

REPORT ON THE GENERAL ELECTIONS 1988



VOLUME I

**ELECTION COMMISSION OF PAKISTAN
ISLAMABAD**

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CHAPTER — I

THE AFTERMATH OF 1985 GENERAL ELECTIONS

The Constitution of the Islamic Republic of Pakistan, 1973 which was held in abeyance under the Proclamation of 5th July, 1977, was revived with effect from March 10, 1985, under the Revival of the Constitution of 1973 Order, 1985 (P.O. No. 14 of 1985) subject to the amendments specified in the Schedule thereof.

2. The Parliament and the Provincial Assemblies elected in February–March, 1985, started functioning and the President made oath of office on March 23, 1985, for a new term of five years under the Constitution.

3. The President, in exercise of the powers vested in him under Article 91(2) of the Constitution, nominated Mr. Mohammad Khan Junejo, a Member of the National Assembly, as the Prime Minister. The Prime Minister-designate made oath of office on March 23, 1985, and obtained unanimous vote of confidence from the members of the National Assembly on March 24, 1985. The new Prime Minister formed the Federal Cabinet to run the Government.

4. Similarly, the new Chief Ministers were nominated by the Governors in the Provinces. They received vote of confidence from their respective Provincial Assemblies and formed their cabinets to run the Provincial administration.

5. The Constitution (Eighth Amendment) Act, 1985, was enacted by Parliament on November 11, 1985. The Proclamation of the Withdrawal of Martial Law was made and Martial Law was lifted from the country on December 30, 1985. The Laws (Continuance in Force) Order, 1977, the Provisional Constitution Order, 1981, the Election Commission Order, 1977 and the Election Commission (Reconstitution) Order, 1980, were repealed under the Proclamation of Withdrawal of Martial Law.

6. Ban imposed on the activities of the political parties under Martial Law Regulation No. 48 on October 16, 1979, continued to remain in force

under the Provisional Constitution Order, 1981. With the repeal of Provisional Constitution Order, the political activities in the country revived and the provisions of the Political Parties Act, 1962, became operative. The process of registration of political parties, which had remained suspended, recommenced on January 20, 1986.

7. With the revival of the Constitution, provisions relating to the conduct of elections and the appointment and duties of the Chief Election Commissioner and the Election Commission became operative with effect from December 30, 1985. Pursuant to the provision of Article 217 of the Constitution, Mr. Justice S.A. Nusrat, Judge of the Supreme Court of Pakistan, was nominated to act as Chief Election Commissioner from that date. Under Article 218 of the Constitution, the President constituted on January 19, 1986, an Election Commission consisting of the following:—

1. Mr. Justice S.A. Nusrat,
Acting Chief Election Commissioner.
2. Mr. Justice Muhammad Rafique Tarar,
Judge, Lahore High Court.
3. Mr. Justice Ally Madad Shah,
Judge, Sind High Court.

8. Mr. Justice Ally Madad Shah retired as a Judge of the High Court and he was replaced by Mr. Justice Abdul Razzak A. Thahim of Sind High Court as a member of the Commission with effect from the 7th December, 1987.

9. The general elections to the National Assembly and the Provincial Assemblies were held in 1988 under the superintendence and directions of the Election Commission.

CHAPTER — II

**STRUCTURE OF THE PARLIAMENT
AND PROVINCIAL ASSEMBLIES****Form of Government**

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

The President

2. The President is the Head of State and represents the unity 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.

The Parliament

3. 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.

Provincial Assemblies

4. Each Province has its own legislature called the Provincial Assembly. 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 has been explained in a table appearing at paragraph 15.

Election by secret ballot

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

Separate Electorates

6. 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.

Composition of the National Assembly

7. The National Assembly has a total number of 237 seats. Of these, 207 Muslim seats are allocated to the Provinces on the basis of population. Twenty seats have been reserved for women. The following table would show the composition of the National Assembly:—

Province/Area	Muslim Seats	Seats reserved for women	Total
The Federal Capital	1	—	1
Federally Administered Tribal Areas	8	—	8
Punjab	115	12	127
Sind	46	4	50
N-W.F.P.	26	2	28
Baluchistan	11	2	13
Total:—	207	20	227

In addition, ten seats have been reserved in the National Assembly for the minority communities 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

8. Members of the National Assembly from the Muslim seats are elected by the Muslim voters and the non-Muslim members of each minority community are elected by the voters belonging to that community.

9. Women members of the National Assembly from a Province are elected by the electoral college consisting of the members of the National Assembly from that Province in accordance with the system of proportional representation by means of a single transferable vote.

Composition of the Senate

10. The Senate 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.

11. The composition of the Senate is indicated in the following table:—

Province/Area	General Seats	Special seats for Ulema, technocrats & other professionals	Total
1	2	3	4
The Federal Capital	3	—	3

1	2	3	4
Federally Administered Tribal Areas	8	—	8
Punjab	14	5	19
Sind	14	5	19
N-W.F.P.	14	5	19
Baluchistan	14	5	19
Total:—	67	20	87

Mode of election to the Senate

12. 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.

13. 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.

14. The members of the Senate from the Federal Capital were previously elected by all members of the National Assembly through motions decided in the open House. This mode has been modified in 1988 to the extent that members of the National Assembly elect members of the Senate from the Federal Capital in accordance with the system of proportional representation by means of a single transferable vote by secret ballot.

Composition of the Provincial Assemblies

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

Provincial Assembly	Muslim Seats	Seats reserved for non-Muslims					Total non-Muslim Seