5
1. ANP	3	115	0.00%	—
2. IJM	46	1,23,874	0.85%	—
3. JWP	1	82	0.00%	—
4. MDM	50	1,63,572	1.13%	1
5. NDA	12	67,583	0.47%	2
6. NPP	2	137	0.00%	—
7. PIF	139	3,50,837	2.43%	2

	1	2	3	4	5
8. PML (J)		37	8,50,269	5.88%	18
9. PML (N)		232	59,10,804	40.86%	106
10. PPP		198	50,18,154	34.69%	94
11. Other smaller parties		45	20,614	0.14%	—
12. Independents		868	19,59,431	13.55%	17
Total:		1,633	1,44,65,473	100.00%	240

12. In the Provincial Assembly of the Punjab, the PML(N) emerged as the single largest party with 106 seats. The PPP won 94 seats and its ally, *i.e.* PML(J) won 18 seats. The share of all other parties comes as 22 seats. The percentage of votes polled by these parties to total valid votes is as follows:—

PML(N)	40.86%
PPP	34.69%
PML(J)	05.88%
Other parties	18.57%

This is a broader picture of the results of elections in respect of Muslim seats in Punjab Assembly.

#### Statistics relating to Provincial Assembly of Sindh

13. There were two uncontested returns to the Provincial Assembly of Sindh. Mir Nadir Ali Khan and Makhdum Muhammad Amin Faheem were returned to that Assembly as a result of uncontested election from PS-29 Larkana-I and PS-35 Hyderabad-I. Proceedings were terminated in PS-86 Karachi (South)-II due to death of Mr. Bilal Ali Chohan, one of the contesting candidates. For election to the remaining 97 Muslim seats in the Provincial Assembly, Sindh, the total number of Muslim votes was 1,08,69,509, of which 40,48,690 voters participated in the election. The number of valid votes was 40,09,592 and the number of invalid votes was 39,099 whereas the number of tendered votes was 108 and the percentage of valid votes polled to registered votes was 36.88%. The percentage of rejected votes to total votes polled was 0.97%.

#### Party position to Provincial Assembly, Sindh

14. The break up of the number of contesting candidates sponsored by each political party and the votes polled by each party with its percentage is

tabulated below:—

Name of Political Party	Number of contesting candidates	Valid votes polled	Percentage of valid votes polled by parties to total valid votes	Number of seats won
1	2	3	4	5
1. ANP	8	12,878	0.32%	---
2. IJM	29	36,878	0.92%	---
3. MDM	7	594	0.01%	---
4. NDA	01	49	0.00%	---
5. NPP	10	58,971	1.47%	2
6. PIF	42	42,526	1.06%	---
7. PML (J)	1	115	0.00%	---
8. PML (N)	73	6,25,350	15.60%	8
9. PPP	99	16,34,116	40.76%	54
10. SBC	15	79,285	1.23%	01
11. HPG	56	9,98,411	24.90%	26
12. Other smaller parties.	53	10,289	0.26%	---
13. Independents	44	5,40,130	13.47%	06
Total:—	1,238	40,09,592	100.00%	97

### Result of one seat election whereof was postponed

15. The election to PS-86 Karachi South-II, which was postponed due to death of one of the contesting candidates was held on 2-12-1993. The MPA elected to this seat belonged to PPP. As this election was part of general elections, the statistics given in para 14 changed to the following extent:—

Name of Political Party	Number of contesting candidates	Valid votes polled	Percentage of valid votes polled by parties to total valid votes	Number of seats won
1	2	3	4	5
1. ANP	8	12,878	0.32%	---
2. IJM	29	36,878	0.92%	---
3. MDM	8	613	0.01%	---
4. NDA	01	49	0.00%	---
5. NPP*	10	58,971	1.46%	2
6. PIF	43	45,762	1.14%	---

	1	2	3	4	5
7. PML (J)		01	115	0.00%	—
8. PML (N)		74	6,26,477	15.56%	8
9. PPP		100	16,44,323	40.83%	57
10. SBC		15	49,285	1.22%	01
11. HPG		57	10,01,025	24.85%	26
12. Other smaller parties		53	10,289	0.26%	—
13. Independents		54	5,40,277	13.42%	06
Total:—		1,253	40,26,942	100.00%	100

*Note.*—The candidates, who returned uncontested to Sindh Assembly, belong to PPP

### Final Statistics relating to the Provincial Assembly, Sindh

16. According to the final data for 98 Muslim seats in the Provincial Assembly, Sindh, the total number of votes cast including postal ballot papers was 40,66,167 as against the total voting strength of 1,09,91,864. In all 39,226 votes were declared invalid. The total number of valid votes polled was 40,26,942. The percentage of total votes cast to registered votes was 36.99 and the percentage of valid votes cast to registered votes was 36.64. the percentage of invalid votes to total votes polled was 0.96.

17. The PPP with 57 seats 2 candidates returned unopposed remained the single largest party in the Sindh Assembly. The PML(N) won 8 seats. All other parties including independents secured 35 seats. The percentage of votes secured by PPP, PML(N) and other parties and independents together is 40.83%, 15.56% and 43.61% respectively as per detail given in para 15 hereof.

### Statistics relating to NWFP Assembly

18. As against 80 Muslim seats in the Provincial Assembly, NWFP the total Muslim electorate was 63,68,525. In all 24,20,765 votes were polled. Of these, 32,896 votes were declared invalid. The number of valid votes was 23,87,869. The number of tendered votes was 144. The percentage of valid votes cast in relation to registered votes was 37.49% and the percentage of total votes cast in relation to registered votes was 38.01%. The percentage of rejected votes to total votes polled was 1.38%.



**Party position to  
Provincial Assembly N-WFP.**

19. The break up of the number of candidates sponsored by each political party and the votes polled by each party with its percentage is tabulated below:—

Name of Political Party	Number of contesting candidates	Number of Valid votes polled	Percentage of valid votes polled by parties to total valid votes	Number of seats won
1	2	3	4	5
1. ANP	39	3,57,766	14.99%	21
2. IJM	201	90,615	3.79%	1
3. JWP	1	61	0.00%	—
4. MDM	11	15,279	0.64%	1
5. NDA	1	3,828	0.16%	—
6. PIF	44	1,65,232	6.92%	4
7. PKMAP	7	2,567	0.11%	—
8. PKQP	3	15,410	0.65%	—
9. PML (J)	14	1,66,391	6.97%	4
10. PML (N)	55	5,40,910	22.65%	15
11. PPP	40	4,40,477	18.45%	22
12. HPG	1	110	0.00%	—
13. Other smaller parties	13	20,390	0.85%	—
14. Independents	260	5,68,833	23.82%	12
Total:—	509	23,87,869	100.00%	80

20. The tally of seats won by various political parties and independents in the North-West Frontier Province presents a picture of somewhat close contests/shares by some of the parties, e.g. 22 seats secured by PPP, 21 by ANP, 15 by PML(N), 12 by independents and 10 by all other parties. The percentage of the valid polled by the said parties and independents is 18.45% by PPP, 14.99% by ANP, 22.65% by PML(N), 23.83% by independents and 20.08% by all other parties.

**Statistics relating to  
Provincial Assembly Baluchistan**

21. For a total number of 40 Muslim seats for Provincial Assembly of Baluchistan, the voting strength of Muslim voters was 27,53,029. In all 7,87,173 votes were cast. The number of valid votes was 7,70,018 and that of the rejected votes was 17,155. The number of tendered votes was 122. The percentage of valid votes cast to registered votes was 43.05% and the percentage of total votes cast in relation to registered votes was 28.59%. The percentage of rejected votes to total votes polled was 2.18%.

### Party Position in Provincial Assembly Baluchistan

22. The break up of the number of candidates sponsored by each political party and the votes polled by each party with its percentage is tabulated below:—

Name of Political Party	Number of contesting candidates	Number of Valid votes polled	Percentage of valid votes polled by parties to total valid votes	Number of seats won
1	2	3	4	5
1. ANP	13	20,150	2.62%	01
2. BNM (H)	14	45,114	5.86%	05
3. BNM (M)	19	64,572	8.38%	02
4. IJM	33	93,798	12.18%	03
5. JWP	16	77,973	10.12%	04
6. MDM	05	5,752	0.75%	01
7. NDA	01	3,882	0.50%	—
8. NPP	02	234	0.03%	—
9. PIF	11	3,228	0.42%	—
10. PKMAP	10	65,671	8.53%	04
11. PKQP	01	60	0.01%	—
12. PML (J)	12	540	0.07%	—
13. PML (N)	19	69,771	9.06%	06
14. PPP	31	91,146	11.84%	03
15. HPG	02	517	0.07%	—
16. Other smaller parties	24	59,572	7.74%	02
17. Independents	161	1,56,492	20.32%	09
Total	374	7,70,018	100.00%	40

### Pattern of Results in Baluchistan

23. There has been no visible edge to any single party and the pattern of seats obtained by various parties varies 01 to 06 with independents having secured 9 out of 40 Muslim seats as can be seen from the table given at para 22.

### Turn Out

24. The turn out of voters in the previous and this election has been

indicated in the following statement for comparative study:

Year of election	Percentage of total votes polled to registered voters	
	National Assembly	Provincial Assemblies
1	2	3
1970	61.45%	58.24% Including the tier. Province of East Pakistan
1977	61.88%	48.24%
1985	53.69%	57.37%
1988	43.07%	43.20%
1990	45.46%	46.19%
1993	40.32%	42.76%

### Reasons for gradual low turnout of votes

25. The above table shows that there has been gradual decrease in the percentage of votes cast in the successive elections from 1977 to 1993. Before 1985 general elections, elections were held on the basis of joint electorate. Muslims and non-Muslims voters were then voting for candidates jointly and as such voting percentage was higher. From 1985 general elections onward the percentage shown is of Muslim voters only. During the last four general elections some checks against corrupt practice were provided by amendment of law. One of them was the condition of the production of National Identity Card at the time of obtaining ballot paper and punching the same which resulted in checking of impersonation. Further, large number of spurious/fictitious entries from Electoral Rolls were purged. As a further measure National Identity Card number was required to be entered on the counterfoil of the ballot paper which also proved great safeguard against malpractice. As regards the low turnout in 1993 as compared to 1990, conceivable reason for about 5.14% decline is boycott of National Assembly elections by MQM (HPG). Although MQM (HPG) participated in Provincial Assemblies elections but its decision to end the boycott was late, which explains to some extent the decline in percentage of turnout of voters.

### Statistics Relating to Minority Seats in the National Assembly

26. The number of contesting candidates, votes polled and percentage

of votes polled by each community in respect of 10 non-Muslim Seats in the National Assembly is given in the following table:—

Name of Community	No. of contesting candidates	Total votes polled	Registered voters	Percentage
1	2	3	4	5
Christians	25	2,43,742	7,07,076	34.47%
Hindus and Scheduled Castes.	25	2,16,199	7,68,588	28.13%
Sikh, Budhist, Parsi & other non-Muslims	04	4,381	9,209	47.57%
Quadianis	08	550	5,088	10.81%

### Result of Minority Seats in the Provincial Assemblies

27. The statistics relating to Minority Seats in the four Provincial Assemblies is given below:—

Name of Community	No. of contesting candidates	Total votes polled	Registered voters	Percentage
1	2	3	4	5
<b>PUNJAB ASSEMBLY</b>				
Christians	59	2,14,385	5,87,699	36.48%
Hindus and Scheduled Castes	14	14,696	41,971	30.09%
Sikh, Budhist, Parsi and Others non-Muslims	04	797	1,467	54.33%
Quadianis	09	574	3,411	16.83%
<b>SINDH ASSEMBLY</b>				
Christians	14	33,752	94,040	35.89%
Quadianis	67	2,12,750	7,09,520	29.99%
----- Uncontested -----				
Quadianis	10	217	1,246	17.42%
<b>N-W.F.P. ASSEMBLY</b>				
Christians	06	6,382	12,602	50.64%
Sikh, Budhist, Parsi and other non-Muslims	07	2,782	4,481	62.08%
Quadianis	03	93	300	31.00%
<b>BALUCHISTAN ASSEMBLY</b>				
Christians	13	4,462	7,846	56.87%
Hindus and Scheduled Castes	09	5,606	14,959	37.48%
Sikh, Budhist, Parsi & Other non-Muslims	02	419	622	67.36%

**Votes cast by Postal Ballot**

28. The total number of valid votes cast by postal ballot during 1993 general elections to the National Assembly of Pakistan and four Provincial Assemblies is given below :—

<i>Number of valid postal ballot</i>	
National Assembly	61,845
Provincial Assemblies—	
(i) Punjab	40,925
(ii) Sindh	4,807
(iii) N.W.F.P	26,161
(iv) Baluchistan	4,167
Total:	1,37,905

29. Detailed statistical data in respect of the Constituencies of the National Assembly and the Provincial Assemblies has been given in Volume-II of this report.

## CHAPTER XXXII

## TRANSPARENCY OF ELECTIONS

Under Article 218 of the Constitution of Islamic Republic of Pakistan an Election Commission constituted in relation to an election organises and conducts the election honestly, justly and fairly. On these three dimensional qualitative structure, previous general elections were held. But to 1993 General Election another dimension has been added *i.e.* transparency of Elections which has become the hallmark of all the proceedings of Elections held on October 06 and 09, 1993 respectively for the National Assembly and Provincial Assemblies of the Punjab, Sindh, N.W.F.P. and Baluchistan. The significance of addition of this qualitative feature to election management is that through transparency alone it could be visibly established that the general election has been held honestly, justly and fairly, without any shadow of doubt at 116,278 polling booths established at 34,106 polling stations throughout the country. This aspect of transparency was emphasized by Mr. Justice (Retired) Namuddin, Chief Election Commissioner of Pakistan in his addresses to the Nation on Radio and TV on 20th August, 1993 and 4th October, 1993.

2. The transparency of polling procedure was ensured by a number of steps enumerated below :

- (i) The polling which started at 07.30 A.M. and concluded at 05.30 P.M. extended the polling time by one hour as compared to the poll duration previously provided. Extension in time automatically increased time for the observation of process. All the polling staff and agents were present at polling booths throughout the polling time. Thus the polling was open to observation throughout.
- (ii) Ballot boxes utilized at the polling stations booths were code numbered on the directions of the Election Commission. Code number referred to the district and a serial number were painted in white on green ballot boxes. No two numbers were identical. Throughout the day, a definite number painted on ballot box remained before the eyes of, and was noted by, all the polling agents.

- (iii) Empty ballot box was shown to the polling agents of the candidates before the start of the polling. Polling agents were allowed to affix their seals on the box. This was a kind of certificate that they confirmed the pre-poll emptiness of the ballot box. This dispelled the doubt that ballot box was stuffed before poll.
- (iv) Throughout the polling time, the ballot box was kept at a conspicuous place from where it could be seen by the polling agents and staff. This ensured that it was not even theoretically possible to hoodwink so many eyes and change the ballot box.
- (v) To restrict the voter from casting bogus votes, the Commission adopted various measures *i.e.*, the number of Identity Card of the voter was written on the counterfoil of the ballot paper besides getting his thumb impression. Mark of indelible ink was also put on the finger of the voter and his Identity Card was also punched with special punching machine manufactured for this purpose. All the three physical operations are registered, two of them permanently, while mark of indelible ink lives for 4 5 days.
- (vi) For the proper implementation of the instructions given by the Commission and enumerated at (v) above, the Presiding Officers were directed to point out and take action against such Assistant Presiding Officers/Polling Officers as happened to fail to comply with the instructions.
- (vii) An Assistant Presiding Officer was required that, before issuing ballot paper to the voter, he should put his signature on the back of the ballot paper. A special code mark stamp was also affixed on the back of the ballot paper. Every polling booth was given its own code mark stamp. This ensured that the ballot paper of a particular booth could not be used at another booth.
- (viii) The polling agents were allowed to note the serial number of the ballot papers issued for the polling station/booth.
- (ix) After polling, the seal of the ballot box was shown to the candidates or their agents and journalists and foreign observers, if any, present there and then the ballot box was unlocked. All the ballot papers used by the voters were counted in the presence of the polling agents of the candidates.

- (x) On the completion of the process of counting, the Presiding Officer prepared a statement of count on the prescribed form provided by the Election Commission. The number of votes secured by each contesting candidate was clearly written in figures and words. Figure could be changed by adding digits to a given number, but their mention in words ensured that they were no more prone to change. The Presiding Officer has given his full name and designation and address on the statement of count. This statement was not only signed by the Presiding Officer but also thumb impressed by him. A signature may be counterfeited but thumb impression cannot be. The copy of the statement of count was provided to the polling agents at the polling station. This blocked any possibility of tampering with the statement.
- (xi) A certified copy of the ballot paper account in a prescribed form on each polling station was provided to the candidates or their polling agents. This measure thwarted that ballot paper could figure more than cast or *vice versa*.
- (xii) the Presiding Officer, besides making the announcement of the result in the presence of the polling agents, displayed a copy of the same at the polling station., This would make the result of polling station known locally immediately after the count.
- (xiii) The Returning Officer compiled the preliminary result of all the polling stations in his constituency and announced it, as he communicated the same to the Provincial Election Commissioner, who in turn sent it to the Election Commission.
- (xvi) The Election Commission announced all the preliminary results of all the constituencies on Radio and T.V. from Islamabad.
- (xv) The Returning Officer thereafter consolidated the final result including the postal ballot papers sent by the voters in the presence of candidates and their election agents and furnished copies of the consolidated statement of count and return of election to the Election Commission for official announcement of result in the Gazette of Pakistan.

3. The list of polling stations containing location of each polling station is notified 15 days before the poll date. This provides ample opportunity to know, and if so desired visit, the polling stations by the



candidates, their agents and even by the voters assigned to these polling stations.

4. The polling staff was taken from different Federal and Provincial Government departments and agencies like educational institutions, banks, etc. etc. and wherever available posted them in the ratio of 50 : 50 at the polling stations. A polling station with four polling booths has 13 officials to administer the polling. They vigilantly watch and conduct the proceedings. The very fact that all the proceedings took place before the eyes of the polling agents who belonged to different contesting candidates kept the entire process transparent throughout. Voters cast their votes by inserting the ballot paper into the ballot box which remained throughout the proceedings before the eyes of the polling staff who represented the Election Commission, polling agents who represented the contesting candidates and also the representative of the armed forces who standing nearby, guarded the ballot box and sanctity of the ballot throughout the polling process. Then foreign observers from NDI, SAARC, Common Wealth, European Community and also from Human Rights Commission of Pakistan were there, besides local, provincial and federal level journalists all visiting the polling station. At every locale of the proceedings right from booth to polling station to office of Returning Officers and then in the Central Control Room of Election Commission of Pakistan, observers from all sectors witnessed the process.

5. Mr. Justice (Retired) Naimuddin himself alongwith the Members, Election Commission visited 27 polling stations covering 107 polling booths in 8 cities of the Provinces of Punjab and N-W.F.P. on 6th October and 9th October, 1993. All these steps reinforced the transparency *i.e.*, what happened at polls was visible to the entire world. It is this reason that general election, 1993 has unanimously been declared as the fairest because fairness in the polling could be seen, by all, and all the time during polls on 6th and 9th October, 1993.

6. The ever-vigilant eyes of the Armed Forces ensured the transparency of the proceedings on the polling days. There is not a single instance that a ballot box was forcibly removed or snatched away, not any complaint that any one tried to stuff a ballot box. Law and order situation under the aegis of the Army was ideal during elections. No loss of life or property, as is usual in elections, in this part of the world a general feature was reported from any constituency during the elections.

7. Amendments in the legal frame-work added to the transparency of the electoral process. As against the previous laws whereby election petitions

lingered on for an indefinite period, now, by direction of law to the Tribunals, the election petitions are heard on day-to-day basis and decided within six months.

8. The observation of the international observers have been substantiated by the United States President Bill Clinton in a message to the Acting President of Pakistan congratulating the Government and people of Pakistan on the successful conduct of National and Provincial Assemblies elections held on October 06 and 09, 1993. The US President said, "by all accounts, Pakistani citizens exercised their democratic right to vote in a fair, calm and orderly electoral process. Free and open elections are the key to the continued strengthening of democracy, and I am sure that your efforts in this area will set a positive example for future Pakistani elections. You have my best wishes and the wishes of the American people as Pakistan prepares to form a new, democratically elected government".

9. The General Elections 1993 were observed by a number of international groups like NDI, EC, Commonwealth, SAARC, Italian Parliament. Entry passes to 35 members of National Democratic Institute for International Affairs, Washington (USA) (NDI) were issued to allow them to witness the conduct of elections. Similarly entry passes were issued to 32 observers of European Community, 26 observers of Commonwealth, 40 observers of SAARC and to 5 Italian Parliamentarians. Human Rights Commission of Pakistan was represented by 72 observers, who were issued passes to visit the polling stations of their choice.

10. All international observer delegations are unanimous in recording their positive impressions about the fairness of the General Elections. Whereas the Election Commission is concerned to organize and conduct the election 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 delegations extended their areas of observation covering political interactions and interpretation of various administrative or financial actions of the Government in terms of electoral cause and effects. The observers groups have appreciated, to the point of eulogization in certain cases, the crystal-like transparency of the electoral procedures.

11. The European Community Observers report has termed the 1993 elections a milestone for the development of democracy in Pakistan. Summing up the EC Observations, impressions, the report says that "the observers

would like to express their admiration for the achievement of these elections." A summary of European Community Report is annexed at A.

12. A 35-members delegation of National Democratic Institute for International Affairs (NDI), which visited Pakistan to observe the General Elections, represented 17 countries of Europe, Africa, Asia, the Pacific, the Middle East, Latin America and North America. The purpose of the delegation's visit, according to their preliminary statement was to demonstrate the international community's continued support for the democratic process in Pakistan, which carried global implication for Pakistan's General Elections. The delegation has clear mandate before it which included the examination of three distinct aspects of the electoral process. The campaign, election-day proceedings, and the tabulation of results. The delegation appreciated in its report adoption of new procedures by the Election Commission that promoted the transparency of the election. The report of NDI is annexed at B.

13. The 15 member, Commonwealth Observer Group visited 345 polling stations in 63 constituencies spread across 30 districts throughout the country. The commonwealth observers group report *inter-alia* says:-

"The political parties we met felt that, despite some administrative flaws, the electoral rolls were acceptable."

"The appointment of members of the judiciary as District Returning Officers and Returning Officers helped to ensure a high measure of competence in the preparation and conduct of the polls."

"Except for a few isolated cases of missing pages in the electoral rolls, all stations received adequate supplies of polling materials. No shortage was reported of ballot papers or indelible ink or of any other supply."

14. The report acknowledges the roll of the CEC in the following words:—

"We would particularly like to commend Mr. Justice (Retired) Naimuddin, Chief Election Commissioner, and his colleagues at the Election Commission for organising this national election so effectively, particularly in such a short time."

15. News release dated 9th October, 1993 containing interim statement by the Chairman the Honourable Clive Griwith containing summary of the main conclusions of the group on the election to the Pakistan National Assembly 1993 is Annexed herewith marked 'C'.

16. SAARC Observer Group comprising 41 professionals from Bangladesh, India, Nepal and Srilanka visited Pakistan. The group was divided into 20 teams. They covered all the four provinces, besides the Federal Capital. The SAARC group covered 256 polling stations in 54 constituencies.

17. The SAARC report praises the conduct of General Elections to the National Assembly in Pakistan, saying "The observer group was satisfied that the elections were conducted in substantial conformity with the election laws and procedures of Pakistan and in an atmosphere that was generally free of violence and intimidation. The low voter turnout, however, was disappointing in the case of women and minorities and the causes need to be addressed. The political parties have a particular responsibility to ensure that all elements within the Pakistan polity are able to participate effectively in the democratic process. On the basis of their direct observation and other information made available, the observers group was satisfied that the electoral campaign was substantially free and fair. The electoral process was conducted in a peaceful, fair and impartial manner".

18. The report commends the newly introduced procedures, saying "The Commission, in an effort to strengthen the electoral process against fraud or rigging, introduced a number of new procedures. These included procedures for the entry of a voter's identity card number on the counterfoil of his or her ballot paper; the affixing of an official stamp and the signatures of the Assistant Presiding Officer on the back of each ballot paper; and the introduction of a system of coded ballot boxes allocated for use at a specific polling station, the location of which was kept secret until polling day."

19. The Human Rights Commission of Pakistan was very active in observing the General Elections. The HRCP observers covered 50 National Assembly and 100 Provincial Assemblies constituencies by mobilizing a team of 30 observers for each constituency. The Election Commission issued entry passes centrally to 72 HRCP representatives. The HRCP report says that "in notable departure from the past, the caretaker government and the Election Commission had taken steps to reinforce their avowal of non-partisanship in the electoral process. The observers did not report any instances of open official interference in the electoral process or violation of the basic

requirements, such as of instant counting, certification and posting of votes cast at each polling station.”

20. The general elections 1993 have been observed by the following International and National delegations :—

Name of Delegation	Number of observers
(1) National Democratic-Institute for International Affairs, Washington (USA)-NDI	35
(2) European Community Group	32
(3) Commonwealth Observer Group	26
(4) SAARC	40
(5) Italian Parliamentarians	5
(6) Human Rights Commission of Pakistan	72

From the above, it can be seen that 210 persons observed the election.

# Summary of Conclusions

Our main conclusions are :

The voters of Pakistan were able to express their will freely, fairly and openly.

The election was conducted in conditions that promoted a level playing field for the political parties. The transparency and fairness displayed by the caretaker Government set the tone for what has been widely described as the freest, fairest and most peaceful election ever in Pakistan. We also noted the independence displayed by the Election Commission. The media took vigorous advantage of their freedom to contribute to the success of the election.

The arrangements, facilities and procedures for the election were satisfactory. All materials needed to conduct the poll for an electorate of 52 million were delivered to polling stations in time and in order. The Chief Election Commissioner and his staff and the electoral officers displayed a high degree of efficiency and dedication in carrying out their duties, as did all other officials. The voters were processed with professionalism and courtesy. The secrecy of the ballot was assured.

Although some concern was expressed about the electoral rolls and the use of identity cards for polling, there were few complaints about the accuracy of the rolls or problems with ID cards on polling day.

Voting on polling day proceeded peacefully and smoothly, and hardly any violence was reported. There was no evidence of organised voter fraud, intimidation or deliberate disfranchisement.

A friendly mood prevailed among party polling agents and workers.

Political parties, with the exception of the MQM(A), took full advantage of their freedom to campaign. Parties were given access to state-owned radio and television. We regret that efforts, including our own, to persuade the MQM(A) to take part in the election, and thus ensure full participation of their supporters in the urban areas of Sindh and elsewhere, were unsuccessful.

The Armed Forces played a key supportive role in monitoring this election. Their presence inside polling stations, in addition to the police and auxiliary security personnel, was welcomed and seen as reassuring by the political parties, polling staff and voters. Their role was central to the peace and good order that prevailed on polling day. We accept that their contribution was a necessity in this election. In the longer term, however, it is hoped that as democratic institutions strengthen in Pakistan the Election Commission will not find it necessary to request the support of the Armed Forces in the delivery of free and fair elections.

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## PRELIMINARY STATEMENT

### NDI INTERNATIONAL OBSERVER DELEGATION TO THE PAKISTAN NATIONAL ELECTIONS

*October 8, 1993*

This is the preliminary statement of a 35-member international delegation that observed the October 6 National Assembly elections in Pakistan. The delegation, organized by the National Democratic Institute for International Affairs (NDI), includes parliamentarians, political party leaders, election experts and regional specialists from 17 countries in Europe, Africa, Asia, the Pacific, the Middle East, Latin America and North America.

Given the significance of these elections for the democratic future of Pakistan, it is not surprising that the elections have attracted international attention. This and other observer delegations have been welcomed by the Central Election Commission and the caretaker government, as well as by major political parties and civic organizations. Our delegation came as observers. We did not seek to supervise the elections or certify the integrity of the process. Ultimately, it is the Pakistani people who must judge the elections.

The purpose of the delegation is to demonstrate the international community's continued support for the democratic process in Pakistan. We also are here to learn from the people of Pakistan about the nature of the electoral process and its implications for the further development of Pakistan's democratic institutions.



This is NDI's third international observer delegation to Pakistan. NDI delegations also observed the 1988 and 1990 polling. Since early September, NDI has maintained a continuous presence in the country. A 10-member international team visited Pakistan September 11-17 to assess the pre-election environment and preparations for the elections. Six members of this team remained in Pakistan to continue pre-election monitoring throughout the country and prepare the visit of this delegation. The delegation was briefed extensively by these pre-election missions.

NDI carefully reviewed media coverage of the campaign leading up to the elections. It also maintained close communications with other international observer delegations as well as Pakistani nongovernmental organizations monitoring the electoral process. Members of the delegation will remain in Pakistan to observe the provincial elections and to monitor post-election developments.

The delegation's mandate included the examination of three distinct aspects of the election process: the campaign; election-day proceedings; and the tabulation of results to date. This statement is a preliminary assessment of these issues. We note that the tabulation of results and the resolution of any electoral complaints have yet to be completed. NDI will continue to closely monitor developments and will issue a more detailed report at a later date.

The delegation arrived in Pakistan on Saturday, October 2. During our stay we met with government and election officials, leaders of the major political parties, non-governmental organizations, jouranlists, and others involved in the electoral process in all four provinces and in the federal capital. On election day, members of the delegation visited polling stations in rural and uraban areas throughout the nation.

The delegation noted significant improvement of the pre-election environment over that of the 1990 elections. The caretaker government sought to establish an environment in which the elections would be administered impartially. Opposing parties agreed that the government successfully promoted an open, competitive process.

The electronic media provided generally balanced coverage of the campaign and access for 22 parties to present their messages directly to the public. Contesting political parties were able to communicate with the electorate through the printed press, rallies and other avenues. The printed press also enjoyed freedom in political reporting. Additional steps taken to

ensure impartial election administration included the policy of transferring government officials.

The Central Election Commission (CEC) adopted new procedures that promoted the transparency of the election. These actions included providing party polling agents with signed copies of the official tally sheets announcing results at the polling stations, promoting greater awareness of the Code of Conduct for Political parties and accrediting independent Pakistani election monitors. The CEC also considered carefully recommendations by political parties and nongovernmental organizations and sought consensus on a number of electoral reforms.

Notwithstanding these positive developments, a number of recurring features remained only partially addressed. These include the quality of the electoral rolls, which had not been fully updated since 1991. After the elections were called, there was not enough time to remove all of the names of those who were deceased, had relocated, or were deemed "bogus" upon investigation. Concern was also expressed that some prospective new voters could not be registered because of cumbersome procedures to acquire the national identification cards. Also, the delegation noted reliable reports from numerous sources that parties and candidates often ignored legal requirements regarding campaign spending limitations as well as aspects of the Code of Conduct for Political Parties.

The delegation notes with deep regret serious incidents of violence that resulted in a number of deaths during the campaign.

The MQM(A)'s allegation of interference with its ability to contest the elections is a serious charge. However, the delegation is not in a position to judge how valid these charges were, or whether they justified the decision of the party to boycott the National Assembly elections. The delegation regrets that the party's withdrawal apparently deprived voters of the full range of political choices. We hope that the proper authorities will investigate and act upon these and similar allegations by other parties.

On election day, the balloting was generally open, orderly and well-administered. The atmosphere in and around the polling stations was peaceful. In the polling stations observed by delegation members, election officials generally carried out their tasks impartially and with diligence. Polling agents from major contesting parties were present at voting booths, appeared to work cooperatively, and expressed confidence in the election officials' resolution of

disputes. The delegation was also encouraged by the presence of independent domestic monitors organized by the Human Rights Commission of Pakistan in polling sites around the country. The counting was conducted in an expeditious and transparent manner, and the consolidation and announcement of results has generally proceeded in accordance with the law.

The delegation nonetheless noted some problems and irregularities. The most frequently observed problem was in identifying and verifying voters which, because of either inaccurate electoral rolls or possibly false ID cards, resulted in some persons not being able to vote. Other irregularities included delays in opening the polling stations and occasional ineffectiveness of the indelible ink. However, the delegation did not receive evidence that these problems were systematic or that they affected the outcome of the elections in the constituencies observed.

The delegation wishes to emphasize that we have maintained contact with the political parties throughout the pre-election and election day period. Although parties identified electoral issues that were cause for concern, at no point did they accuse the CEC, the military or the caretaker government of partisanship. Parties or candidates that alleged pre-election fraud often did not appear to be prepared to document their complaints. In addition, the delegation noted that on election day, party agents were in some instances not investigating or recording potential irregularities or challenges. The absence of such documentation hinders the parties' ability to substantiate claims of electoral abuse.

The delegation expresses serious concerns regarding the participation of women in the electoral process. As NDI noted in its report on the 1990 elections, cultural and social realities, as well as identification procedures in the polling station, make it difficult for women to vote. For example, in certain areas designated to have a polling station for women, presiding officers did not even bother to set up the facilities because of expectations that women would not come to vote. The delegation also observed significantly more confusion and disorder in women's polling places.

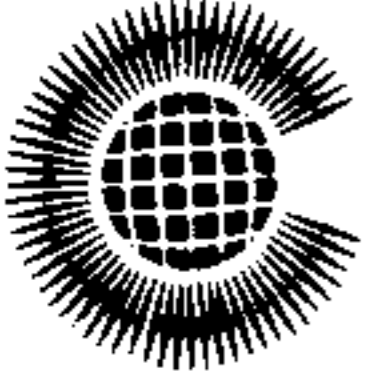
The active involvement of the armed forces in these elections deserves special attention. It was generally viewed by party leaders and the electorate that beyond maintaining law and order, the military's role in support of the Central Election Commission was aimed at guaranteeing the integrity of the entire process. The large-scale military presence on election day provided a calming influence. Except for isolated instances, members of the armed forces did not interfere in the process or act in an intimidating manner.

While the armed forces played a positive role in this election, it is essential that other institutions be strengthened. This would obviate the need for the military to assume extraordinary roles in the election process. These institutions include democratic political parties, active civic organizations, vigilant and independent media, a strong independent electoral commission, and a government and parliament responsive and accountable to the citizenry.

Democracy in Pakistan will only advance through tolerance, dialogue and cooperation among ruling and opposition parties alike. In this immediate post-election period and beyond, Pakistan's political leaders must reach out not only to their own supporters, but to the millions of Pakistanis who did not vote. This election provides an important opportunity to broaden popular support for and confidence in democratic governance.

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Concluding Statement Issued on 9 October 1993



National Assembly Election in Pakistan

## Commonwealth Observer Group

### *News Release*

**CONCLUSIONS OF THE GROUP ON THE ELECTION  
TO THE PAKISTAN NATIONAL ASSEMBLY 1993**

### **SUMMARY OF CONCLUSIONS**

On the eve of its departure, the Commonwealth Observer Group has issued the following summary of its main conclusions:

- The voters of Pakistan were able to express their will freely, fairly and openly.
- The election was conducted in conditions that promoted a level playing field for the political parties. The transparency and fairness displayed by the caretaker Government set the tone for what is being widely described as the freest, fairest and most peaceful election ever in Pakistan. We also noted the independence displayed by the Election Commission. The media took vigorous advantage of its freedom to contribute to the success of the election.
- The arrangements, facilities and procedures for the election were satisfactory. All materials needed to conduct the poll for an electorate of 52 million were delivered to polling stations in time and in order. The Chairman of the Election Commission and his staff and the electoral officers on the ground displayed a high degree of efficiency and dedication in carrying out their duties, as did all other officials. The voters were processed with professionalism and courtesy. The secrecy of the ballot was assured.
- Although some concern was expressed about the voters' list and the use of identity cards for polling, there were few complaints

about the accuracy of the list or problems with ID cards on polling day.

- Voting on polling day proceeded peacefully and smoothly, and hardly any violence was reported. There was no evidence of organised voter fraud, intimidation or deliberate disenfranchisement.
  - A friendly mood prevailed among partly polling agents and workers.
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## CHAPTER XXXIII

COMMENTS OF THE NATIONAL AND  
INTERNATIONAL AGENCIES

The citizens of Pakistan have exercised their right of franchise peacefully. The process was so smooth, disciplined and orderly that it was acclaimed at home and abroad. Since the elections were observed by the national and international teams and press media, the people all over the world appreciated the elaborate arrangements made by the Election Commission for conducting the elections in a most well knit, well-organised and systematic manner. The Acting President while visiting the Central Control Room of the Election Commission on 6th October, 1993 spontaneously expressed that election 1993 would herald an important era in the political history of the country.

2. The international community watched with keen interest the process of general elections in Pakistan. Quite a large number of foreign organizations and dignitaries visited Pakistan on the eve of the polls to have an overview of the election campaign and to see actual conduct of the polls.

**Comments of International Press**

3. The Daily 'News', Rawalpindi published a news item entitled "Polls in Pakistan fair and exemplary, says India ECs". All the three, Indian Chief Election Commissioner, T.N. Seshan and Election Commissioners M.S. Gill and G.V.G. Krishnamurthy, who were at loggerheads, have unanimously accepted that "Pakistan has set a good example last week by conducting free and highly successful elections with not a single complaint from a single political party or international observer."

4- روزنامہ جنگ لاہور نے مورخہ 13 اکتوبر 1993ء کو وائس آف جرمنی کے حوالے سے ریڈیو رپورٹ شائع کی ہے جس کے مطابق "ملکی اور غیر ملکی مبصرین اس بات پر متفق ہیں کہ حالیہ الیکشن پاکستان کی تاریخ میں سب سے زیادہ غیر جانبدار تھے۔"

5- روزنامہ نوائے وقت مورخہ 7 اکتوبر 1993ء نے بی بی سی، وی او جی اور وی او اے کے حوالے سے ایک خبر شائع کی جس کے مطابق "پاکستان میں قومی اسمبلی کے انتخاب انتہائی پر امن اور خوشگوار ماحول میں ہوئے اور کسی حلقہ سے کسی ناخوشگوار واقعہ کی اطلاع نہیں ملی۔ بی بی سی، وائس آف جرمنی اور وائس آف امریکہ نے پاکستان کے بارے میں اپنی رپورٹوں میں کہا ہے کہ اگرچہ پولنگ اسٹیشنوں پر ووٹروں کی تعداد نسبتاً کم رہی لیکن جعلی ووٹ ڈالنے یا کسی بھی قسم کی دھاندلی کا کوئی واقعہ پیش نہیں آیا۔ پولنگ اسٹیشنوں پر انتظامات بہت بہتر تھے۔"





11 - روزنامہ جنگ راولپنڈی نے مورخہ 7 اکتوبر 1993ء کو ”شفاف انتخابات کرائے ہیں“ کوئی دھاندلی کارونا نہیں روکے گا“ معین قریشی کے عنوان سے پانچ کالمی خبر شائع کی ہے جس میں جناب وزیراعظم معین قریشی نے بعد کی شب الیکشن کمیشن کے سنٹرل کنٹرول روم میں ایک اخباری کانفرنس سے خطاب کرتے ہوئے کہا کہ ”الیکشن کمیشن نے شاندار کارنامہ سرانجام دیا ہے۔ ہم الیکشن کمیشن کے عملے کی حوصلہ افزائی کے لئے اعزازیہ دیں گے۔ چیف الیکشن کمیشن مسٹر جسٹس نعیم الدین نے کہا کہ وزیراعظم صاحب آپ نے شفاف الیکشن کا جو وعدہ کیا تھا وہ پورا کر دیا گیا ہے۔ وزیراعظم نے کہا کہ الیکشن کمیشن آف پاکستان پوری قوم کے لئے باعث فخر ہے۔ پولنگ کا دن امن و امان سے گزرا۔ کسی قسم کی دھاندلی نہیں ہوئی۔ کوئی مشکلات سامنے نہیں آئیں۔ میں ہر صوبہ میں گیا ہر جگہ لوگ ڈسپلن کے ساتھ بڑی اچھی طرح ووٹ ڈال رہے تھے۔ یہ الیکشن کمیشن کا کارنامہ ہے“ انہوں نے کہا کہ ”اس بار الیکشن بے حد منصفانہ پر امن ہوئے۔ الیکشن کمیشن نے تاریخی کنٹری بیوشن کیا ہے“۔۔۔۔۔ انہوں نے افواج پاکستان کی خدمات، تعاون اور جذبہ حب الوطنی کو خراج تحسین پیش کرتے ہوئے کہا کہ پرامن ماحول میں الیکشن منعقد کرانے میں فوج کا تعاون مثبت رہا ہے۔“

12. The daily 'Nation', Lahore published a news on 8th October according to which Prime Minister Moin Qureshi paid rich tribute to the Chief Election Commissioner Mr. Justice (Retd.) Naimuddin and his staff that they have performed a historic role in holding fair, free, impartial and transparent elections to the National Assembly. He said that "the Election Commission formulated such a procedure, including Code of Conduct, which helped us in holding transparent elections in the Country". The Election Commission has contributed immensely to make the entire polling process a completely disciplined one.

13. The daily 'Pakistan Time', Islamabad, in its issue on 8th October published a news item entitled 'politicians term polls as fairest possible'. In the news item, it has been stated that 'the Pakistan nation at last seems to have achieved the dream of fair free elections on October, 06. A general consensus across the board has developed that the elections 1993 to the National Assembly of Pakistan have been fairest possible. Almost all the political parties leaders, when approached to comment on the process of elections agreed that the elections were in fact fair and free'.

14 - روزنامہ ”پاکستان“ لاہور نے مورخہ 27 اکتوبر کو ”انتخابات منصفانہ ہوئے۔ تمام پارٹیوں نے نتائج تسلیم کر لئے“ کے عنوان سے خبر شائع کی۔ جس میں ”قائم مقام صدر وسیم سجاد نے کہا کہ انتخابات کے انعقاد اور ان کے نتائج کو تمام پارٹیوں نے تسلیم کیا ہے اور ملکی غیر ملکی مبصروں نے بھی کہا ہے کہ ان میں کسی بھی قسم کی دھاندلی نہیں ہوئی۔ انہوں نے چیف الیکشن کمیشن مسٹر جسٹس نعیم الدین کے نام مبارک باد کے ایک پیغام میں انتہائی مشکل حالات میں ملک میں آزادانہ، منصفانہ اور غیر جانبدارانہ انتخابات کرانے کے سلسلے میں الیکشن کمیشن کو سراہا۔ دولت مشترکہ کے مبصروں نے کہا ہے کہ الیکشن کمیشن کے سربراہ اور ان کے عملے نے انتہائی اعلیٰ کارکردگی کا مظاہرہ کر کے آزادانہ و منصفانہ الیکشن کرائے۔“

## CHAPTER XXXIV

**REPORTS OF THE FOREIGN OBSERVERS MISSIONS**

The arrangements made by the Election Commission of Pakistan in organizing and conducting the general elections, 1993 honestly, justly, fairly and in accordance with law were highly acclaimed by the national as well as International Community. They not only keenly observed the conduct of poll on the polling day but meticulously watched that whole electoral process from the very beginning after the constituencies were called upon by the Election Commission to elect their representatives. A large number of foreign organizations and dignitaries visited Pakistan on the eve of the polls.

2. It was not for the first time that the International Community has evinced interest to monitor these elections. The general elections held in 1988 and 1990 were also observed by various foreign observers missions, such as, the United States National Democratic Institute for International Affairs (NDI); non-governmental SAARC delegation; French Observer Mission; 300 media men from United States, Britain, France, Italy, Japan, Sweden, West Germany, India, Bangladesh, Sri-Lanka, Australia and Canadian Parliamentarians Mission.

3. Delegations of the following major international agencies observed the October, 1993 General Elections :—

- (1) United States National Democratic Institute for International Affairs (NDI).
- (2) European Community.
- (3) Commonwealth Observers Group.
- (4) South Asian Association for Regional Cooperation (SAARC)— a non-governmental organization.

4. European Community Missions had come to Pakistan during pre-election and election periods on the invitation of the Care-taker Government, and were provided facilities of free movement to the areas of their own choice. The Election Commission issued them necessary entry passes to enable them to visit the Polling Stations of their own selection, and see the proceedings of

polling. They called on Chief Election Commissioner, visited Central Control Room, set up in the Election Commission's Secretariat. CEC always welcomed them, explained to them the laws and process and answered their queries. Some times he even took them round to the Control Room where use of election material was explained to the visitors. Mr. Justice (Retd) Naimuddin, took up such briefings even when he was sick.

5. The final report of the Commonwealth Observers Group has allocated a section captioned 'Observers' on page 28 to highlight how foreign and local observers were treated by the Government and the Election Commission during their stay in Pakistan. Logistical arrangements to facilitate the movement around the country has been much appreciated in the report. "The Chief Election Commissioner and his staff were particularly generous with their time and readily dealt with all our queries", says the report.

6. The Chief Election Commissioner held a series of briefings to explain electoral laws and procedures to the visiting foreign observers groups. At these meetings, he informed them, at length, the improvements made in the electoral process. Members of the Election Commission, namely, Mr. Justice Sheikh Riaz Ahmed and Mr. Justice Muhammad Bashir Jehangiri were present. These meetings include interviews to People's Daily (China), Outlook Weekly (China) BBC and Radio France, besides receiving Ambassadors and diplomats, as also briefing for foreign Observers teams in big and small groups. In fact CEC was accessible to all throughout the period of elections.

#### **Report submitted by the NDI pre-election survey delegation**

7. The United States National Democratic Institute of International Affairs (NDI) is based in Washington DC. A ten members' NDI's pre-election survey delegation led by William L. Richter visited Pakistan from 11th to 17th September, 1993 to conduct pre-election survey to assess the political situation and to monitor the arrangements being made for holding free and fair elections.

8. The delegation prepared its survey report according to which the team was favourably impressed by the number of steps taken by the Election Commission to demonstrate and promote the transparency of the election process. The delegation observed that an environment had been created which was indeed conducive to holding the election in a peaceful and orderly manner and in accordance with the Constitution and law. The team consisted of international election experts and regional specialists organized by the NDI.

### **NDI's 35-Member Team**

9. At the invitation of the Pakistan Caretaker Government and political parties, the National Democratic Institute for International Affairs; sponsored a 35-member international observers delegation, including the six members of pre-election survey mission, for monitoring the election, 1993. The delegation arrived in Pakistan on the 2nd October, 1993 and was led by Canadian Member of Parliament, Dr. Maurice Foster, and NDI President, Mr. Kenneth D. Wollack. It included Parliamentarians, political party leaders, regional specialists and election experts from 17 countries of Europe, Africa, Asia, the Pacific, the Middle East, Latin America and North America. The mission was committed to registering international support for the people of Pakistan as it prepared for the general elections.

10. The delegation of National Democratic Institute that observed the October, 1993 National Assembly elections issued a preliminary statement stating that the purpose of the delegation was to demonstrate the International Community's continued support for the democratic process in Pakistan. The delegation's mandate included the examination of three distinct aspects of the election process; the campaign; election-day proceedings; and the tabulation of results. The delegation, in its preliminary report, stated that "the balloting was generally open, orderly and well-administered on the polling day. The atmosphere in and around the polling stations was peaceful. The polling officials generally carried out their task impartially and with diligence. The counting was conducted in an expeditious and transparent manner, and the consolidation and the result were announced in accordance with law."

11. While lauding the role of Armed Forces in the election, the delegation in order to relieve the Military of the extraordinary burden, observed that the other institutions should be strengthened in order to obviate the need for the military to assume extraordinary role in the selection process. The delegation went on to say that democracy in Pakistan will only advance through tolerance, dialogue and cooperation among ruling and opposition parties alike. The delegation further observed that the general elections provided an important opportunity to broaden popular support for and confidence in democratic governance.

### **Commonwealth Observers Group**

12. A 26-member Commonwealth Observers Group visited Pakistan to monitor the election, 1993. It was led by the Hon. Clive Griffiths, who was the President of the Legislative Council in Western Australia and former

Chairman of the Commonwealth Parliamentary Association. The Commonwealth Secretary-General Chief Eneka Anyaku constituted this group at the request of the Caretaker Government of Pakistan. For the purpose, a Commonwealth Planning Mission led by Deputy Secretary-General Sir Anthony Siaguru visited Pakistan from 13th to 17th September, 1993. The Secretary General attached great importance to the Commonwealth contribution and observed, that the presence of the group would assist the process of democratisation in Pakistan. The group comprised parliamentarians, electoral experts, journalists and staff members of the Commonwealth Secretariat.

13. The Commonwealth Observers remained present at different locations throughout the country before and during the polling day on 6th October, 1993. The group observed that "the election was conducted in a manner which provided the people of Pakistan with the opportunity to vote freely for the candidates of their choice. The conduct of the people of Pakistan on polling day demonstrated their firm commitment to a pluralistic political system. The group regretted the boycott of election by MQM(A). It was observed that "our assessment is based not only on our observation on polling day itself but on our careful study of the election arrangements and our random inspection, in the run-up to the election, of polling sites in many constituencies in all the four provinces of Pakistan". The group further observed that "we saw no evidence of organized irregularities and intimidation on polling day". Election Officers acted in fair, open and transparent manner which substantially enhanced the conduct of the polls. Summary of the Commonwealth Observers Group's observation is given below :

"The voters of Pakistan were able to express their will freely, fairly and openly.

The election was conducted in conditions that promoted a level playing field for the political parties. The transparency and fairness displayed by the caretaker government set the tone for what is being widely described as the freest, fairest and most peaceful election ever in Pakistan. We also noted the independence displayed by the Election Commission. The media took vigorous advantage of its freedom to contribute to the success of the election.

The arrangements, facilities and procedures for the election were satisfactory. All materials needed to conduct the poll for an electorate of 52 million were delivered to polling stations in time and in order. The Chairman of the Election Commission and his staff and the electoral officers on the ground displayed a high degree of efficiency and

dedication in carrying out their duties, as did all other officials. The voters were processed with professionalism and courtesy. The secrecy of the ballot was assured.

Although some concern was expressed about the voters' list and the use of identity cards for polling, there were few complaints about the accuracy of the list or problems with ID cards on polling day.

Voting on polling day proceeded peacefully and smoothly, and hardly any violence was reported. There was no evidence of organised voter fraud, intimidation or deliberate disenfranchisement.

A friendly mood prevailed among party polling agents and workers.

Political parties, with the exception of the MQM(A), took full advantage of their freedom to campaign. Parties were given access to state—owned radio and television. We regret that efforts, including our own, to persuade the MQM(A) to take part in the election, and thus ensure full participation of their supporters in the urban areas of Sindh and elsewhere, were unsuccessful.

The Armed Forces played a key supportive role in monitoring their election. Their presence inside polling stations, in addition to the police and auxiliary security personnel, was welcomed and seen as reassuring by the political parties, polling staff and voters. Their role was central to the peace and good order that prevailed on polling day. We accept that their contribution was a necessity in this election. In the longer term, however, it is hoped that as democratic institutions strengthen in Pakistan the Election Commission will not find it necessary to request the support of the Armed Forces in the delivery of free and fair elections”.

#### **Non-Government Organizations Observers Group from Four SAARC Countries**

14. A 40-member non-governmental observers group from four SAARC countries also visited Pakistan from 30th September to 8th October, 1993 to observe the election. The group visited 54 constituencies and 256 polling stations while two of its members joined the Prime Minister to observe the polling process on the polling day.

15. The group was “satisfied that the elections were conducted in substantial conformity with the election laws and procedures of Pakistan and

in an atmosphere that was generally free of violence and of intimidation". The group went on to observe that "the electoral process was conducted in a peaceful, fair and impartial manner". Mr. I. K. Gujral, former Indian Foreign Minister and head of the SAARC observers group, who accompanied the Caretaker Prime Minister, said that he was very satisfied with the arrangements made by holding the elections and that the credibility of Pakistan Government in conducting impartial elections has been universally accepted.

### **European Community (EC) Monitoring Team**

16. A joint team consisting of 32 members of Parliament and local councils, government officials and NGO's coming from France, the UK, Germany, the Netherlands, Italy, Greece and Denmark led by H.E. Mr. Ankar Jorgensen, MP and former Danish Prime Minister assembled in Islamabad at the invitation of the Government of Pakistan to monitor October 1993 elections in Pakistan for the National Assembly and the Provincial Assemblies.

17. H.E. Mr. Anker Jorgensen and the Greek Observer Mr. Georgoulis accepted the invitation from the Prime Minister and accompanied him on visits to constituencies in all the four provinces, whereas other members of the team dispersed to the Provinces. "The observers were of the opinion that arrangements for and conduct of the elections were as good as it was possible to arrange" in the short span of time. Mr. Ankar said that he found no tension in electioneering and witnessed complete impartiality of the government. Mr. Schultz of European Community appreciated the arrangements for the elections made by the Election Commission and said that "people are standing in queues and waiting enthusiastically for their turn to poll their votes."

18. The observers expressed their admiration for the achievement of these elections and said that the 1993 elections could become milestone for the development of democracy in Pakistan. They concluded that "the National Assembly and Provincial Assembly elections were free, fair, impartial and transparent enabling voters to elect the representatives of their choice".

19. The observations of the EC-Monitoring Team are summed up as under :—

"The Observers felt that within the restricted time span the election process had been well prepared.

The overall impression was that election officials carried out their responsibilities efficiently and fairly; and voters were able to exercise their rights without hindrance or intimidation.

Representatives of candidates were seen to be able to participate freely in all stages of the electoral process.

By the end of these 1993 elections the Observers were of the opinion that arrangements for and conduct of the elections were as good as it was possible to arrange in the time available to the Government. This qualification is necessary because an updating of the .....

.....  
 Armed Services' assistance in providing security for the voters and in upholding the integrity of the polling process. The Armed Services' presence was very visible but was also felt by the people to be correct, friendly and helpful during these elections.

The 1993 elections could become a milestone for the development of democracy in Pakistan. Their importance can only be assessed fully in this wider context and it remains to be seen whether politicians can and indeed will be able to build upon this new foundation. This said, observers would like to express their admiration for the achievement of these elections. The task was enormous. There were over 52 million on the electoral rolls -- 45% female and 1.5 million minority voters.

Observers were impressed by the overall success of the exercise. The Election Commission, Returning Officers and their staff are to be congratulated. May be shortcomings beyond those observed may come to light but essentially the job was done as well as in any democracy of long experience.

The observers noted the friendly atmosphere which seemed to reign almost everywhere. The positive interpretation would be that Pakistanis in general can participate in elections with tolerance.

The European Community Observers Group hope that the electoral processes in Pakistan during the voting for Provincial Assemblies on October 09, and in future, will be conducted in the same spirit.

#### **National Democratic Institute for International Affairs**

20. The Central Election Commission (CEC) adopted new procedures that promoted the transparency of the election. These actions included



providing party polling agents with signed copies of the official tally sheets, announcing results at the polling stations, promoting greater awareness of the Code of Conduct for political parties and accrediting independent Pakistanis election monitors. The CEC also considered carefully recommendations by political parties and non-governmental organizations and sought consensus on a number of electoral reforms.

The active involvement of the armed forces in these elections deserves special attention. It was generally viewed by party leaders and the electorate that beyond maintaining law and order, the military's role in support of the Central Election Commission was aimed at guaranteeing the integrity of the entire process. The large-scale military presence on election day provided a calming influence. Except for isolated instances, members of the armed forces did not interfere in the process or act in an intimidating manner.

### **Report of the Human Rights Commission of Pakistan (HRCP)**

21. The Human Rights Commission of Pakistan has lauded the impartiality of the administration in conducting the elections. HRCP's poll watch in a summary of the report on the general elections in the country also appreciated the caretaker government for holding the polls in a free and fair atmosphere. HRCP's poll watch covered a selected sample of 50 National Assembly and 100 Provincial Assembly Constituencies to examine the arrangements for the elections and mobilised a team of 30 observers for each constituency. The report says that "in notable departure from the past, the caretaker government and the Election Commission had taken steps to reinforce their avowal of non-partisanship in the electoral process. The observers did not report any instances of open official interference in the electoral process or violation of the basic requirements, such as of instant counting, certification and posting of votes cast at each polling station. However, it was observed that the Election Commission was unable to ensure strict compliance of Code of Conduct and adherence to the limits imposed by the law in the election campaign expenditure. The HRCP observers pointed out certain irregularities, which according to them, adversely affected the polling process one way or the other. But at the same time, the Commission is conscious of the basic fact that it is the Constitutional duty of the Election Commission of Pakistan and not the Government to organize and conduct the election and to make all such arrangements as are necessary to ensure that the election is held honestly, justly, fairly and in accordance with law and that corrupt practices are guarded against.

22. Some observers have pointed out allegations about electoral rolls. Commonwealth observers report, however, is of the opinion that "there were

few complaints about the accuracy of the list of problems with ID cards on polling day', although "some concern was expressed about the voters list and the use of identity cards for polling". Existing Electoral Rolls which were prepared during 1986-87, have been undergoing updating continuously. Under the law, anyone who is of voting age *i.e.*, of 21 years and fulfils other qualifications, can get himself registered as voter by making a simple application, containing relevant particulars, to local Registration Officer, who after satisfying himself, passes appropriate orders. Similarly, the name of a dead voter can be got deleted. Some times particulars of a voter are found incorrect in the voters list. Application for their correction can be made with the Registration Officer concerned.

23. In addition to the aforementioned normal updating process, the CEC under constitutional obligation carried out annual revision of electoral rolls in 1991 whereby a campaign was launched to update the electoral rolls as a result of which 219,229 electors were added in Electoral Rolls and 141,578 deleted. In 1992, revision of electoral rolls could not be carried out as a large number of people were uprooted from their dwellings and left for safe places due to unprecedented flood and heavy rains.

24. Correction in the electoral rolls cannot be made when schedule for elections announced. The National Assembly was dissolved on 18th July, 1993. The General Election was due to be held within 90 days after the dissolution. Schedule for the General Election was announced on 23-8-1993. The prospective new voters are motivated to get themselves registered before the announcement for the schedule and there is relative increase to the number of voters during this period, which registered an addition of 3,39,460 in voters list. Similarly 1,45,892 voters were deleted from the list during this period.

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## CHAPTER XXXV

## SUMMARY OF RECOMMENDATIONS

**Electoral Rolls**

1. The Chief Election Commissioner attaches great importance to the authenticity and accuracy of electoral rolls because the fairness of election depends on error-free electoral rolls. The sanctity of any election becomes questionable if the electoral rolls contain double or fictitious entries.

2. The problem of multiple or double enrolment in the electoral rolls is a serious one. The interested parties and individuals somehow manage to get the names of their supporters enrolled at more than one places. Bogus enrolment is also resorted to. No effort is made by the head of a family or any other voter of the locality to get the names of dead voters removed from the electoral rolls. The names of such voters thus continue to remain on the electoral roll.

3. It may be added that the staff of Election Commission or the local electoral machinery alone cannot check/remove these errors as it is a huge task. It is the responsibility of the political parties, elected representatives of the people at all levels and the public at large to inspect the rolls and bring the errors and omissions to the notice of the Chief Election Commissioner. Registration Officers or Revising Authorities well in time. With active cooperation of public and political parties, the electoral rolls can be made as accurate as possible. Further, all possible efforts are being made to prevent fresh multiple enrolments. If found necessary, legislative and adequate penal measures may be taken to provide effective checks against multiple enrolment.

4. Section 18 of the Electoral Rolls Act, 1974 provides the opportunity of making corrections/amendments in the electoral rolls at a time other than the annual revision. Public should avail to this provision to keep the electoral rolls free from errors or spurious entries. Additions, deletions and corrections in the electoral rolls can also be made at the time of annual revision under section 17. Amendment/correction of electoral rolls is thus a continuous process providing ample opportunity to all citizens and political parties to assist the Chief Election Commissioner in making the lists of voters as accurate and complete as possible. There is no other method by which the electoral rolls can be corrected and completed.

5. The present tendency, however, is that the prospective candidates and political parties inspect the rolls only after the election schedule is announced. At that juncture, the law does not permit making any changes or corrections or deletions or additions in the electoral rolls and all or any claims in respect of the electoral roll can not be entertained. The political parties, prospective candidates for representative offices and the public at large should, therefore, take keen interest in the annual revision process or when new electoral rolls are prepared to remove all errors, omissions and discrepancies from the list of voters well before the conduct of election or a bye-election.

#### **Power to punish for contempt under the Electoral Rolls Act, 1974**

6. Some times baseless and irresponsible allegations are made against the Election Commission or Chief Election Commissioner. The Chief Election Commissioner and the Election Commission have been empowered to punish for contempt under section 103A of the Representation of the People Act, 1976. However, no such powers have been vested in the Chief Election Commissioner under the Electoral Rolls Act, 1974. Therefore, such powers may be given to the Chief Election Commissioner under the Electoral Rolls Act, 1974.

#### **Power to institute disciplinary proceedings under the Electoral Rolls Act, 1974**

7. The Constitution of the Islamic Republic of Pakistan places a responsibility on the Chief Election Commissioner to prepare electoral rolls for election to the National and Provincial Assemblies and to revise such rolls annually. In the discharge of his Constitutional duty, he is empowered to seek assistance from the executive authorities of the Federation and the Provinces, under the Constitution. For the preparation and revision of electoral rolls, he is required to appoint a large number of Registration Officers, Assistant Registration Officers, Supervisors, Enumerators and Verifying Officials from various departments of the Provincial Governments. In case of misconduct or dereliction from duty by such officers, the Chief Election Commissioner does not have the necessary powers under the law to take disciplinary action against the defaulters. It will not be out of place to point out that such powers have been given to the Election Commission and the Chief Election Commissioner under sub-section (6) and (7) of section 7 of the Representation of the People Act, 1976, which are reproduced below:—

“(6) The Commission or the Commissioner may, at any time, for reasons to be recorded in writing, suspend any officer performing

any duty in connection with an election, or any other public functionary, or any member of the police force or any other law-enforcing agency who obstructs or prevents or attempts to obstruct or prevent the conduct of fair and impartial poll or interferes or attempts to interfere with an elector when he records his vote, or influences in any manner the polling staff or an elector or does any other act calculated to influence the result of election, and make such arrangements as it or he may consider necessary for the performance of the functions of the officers so suspended.

- (7) Where the Commission or the Commissioner suspends any officer under sub-section (6), the Commission or the Commissioner shall refer the matter to the appropriate authority for taking disciplinary action against such officer."

On the same lines the Chief Election Commissioner may also be empowered to place under suspension and cause disciplinary proceeding against the officials who do not duly perform their duty in connection with preparation and revision of electoral rolls. Necessary amendment to this effect may be made in the Electoral Rolls Act, 1974.

### **Inclusion of Identity Card Number in the Electoral Rolls**

8. The Chief Election Commissioner considers it necessary that as and when the fresh electoral rolls are prepared, the form on which the electoral rolls are to be printed should be reviewed/re-examined and a column for the National Identity Card number should be provided therein so as to check impersonation.

### **Computerisation of Electoral Rolls**

9. The conventional time-consuming and manually operated method of preparation and revision of electoral rolls should be computerised in a phased programme. A scheme of automation of the national registration system and preparation of electoral rolls as a bye-product thereof, could also be jointly prepared by the Election Commission of Pakistan and the Registration Organization, Government of Pakistan, to save time and expenditure on the two country-wide operations.

### **Declaration of Assets and Liabilities**

10. As has been widely acknowledged in the national and international press, 1993 general elections were conducted in a free, fair, impartial

and transparent manner. This proved the effectiveness of legal basis provided for 1993 general elections. Thus, the need for giving permanent effect to some of the important amendments made in 1993 in the Representation of the People Act, 1976 cannot be over-emphasised so that the amendments made through amending Ordinance do not lapse.

11. According to new concept, which has been introduced by inserting sub-section (3A) in section 42 of the said Act, the elected MNAs and MPAs have filed with the Chief Election Commissioner of Pakistan the statements of assets and liabilities of their own, spouse and dependents. No Form under the Representation of the People (Conduct of Election) Rules, 1977 has been prescribed with the result that each MNA and MPA has filed the statements in different manner. It will be of advantage if a Form is prescribed for the purpose to give it a proper format and uniformity.

### **Delimitation of Constituencies**

12. At the expiration of normal term of an Assembly, the general election is required to be held within a period of sixty days and in case of dissolution of Assemblies, the general election has to be held within a period of ninety days as provided under Article 224 of the Constitution. In either case, the period for holding general elections is too short for the Election Commission to undertake any country-wide exercise. On the eve of almost all the general elections held since 1985, the Commission received representations for fresh allocation of seats and delimitation of constituencies due to creation of new districts. Disposal of a large number of such representations and re-adjustments or re-description of constituencies requires full-time attention of the Election Commission as during the short period within which general elections are to be held therefore makes the task of organizing and holding the general elections more difficult not only for the Election Commission but also for the parties, their candidates and the administration. In order to avoid such a situation and also misgivings in the public mind, the Provincial Governments are advised not to change the administrative boundaries of any revenue/municipal unit and district after the announcement of dates for fresh elections.

13. The population census due in 1991 has not so far been held. Resultantly, the existing allocation of seats and delimitation of constituencies are made on the basis of 1981 Census and are, therefore, out-dated. The Census which are proposed to be held in or about October, 1994 will run over this serious objection.

14. *Increase in the number of seats in National and Provincial Assemblies.*—With the increase in population which will be reflected in 1994 census increase in the number of seats in the National and Provincial Assemblies is desirable. Government may take necessary steps in this regard.

15. The election in F.A.T.A. may also be held on the basis of adult franchise as in other parts of Pakistan, in order to satisfy the provisions of Article 25 of the Constitution-equality of citizens.

16. In order to avoid change of loyalties or called in popular term 'Horse-trading', it is suggested that law may be made that a candidate who is elected independently must join one of the Political Parties having representation in the Assembly.

17. Under section 103-A of the Representation of the People Act, 1976, the Election Commission and the Chief Election Commissioner have the same power as the High Court has to punish any person for contempt of court and the provisions of the Contempt of Court Act, 1976 (XLIV of 1976) have been made applicable for this purpose. The Representation of the People Act, 1976 provides for the conduct of election to the National Assembly and Provincial Assemblies and the powers to punish for contempt of court is, therefore, restricted to conduct of these elections only.

18. The Election Commission is required to carve out constituencies for election to the National Assembly and the Provincial Assemblies in accordance with the provisions of the Delimitation of Constituencies Act, 1974. It is recommended that a provision may be added to the Delimitation of Constituencies Act, 1974, on the lines of section 103A of the Representation of the People Act, 1976, so as to empower the Election Commission and the Chief Election Commissioner to punish for contempt in the process of delimitation of constituencies.

19. Under sub-section (6) of section 7 of the Representation of the People Act, 1976, the Election Commission and the Chief Election Commissioner are empowered to place under suspension any officer or other public functionary who obstructs or prevents the conduct of fair and impartial polls for election to the National Assembly and the Provincial Assemblies. No such power is given to the Election Commission and the Chief Election Commissioner under the provisions of the Delimitation of Constituencies Act, 1974. In order to provide an effective deterrent, it is recommended that a provision analogous to section 7(6) of the Representation of the People Act, 1976, may also be added in the Delimitation of the Constituencies Act, 1974.

### **Polling Scheme**

20. A permanent list of polling stations should be maintained in the prescribed form and manner for each electoral area or areas in each district. This list should be revised periodically by the local administration with prior approval of the District Returning Officer. The list of polling stations should remain available in the office of Election Officer for inspection by the public. Procedure for inviting objections from the voters and candidates at fixed intervals and their disposal by competent authority should also be provided. The necessity for making this recommendation is that Printing Press seldom provides the list of polling stations 15 days prior to date of poll as provided in section 8 of the Representation of the People Act, 1976.

21. The Representation of the People Act, 1976 requires that the list of polling stations shall be published in the official Gazette at least 15 days before the poll. The Gazette of Pakistan is published by the Printing Corporation of Pakistan from Lahore, Islamabad and Karachi. Publication of the lists of 667 constituencies within a short span of time requires meticulous planning by the Election Commission and Printing Corporation of Pakistan so that the printed lists could be made available to the candidates, political parties and Returning Officers at least 15 days before the polling day. The PCP should make special arrangements for printing of the lists in question well in time to avoid legal complications and practical difficulties.

22. A list of officers and staff of the Federal Government and the Provincial Government Department posted in each sub-Division/Tehsil may permanently be maintained by the Election Officer. This list should also be revised periodically. As and when needed, the polling staff may be drawn from this list for election duties and, before finalizing their appointments, objections may be invited from the candidates and the electorate with regard to their suitability or otherwise for polling duties.

### **Procurement and Distribution of Election Material and Submission of Accounts of Election Funds**

23. In order to stream-line the procurement and distribution of about 100 items of election material down to the level of polling station and polling booth at a fix scale before the poll and retrieval thereof after the poll, a "Code for Procurement and Distribution of Election Material and Allocation of Funds" may be prepared by the Election Commission Secretariat. This Code should indicate the requirement of each item for a polling booth, stock taking



of each item by the Provincial Election Commissioners, procedure for bulk-breaking at the district headquarters and making polling bags for each polling station, arrangements for transportation of polling bags from the district headquarters to the polling stations, use of each item at the polling stations, re-packing the election material and un-used stationery at the conclusion of the poll, preparation of inventory thereof, stock taking of the retrieved material by Election Officers, detail of allocation of funds to District Returning Officers, Returning Officers and Deputy Commissioners and procedure for maintaining proper accounts thereof, deposit of savings in the treasury under proper heads of accounts, submission of the statements of accounts to the Provincial Election Commissioners within prescribed time limit, audit of accounts, etc. Printed copies of the Code may be supplied to all concerned for guidance and compliance on the eve of polls.

### **Election Expenses**

24. The process of filing the return of election expenses, as envisaged under the law, should not be revised or modified in any manner to suit the convenience of a few candidates. Such a step defeats the very purpose for which the law is enacted.

25. The political parties generally incur huge expenditure on public meetings etc. on procession of the candidature of their nominees. All such expenditure should be regulated by law providing maximum limit therefor and subjected to scrutiny of the Election Commission. Where a candidate is put up by a political party, he should not be allowed to incur any expenditure except on petty items not exceeding Rs. 50,000 in case of election to a seat of National Assembly and Rs. 25,000 to a seat of Provincial Assembly.

26. In order to regulate the election expenditure during the election campaign for 1993 general elections in consultation with the representatives of political parties on their proposals for electoral reforms the Election Commission in exercise of the powers conferred on it by Article 218(3) of the Constitution of the Islamic Republic of Pakistan read with section 103 of the Representation of the People Act, 1976 (LXXXV of 1976) imposed complete ban on the display of cloth banners and hoardings of all sizes, large posters exceeding the size of 3 sq. ft. (2' x 1-1/2') and hoisting of party flags on public buildings, public places and electric and telephone poles by the candidates during their campaign for election to the National Assembly and Provincial Assemblies with immediate effect and until culmination of the process of general elections. The Election Commission directed the Deputy

Commissioners and Superintendents of Police to remove in accordance with law such banners, hoardings, large size posters and party flags, if found displayed within their territorial jurisdiction in violation of this Order. By and large, the political parties and the candidates adhered to the instructions of the Commission and no complaint to this effect was lodged with the Commission. Thus, the very objective of imposition of ban was perhaps fully achieved. It is, therefore, recommended that the law may be amended on these lines. The wall chalking should be banned by law which should be comprehensive.

27. An amendment may be made by the Federal Government in the Representation of the People Act, 1976 empowering the Chief Election Commissioner to grant relief against forfeiture of the security deposit in genuine cases of hardships.

### **Code of Conduct**

28. The traditions of democracy are yet to take roots and flourish in our homeland. All political thinkers, political parties and their workers should give a serious thought for paying due respect and regards to the rules of the fair game, if we desire to find our due place in the comity of democratic nations. There is need to set the traditions of decent political behaviour during the election campaigns. There is a requirement of some serious considerations and working in this behalf so that caravan of democracy may go on its path without any interruption or debacle.

29. It is recommended that Political Parties may train their election agents and make them conversant with the election laws and procedure to avoid any illegal or corrupt practice or any deviation from the election laws.

### **Proposal to save the expenditure on General Elections and Bye-Elections**

30. In future general elections and bye-elections the number of polling stations should be reduced as far as possible and practicable on the basis of assignment of about 1600 votes on each polling station and the number of polling booths at a polling station should not be more than 3 thus at every polling booth about 533 votes on an average can be assigned.

31. Normally votes cast at a general election or bye-election is less than 50%. Accordingly in 10 hours polling out of 533 votes on an average about 300 votes can be easily cast in 10 hours at the rate of 30 votes per hour.

Further, the number of booth at the present strength of votes should have been about 1,03,000 instead of about 1,15,000 as in the general elections 1993.

32. Instead of 2 Polling Officers on each booth one Polling Officer may be appointed who can easily perform the functions of 2 Polling Officers as has been observed in practical demonstration. Thus 1,15,000 less personnel will be required for general elections in future which action is expected to save about Rs. 70 millions.

33. In the general elections of 1988 and 1990 the number of ballot papers printed were about 110% of registered voters. In 1993 the number was reduced to 100%. In future the number of ballot papers to be printed can be further reduced to 85% because the votes cast in the general elections of 1988, 1990 and 1993 in the National Assembly were (19,903,172), (21,395,479) and (20,293,307) respectively. Similarly the votes cast in the Provincial Assemblies in the said elections were (20,000,923), (21,639,651) and (21,841,936) respectively. The rest of the un-utilised ballot papers were total waste. Accordingly there will be saving of about Rs. 20 millions on this account.

34. There is need to make some other reforms in the Electoral Process. It is, therefore, suggested that an Electoral Reforms Commission may be constituted to examine and suggest necessary reforms to make the Electoral Process completely fool-proof.

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## CHAPTER XXXVI

INTERESTING STATISTICS RELATING TO LAST FOUR  
GENERAL ELECTIONSNAMES OF CANDIDATES WHO PARTICIPATED IN THE 1985,  
1988, 1990 AND 1993 GENERAL ELECTION AND SUCCEEDED

1.	Nawabzada Salahuddin Saeed.	PML (N)	NA-15 Mansehra-cum-Haripur
2.	Sheikh Rashid Ahmed.	PML (N)	NA-38 Rawalpindi-III
3.	Ch. Nisar Ali Khan.	PML (N)	NA-40 Rawalpindi-V
4.	Lt. Gen. (Retd.) Malik Abdul Majid.	PML (N)	NA-43 Chakwal-I
5.	Ch. Anwar Ali Cheema.	PML (N)	NA-50 Sargodha-IV
6.	Malik Muhammad Naeem Khan.	PML (N)	NA-51 Sargodha-cum-Khushab
7.	Mian Muhammad Nawaz Sharif.	PML (N)	NA-95 Lahore-IV
8.	Rao Khizar Hayat.	PML (N)	NA-107 Kasur-II
9.	Syed Yousaf Raza Gilani.	PPP	NA-114 Multan-I
10.	Mian Abdul Sattar Laleka.	PML (N)	NA-144 Bahawalnagar-I
11.	Syed Ahmad Alam Anwar.	PPP	NA-147 Rahimyar Khan-I
12.	Sardar Haji Noor Muhammad Khan Lund.	PPP	NA-153 Ghotki
13.	Mr. Zafar Ali Shah.	PPP	NA-159 Naushero-Feroze-II

NAMES OF CANDIDATES WHO COULD NOT SUCCEED FOR  
THE FOURTH TIME *i.e.* 1993

1.	*Ch. Muhammad Nazir Ahmad.	PPP	NA-60 Faisalabad-IV
2.	Rana Nazeer Ahmed Khan.	PML (N)	NA-78 Gujranwala-V
3.	Ch. Shujaat Hussain.	PML (N)	NA-81 Gujrat-II
4.	Mr. Amir Hussain.	PML (N)	NA-86 Sialkot-II
5.	Mr. Muhammad Siddique Khan Kanjoo.	PML (N)	NA-117 Lohdran-I
6.	Rai Ahmed Nawaz.	PML (N)	NA-126 Sahiwal-II
7.	Syed Tasneem Nawaz Gardezi.	PML (N)	NA-143 Bahawalpur-III
8.	Ch. Abdul Ghafoor.	PML (N)	NA-146 Bahawalnagar-III
9.	Haji Abdullah Halepota.	PML (N)	NA-172 Badin-I

\*Proceedings terminated due to death.

WINNERS OF GENERAL ELECTION 1988 WHO LOST IN GENERAL  
ELECTION 1990 BUT SUCCEEDED IN GENERAL ELECTION 1993

1.	Maulana Shaheed Ahmad.	MDM	NA-10 Karak
2.	Maulana Fazal-ur-Rehman.	IJM	NA-18 D.I. Khan-cum-Tank

3.	Sahibzada Fathullah.	P.I.F.	NA-25 Dir
4.	Raja Muhammad Afzal Khan.	PML (N)	NA-45 Jhelum-I
5.	Dr. Sher Afgan Khan Niazi.	IND	NA-54 Mianwali-II
6.	Mr. Rashid Akbar Khan.	IND	NA-56 Bhakkar-II
7.	Khan Shahadat Ali Khan Baluch.	PPP	NA-59 Faisalabad-III
8.	Ch. Ijaz Ahmed.	PML (N)	NA-79 Gujranwala-cum-Hafizabad
9.	Haji Muhammad Asghar.	PPP	NA-82 Gujrat-cum-Jhelum
10.	Mr. Nisar Ahmad Panu.	PPP	NA-101 Sheikhpura-I
11.	Ch. Tawakkalullah Virk.	PPP	NA-104 Sheikhpura-IV
12.	Sardar Muhammad Ashiq Dogar.	PPP	NA-109 Kasur-IV
13.	Rao Sikandar Iqbal.	PPP	NA-110 Okara-I
14.	Mirza Muhammad Nasir Baig.	PPP	NA-118 Multan-cum-Lodhran
15.	Haji Muhammad Iqbal Hiraj.	PPP	NA-121 Khanewal-I
16.	Mr. Naurez Shakoor Khan.	PPP	NA-124 Sahiwal-I
17.	Khawaja Kamal-ud-Din Anwar.	PPP	NA-132 D.G. Khan
18.	Nawabzada Nasrullah Khan.	NDA	NA-136 Muzaffargarh-II
19.	Malik Niaz Ahmed Jakhar.	PPP	NA-139 Layyah-I
20.	Mir Mehran Khan Bijarani.	PPP	NA-157 Jaccobabad-II
21.	Mir Zafarullah Khan.	IND	NA-203 Jaffarabad-cum-Nasirabad
22.	Mr. Ghulam Akbar Lasi.	PPP	NA-206 Lasbela-cum-Gawadar

**WINNERS OF GENERAL ELECTIONS 1988 AND GENERAL ELECTION 1990 BUT LOST IN GENERAL ELECTION 1993**

1.	Maulvi Ali Akbar.	I.J.M.	NA-19 Bannu
2.	Raja Muhammad Zaheer Khan.	PIF	NA-37 Rawalpindi-II
3.	Sardar Mansoor Hayat Tamman.	PML (N)	NA-44 Chakwal-II
4.	Mr. Ihsanul Haq Piracha.	PPP	NA-47 Sargodha-I
5.	Haji Javaid Iqbal Cheema.	PIF	NA-49 Sargodha-III
6.	Maulana Muhammad Abdul Sattar Khan Niazi.	PML (N)	NA-53 Mianwali-I
7.	Rai Muhammad Aslam Khan.	PML (N)	NA-58 Faisalabad-II
8.	Mr. Amir Hussain Syed.	IND	NA-66 Jhang-I
9.	Rana Nazir Ahmed.	PML (N)	NA-78 Gujranwala-V
10.	Ch. Shujaat Hussain.	PML (N)	NA-81 Gujrat-II
11.	Mian Muhammad Shaffi.	PPP	NA-85 Sialkot-I
12.	Mr. Amir Hussain.	PML (N)	NA-86 Sialkot-I
13.	Mr. Aitzaz Ahsan.	PPP	NA-93 Lahore-II
14.	Mian Muhammad Usman.	PIF	NA-98 Lahore-VII
15.	Mr. Muhammad Siddique Khan Kanjoo.	PML (N)	NA-117 Lodhran-I

16.	*Mr. Ghulam Hyder Wyne.	PML (N)	NA-123 Khanewal-III
17.	Rai Ahmed Nawaz.	PML (N)	NA-126 Sahiwal-III
18.	Raja Shahid Saeed Khan.	PML (N)	NA-127 Sahiwal-IV
19.	Sahibzada Faiz-ul-Hassan.	PML (N)	NA-140 Layyah-II
20.	Syed Tasneem Nawaz Gardezi.	PML (N)	NA-143 Bahawalpur-III
21.	Ch. Abdul Ghafoor.	PML (N)	NA-146 Bahawalnagar-III
22.	Syed Shabir Ahmed Shah.	IND	NA-161 Nawabshah-II
23.	Haji Abdullah Halepota.	PML (N)	NA-172 Badin-I

\*Murdered during election proceedings.

### WINNERS OF GENERAL ELECTION 1988, 1990 AND GENERAL ELECTION 1993

1.	Mr. Shahid Khaqan Abbasi.	PML(N)	NA-36 Rawalpindi-I
2.	Nawabzada Iqbal Mehdi Khan.	PML(N)	NA-46 Jhelum-II
3.	Mr. Muhammad Zafarullah Khan.	PML(N)	NA-55 Bhakkar-I
4.	Makhdoom Syed Faisal Saleh Hayat.	PPP	NA-69 Jhang-IV
5.	Sahibzada Muhammad Nazeer Sultan.	PPP	NA-70 Jhang-V
6.	Mr. Aftab Ahmed Khan.	PML(N)	NA-122 Khanewal-II
7.	Sardar Farooq Ahmad Khan.	PPP	NA-133 D.G. Khan-cum-Rajanpur
8.	Mr. Ghulam Muhammad Mustafa Khar.	PPP	NA-138 Muzaffargarh-IV
9.	Nawab Salahuddin Ahmad Abbasi.	PML(N)	NA-141 Bahawalpur-I
10.	Pir Syed Abdul Qadir Shah.	PPP	NA-163 Khairpur-cum-Sukkur
11.	Begum Nusrat Bhutto.	PPP	NA-164 Larkana-I
12.	Ms. Benazir Bhutto.	PPP	NA-166 Larkana-III
13.	Makhdoom Amin Fahim.	PPP	NA-167 Hyderabad-I
14.	Malik Asad Sikandar.	PPP	NA-177 Dadu-I
15.	Haji Muhammad Bux.	PPP	NA-178 Dadu-II
16.	Mr. Ghulam Hussain Alias Babu.	PPP	NA-182 Thatta-I

### WINNERS OF GENERAL ELECTION 1985 AND 1993

1.	Mr. Gohar Ayub Khan.	PML (N)	NA-13 Haripur
2.	Haji Muhammad Ayub Khan.	PML (N)	NA-16 Battagram-cum-Mansehra
3.	Mr. Mian Gul Aurangzeb.	PML (N)	NA-21 Swat-I
4.	Sahibzada Fathullah.	PIF	NA-25 Dir
5.	Haji Muhammad Nawaz Khokhar.	PML (N)	NA-35 Federal Capital
6.	Raja Muhammad Afzal Khan.	PML (N)	NA-45 Jhelum-I
7.	Dr. Sher Afgan Khan Niazi.	IND	NA-54 Mianwali-II
8.	Mr. M. Hamza.	PML (N)	NA-73 Toba Tek Singh-III

9. Ch. Hamid Nasir Chatha.	PML (J)	NA-74 Gujranwala-I
10. Ch. Muhammad Asghar.	PML (J)	NA-77 Gujranwala-IV
11. Ch. Ijaz Ahmed.	PML (N)	NA-79 Gujranwala-cum-Hafizabad
12. Ch. Muhammad Sardar Khan.	PML (N)	NA-89 Sialkot-cum-Narowal
13. Sardar Aseff Ahmed Ali.	PML (J)	NA-106 Kasur-I
14. Mr. Muhammad Yasin Khan Wattoo.	PML (N)	NA-113 Okara-IV
15. Mir Balakh Sher Mazari.	IND	NA-134 Rajanpur
16. Sardar Ghulam Muhammad Mahar.	PML (N)	NA-152 Sukkur-cum-Ghotki
17. Mir Mehran Khan Bijarani.	PPP	NA-157 Jaccobabad-II
18. Mr. Muhammad Afaq Khan.	PPP	NA-185 Karachi West-II
19. Mir Zafarullah Khan Jamali.	IND	NA-203 Jaffarabad-cum-Nasirabad

Note.—Winners of General Elections, 1985, 1988, 1990 and 1993 not included.

#### NAMES OF CANDIDATES SECURING HIGHEST NUMBER OF VOTES

##### Elections 1985

Mir Balakh Sher Khan Mazari. NA-126 Rajanpur 84443

##### Elections 1988

Syed Muhammad Aslam (IND). NA-188 Karachi Central-III 131012

##### Elections-1990

Syed Muhammad Aslam (HPG). NA-188 Karachi Central-III 142591

##### Election-1993

Sardar Farooq Ahmad Khan (PPP) NA-133 D.G. Khan-cum-Rajanpur 95943

#### CANDIDATES ELECTED SECURING LOWEST NUMBER OF VOTES

##### Elections-1985

Mr. Yaqub Khan S/o Muhammad Akbar Khan. NA-9 Mardan-IV 8353

##### Elections-1988

Mr. Fazal-E-Haq (IJI). NA-17 Kohistan 5525

##### Elections-1990

Molvi Muhammad Amin (JUI-F). NA-17 Kohistan 7752

##### Elections-1993

Malik Said Ahmed (IND). NA-17 Kohistan 5997

## CANDIDATES SECURING HIGHEST PERCENTAGE OF VOTES

**Elections-1985**

Mir Ahmed Nawaz Khan.	NA-202 Sibi-cum-Kohlu-cum-Dera Bugti-cum-Ziarat	98.75%
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**Elections-1988**

Mst. Benazir Bhutto (PPP).	NA-166 Larkana-III	96.71%
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**Elections-1990**

Ms. Benazir Bhutto (PDA).	NA-166 Larkana-III	98.48%
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**Elections-1993**

Haji Muhammad Bux (PPP).	NA-178 Dadu-II	86.01%
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## CANDIDATES ELECTED SECURING LOWEST PERCENTAGE OF VOTES

**Elections-1985**

Mir Nawaz Khan Marwat.	NA-184 Karachi West-II	19.18%
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**Elections-1988**

Hafiz Hussain Ahmed (JUI-F).	NA-197 Quetta-cum-Chaghai	20.50%
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**Elections-1990**

Sardar Muhammad Yaqoob (JI).	NA-199 Loralai	28.61%
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**Elections-1993**

Malik Said Ahmed (IND).	NA-17 Kohistan	27.4%
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## CLOSE CONTESTS IN GENERAL ELECTIONS-1993

<i>No. &amp; Name of Constituency</i>	<i>Difference of Votes</i>
1. NA-100 Lahore-IX	72
2. NA-62 Faisalabad-VI	159
3. NA-17 Kohistan	221
4. NA-20 Laki Marwal-cum-Bannu	262
5. NA-87 Sialkot-III	391
6. NA-7 Mardan-II	410



## SUCCESS BY BIG MARGIN IN GENERAL ELECTIONS-1993

No. & Name of Constituency	Margin of votes
1. NA-12 Abbottabad-cum-Haripur	45267
2. NA-133 D.G. Khan-cum-Rajanpur	45005
3. NA-13 Haripur	42527

## ONE TO ONE CONTESTS IN GENERAL ELECTIONS-1993

1. NA-13 Haripur.	Mr. Gohar Ayub vs. Mr. Abdul Khaliq
2. NA-14 Manshra-I.	Sardar Muhammad Yousaf vs. Syed Qasim Shah
3. NA-52 Khushab.	Sardar Shujah Muhammad Khan vs. Malik Ghulam Muhammad Tiwana
4. NA-75 Hafizabad.	Ch. Mehdi Hassan Bhatti vs. Mr. Afzal Hussain Tarar
5. NA-105 Sheikhpura-V.	Rai Bashir Ahmed Khan Bhatti vs. Rai Mansab Ali Khan
6. NA-121 Khanewal-I.	Haji Muhammad Iqbal Hiraaj vs. Syed Fakhar Imam Shah
7. NA-122 Khanewal-II.	Mr. Aftab Khan vs. Sardar Allah Yar
8. NA-133 D.G. Khan-cum-Rajanpur.	Sardar Farooq Ahmad Khan vs. Sardar Muhammad Saifuddin Khan Khosa
9. NA-179 Dadu-III.	Mr. Rafiq Ahmad Mahesar vs. Mr. Abdul Hameed Khan

## NAMES OF FEMALE CANDIDATES GENERAL ELECTIONS-1993

1. Mrs. Zakira Aslam.	NA-1 Peshawar-I
2. Zauja Muhammad Suleman Khan.	NA-24 Chitral
3. Mst. Fouzia Salim Abbas.	NA-35 Federal Capital
4. Mst. Fauzia Behram.	NA-44 Chakwal-II
5. Begum Kishwar Abid Hussain.	NA-69 Jhang-IV
6. Syeda Neelofar Mehdi.	NA-107 Kasur-II
7. Mst. Shahnaz Bibi.	NA-126 Sahiwal-III
8. *Mst. Shahnaz Javed.	NA-126 Sahiwal-III
9. *Ms. Tehmina Aqeel Daulatana.	NA-130 Vehari-II
10. *Begum Nusrat Bhutto.	NA-164 Larkana-I
11. Mst. Hameeda Khuhro.	NA-164 Larkana-I
12. *Ms. Benazir Bhutto.	NA-166 Larkana-III
13. Ms. Raisa Mohani.	NA-187 Karachi Central-II
14. Ms. Sitara Begum.	NA-195 Karachi East-IV
15. Mst. Fazila Alayani.	NA-197 Quetta-cum-Chaghai

\*Indicate returned candidates.

HIGHEST NUMBER OF CANDIDATES CONTESTING FROM  
ANY ONE CONSTITUENCY GENERAL ELECTIONS 1993

No. & Name of Constituency	No. of candidates
1. NA-193 Karachi (East)-II.	22
2. NA-181 Sanghar-II.	19
3. NA-191 Karachi (South)-III.	17

Note.—Constituencies of FATAs have not been considered.

NAMES OF THE CANDIDATES WHO HAVE BEEN ELECTED FOR THE  
FIRST TIME IN GENERAL ELECTIONS-1993

1. Syed Zafar Ali Shah.	PPP	NA-1 Peshawar-I
2. Major General (Retd.) Naseer Ullah Khan Babar.	PPP	NA-4 Nowshera
3. Mr. Asfandyar Wali Khan.	ANP	NA-5 Charsadda
4. Mr. Khanzada Khan.	PPP	NA-6 Mardan-I
5. Qazi Maulana Fazlullah.	IJM	NA-8 Swabi
6. Malik Said Ahmad.	IND	NA-17 Kohistan
7. Syed Abbas Shah.	PML (N)	NA-19 Bannu
8. Mr. Muhammad Kabir Khan.	PML (N)	NA-20 Lakki Marwat- cum-Bannu
9. Maulana Abdur Rahim.	PIF	NA-24 Chitral
10. Mr. Zulifqar Ali.	IND	NA-28 Tribal Area-II
11. Mr. Muhammad Afzal.	IND	NA-29 Tribal Area-III
12. Mr. Arsala Khan.	IND	NA-30 Tribal Area-IV
13. Mr. Abdul Qayyum Khan.	IND	NA-31 Tribal Area-V
14. Chaudhry Muhammad Riaz.	PML (N)	NA-37 Rawalpindi-II
15. Malik Lal Khan.	PML (N)	NA-42 Attock-II
16. Sardar Mumtaz Khan.	PPP	NA-44 Chakwal-II
17. Mr. Liaqat Hayat Badrana.	PPP	NA-48 Sargodha-II
18. Mr. Ahmed Zia-ur-Rehman Khan Lak.	PML (N)	NA-49 Sargodha-III
19. Sardar Shujah Muhammad Khan.	PML (N)	NA-52-Khushab
20. Mr. Ubaid Ullah Khan.	IND	NA-53 Mianwali-I
21. Rana Zahid Touseef.	PML (N)	NA-57 Faisalabad-I
22. Mian Amjad Yaseen.	PML (N)	NA-65 Faisalabad-IX
23. Mr. Zafar Abbas Syed	PPP	NA-66 Jhang-I.
24. Makhdoomzada Syed Assad Hayat Shah	PPP	NA-67 Jhang-II
25. Mr. Khalid Ahmed Khan Kharal	PPP	NA-71 Toba Tek Singh-I.
26. Ch. Mehdi Hassan Bhatti	PPP	NA-75 Hafizabad
27. Nawabzada Ghazanfar Ali Gul	PPP	NA-80 Gujrat-I
28. Ch. Ahmad Mukhtar	PPP	NA-81 Gujrat-II

29. Mr. Zafarullah Tarar	PPP	NA-83 Mandi Bahauddin-cum-Gujrat
30. Khawaja Muhammad Asif	PML (N)	NA-85 Sialkot-I
31. Ch. Akhtar Ali	PML (J)	NA-86 Sialkot-II
32. Syed Iftikharul Hassan Shah	PML (N)	NA-87 Sialkot-III
33. Mr. Ahsan Iqbal	PML(N)	NA-90 Narowal-I
34. Mian Abdul Waheed	PML (N)	NA-94 Lahore-III
35. Mr. Tariq Badaruddin Bandy	PML (N)	NA-97 Lahore-VI
36. Mian Muhammad Munir	PML(N)	NA-98 Lahore-VII
37. Mehar Zulfiqar Ali Babu	PML (N)	NA-99 Lahore-VIII
38. Ch. Khalid Javaid Ghurki	PPP	NA-100 Lahore-IX
39. Haji Munawar Hussain Manj	PPP	NA-102 Sheikhupura-II
40. Rai Bashir Ahmed Khan Bhatti	PML (N)	NA-105 Sheikhupura-V
41. Ch. Shafqat Abbas Rubera	PML (N)	NA-111 Okara-II
42. Rao Qaiser Ali Khan	PML (N)	NA-112 Okara-III
43. Haji Muhammad Boota	PML (N)	NA-115 Multan-II
44. Sh. Muhammad Tahir Rashid.	PML (N)	NA-116 Multan-III
45. Rana Mumtaz Ahmed Noon.	PPP	NA-117 Lodhran-I
46. Mr. Shah Mahmood Qureshi.	PPP	NA-120 Multan-cum-Khanewal
47. Mst. Shehnaz Javed.	PPP	NA-126 Sahiwal-III
48. Mian Muhammad Amjid Joiya.	PPP	NA-127 Sahiwal-IV
49. Mian Noor Muhammad Khan Bhabah.	PPP	NA-129 Vehari-I
50. Mst. Tehmina Aqeel Daulatana.	PML (N)	NA-130 Vehari-II
51. Mr. Qurban Ali Chuhan.	PPP	NA-131 Vehari-III
52. Mian Riaz Hussian Pirzada.	PPP	NA-143 Bahawalpur-III
53. Mian Mumtaz Ahmad.	PPP	NA-145 Bahawalnagar-III
54. Mr. Ali Akbar Mazhar Wains.	PPP	NA-146 Bahawalnagar-III
55. Ch. Muhammad Jaffar Iqbal.	PML (N)	NA-149 Rahimyar Khan-III
56. Mir Ahmad Nawaz Khan Jakhrani.	PPP	NA-156 Jaccobabad-I
57. Mr. Manzoor Hussain Wassan.	PPP	NA-162 Khairpur
58. Sahibzada Shabbir Hassan Ansari.	PML (N)	NA-168 Hyderabad-II
59. Qazi Asad Abid.	PPP	NA-169 Hyderabad-III
60. Mr. Abdul Sattar.	PPP	NA-172 Badin-I
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62. Pir Aftab Hussain Shah Gilani.	PPP	NA-174 Mirpurkhas
63. Nawab Muhammad Yousif Talpur.	PPP	NA-175 Mirpurkhas-cum-Umerkot
64. Haji Khuda Bux.	PML (N)	NA-180 Sanghar-I
65. Syed Shafqat Hussain Shah Sheerazi.	IND	NA-183 Thatta-II
66. Mian Ejaz Ahmed Shafi.	PML (N)	NA-184 Karachi West-I
67. Mr. Dost Muhammad Faizi.	PML (N)	NA-186 Karachi Central-I
68. Hafiz Muhammad Taqi.	PML (N)	NA-187 Karachi Central-II
69. Mr. Abdul Aziz Memon.	PPP	NA-190 Karachi South-II

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71.	Mr. Zuhair Akram Nadeem.	PML (N)	NA-192 Karachi East-I
72.	Mr. Abu Bakar Shaikhani.	PML (N)	NA-193 Karachi East-II
73.	Mr. Muzafar Ali Shujra.	PPP	NA-194 Karachi East-III
74.	Professor N.D. Khan.	PPP	NA-195 Karachi East-IV
75.	Mr. Sher Muhammad Baloch.	PPP	NA-196 Karachi East-V
76.	Haji Gul Muhammad.	IJM	NA-199 Loralai-cum- Musakhel-cum-Barkhan
77.	Nawab Muhammad Ayyaz Khan Jogezai.	PKMAP	NA-200 Zhob-cum-Killa Saifullah
78.	Nawab Muhammad Akbar Khan Bugti.	JWP	NA-202 Sibi-cum-Kohlu- cum-Dera Bugti-cum-Ziarat
79.	Molvi Abdul Ghafoor Haidery.	IJM	NA-204 Kalat-cum- Mastung-cum-Kharan
80.	Mr. Muhammad Ayub.	BNM	NA-205 Khuzdar-cum- Awaran
81.	Dr. Muhammad Yaseen.	BNM (H)	NA-207 Turbat-cum- Panjgur

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1. Mr. Justice (Retd.) Naimuddin,  
Chief Election Commissioner. *Chairman.*
2. Mr. Justice Sheikh Riaz Ahmed,  
Judge, Lahore High Court. *Member.*
3. Mr. Justice Muhammad Bashir Khan Jehangiri,  
Judge, Peshawar High Court. *Member.*

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2. Mr. Muhammad Hassan Bhutto,  
Secretary (Charge assumed on  
18-5-1994).
3. Mr. Rahmat Ali Mujahid,  
Joint Secretary (Budget).
4. Mr. M. Sarwar Khan Durrani,  
Joint Secretary (Elections).
5. Ch. Bashir Ahmed,  
Joint Secretary (Admn.).
6. Mr. Rahim Nawaz Khan Durrani,  
Deputy Secretary (Admn.).
7. Mr. K. M. Dilshad,  
Deputy Secretary (Elections).
8. Mr. Iftikhar Ahmed Qureshi,  
Deputy Secretary (Elections).
9. Mr. S. M. Arshad,  
Deputy Secretary (Budget).
10. Mr. Muhammad Saleem Akhtar,  
Section Officer (Estt-I).
11. Mr. Ayaz Muhammad Baig,  
Section Officer (Admn.).
12. Mr. Khizar Hayat,  
Officer on Special Duty (G&S).
13. Kh. Altaf Hussain,  
Deputy Director (PR).
14. Mr. R. B. Jan Wahidi,  
Section Officer (Cord.).
15. Mr. Masoud Mehdi Janjua,  
Section Officer (Els-II).
16. Mr. Muhammad Saleem,  
Section Officer (Record).
17. Mr. Akhtar Hussain Sabir,  
Section Officer (Estt-II).
18. Mr. Iftikhar Hussain Shah,  
Research Officer.
19. Mr. Ijaz Hussain Raja,  
Section Officer (Els-I).
20. Mr. M. Anwar Hussain,  
Section Officer (Budget).
21. Mr. Farrukh Ali Mughal,  
Section Officer (Law).
22. Mr. Sabz Amin Khan,  
Accounts Officer.

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- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. Mr. Hasan Muhammad,<br/>Provincial Election Commissioner.</li> <li>2. Ch. Iftikhar Ahmed,<br/>Deputy Election Commissioner<br/>(HQ).</li> <li>3. Miss Farhat Razzak Khan,<br/>Deputy Election Commissioner<br/>(Estt.).</li> <li>4. Mr. Abid Hussain Bukhari,<br/>Deputy Election Commissioner,<br/>Lahore Division.</li> <li>5. Mr. Muhammad Tufail,<br/>Deputy Election Commissioner,<br/>Gujranwala Division.</li> <li>6. Mr. Mushtaq Ahmed Khan,<br/>Deputy Election Commissioner,<br/>Multan Division.</li> </ol> | <ol style="list-style-type: none"> <li>7. Sh. Ghulam Farid-ud-Din,<br/>Deputy Election Commissioner,<br/>Sargodha Division.</li> <li>8. Mr. Ziaullah Zia,<br/>Deputy Election Commissioner,<br/>Bahawalpur Division.</li> <li>9. Mr. Shabbir Ahmed Chaudhry,<br/>Deputy Election Commissioner,<br/>Faisalabad Division.</li> <li>10. Mr. Irfan Hussain,<br/>Deputy Election Commissioner,<br/>D.G. Khan. (Proceeded on leave).</li> <li>11. Mr. Abrar Ahmed Mann,<br/>Deputy Election Commissioner,<br/>Rawalpindi Division.</li> </ol> |
|--|---|

**OFFICE OF THE PROVINCIAL ELECTION COMMISSIONER,  
SINDH, KARACHI**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. Mr. M. H. Zaidi,<br/>Provincial Election Commissioner.</li> <li>2. Hafiz Ilyas Ahmed Siddiqui,<br/>Deputy Election Commissioner,<br/>(HQ).</li> <li>3. Mr. Safi-ur-Rehman Iqbal,<br/>Deputy Election Commissioner<br/>(Els.).</li> <li>4. Mr. Ahmed Ali Halepota,<br/>Deputy Election Commissioner<br/>Karachi Division.</li> </ol> | <ol style="list-style-type: none"> <li>5. Ch. Qamaruzzaman,<br/>Deputy Election Commissioner,<br/>Hyderabad Division.</li> <li>6. Mr. Sono Khan Balouch,<br/>Deputy Election Commissioner,<br/>Sukkur Division.</li> <li>7. Mr. M. Imran Siddiqui,<br/>Deputy Election Commissioner,<br/>Mirpurkhas Division.</li> <li>8. Mr. Ghaffar Ahmed Qureshi,<br/>Deputy Election Commissioner,<br/>Larkana Division.</li> </ol> |
|---|---|

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2. Mr. Ikramullah Khan Durrani,  
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7. Ch. Talib Hussain,  
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8. Mr. Muhammad Altaf Khan,  
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9. Mr. Inayat-ur-Rehman Khan,  
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Sibi Division.
6. Mr. Masood Ahmed Mir,  
Deputy Election Commissioner,  
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7. Mr. Qamaruddin M. Mahessar,  
Deputy Election Commissioner,  
Nasirabad Division.
8. Mr. Ali Asghar,  
Deputy Election Commissioner,  
Mekran Division.





## ERRATA

Sl. No.	Page No.	Paragraph No.	Line No.	Printed matter	Correct matter
1.	(ii)	—	9	Comission	Commission
2.	5	6	2	Januray	January
3.	12	16	Column: 2 (Heading)	Castes	Seats
4.	12	16	Column: 4 (Heading)	Cases	Castes
5.	19	(g)	5	rightous	righteous
6.	19	(g)	6	lays	pays
7.	21	8	Heading	Recomendations	Recommendations
8.	23	6	6	electrical	electoral
9.	28	(j)	7	respondants	respondents
0.	28	(j)	9	inconvenience	inconvenience
1.	29	9(i)	3	elegible	eligible
2.	31	12	2	for	from
3.	33	17	2	Adminisration	Administered
4.	35	23	6	fo	of
5.	48	23	5	genral	general
6.	48	23	8	constituecies	constituencies
7.	48	23	14	void	avoid
8.	50	2	1	administration	administrative
9.	59	(4)	6	therefore	therefor
0.	74	10	7	advice	invoice
1.	79	25	10	essorted	escorted
2.	86	2	3	Eelection	Election
3.	87	5	4	tranquality	tranquillity
4.	88	15	5	kint	knit
5.	88	15	5	decidated	dedicated
6.	89	3	6	29th	30th
7.	93	—	4	abraod	abroad
8.	102	(iii)	17	genuiness	genuineness
9.	102	(iii)	18	manupulating	manipulating
0.	110	6	5	was	were
1.	112	6	8	entitled	entitled

sr. No.	Page No.	Paragraph No.	Line No.	Printed matter	Correct matter
32.	113	9	4	secutiny	scrutiny
33.	122	10	5	consistuted	constituted
34.	125	20	3	hearing the	hearing and
35.	138	3	1	The	In
36.	171	(4)	2	parochal	parochial
37.	171	(6)	2	hours	tours
38.	179	(n)(i)	2	legates	legatee
39.	188	(9)	1	is	are
40.	190	(d)	2	Lahore	Lahori
41.	191	14	2	was	were
42.	196	—	5	bundred	hundred
43.	202	11	7	invested	vested
44.	202	12	4	candidte	candidate
45.	207	28	10	throgh	through
46.	208	32	2		after
47.	209	34	3		polling
48.	211	1	1	eargerness	eagerness
49.	238	16	5	category on	category of
50.	243	—	4	intrduced	introduced
51.	282	7	4	threatens	threatened
52.	293	9	15	post	past
53.	327	1	3	scintillanting	scintillating
54.	348	—	21	frarud	fraud
55.	355	—	21	asusred	assured
56.	356	—	7	partly	party





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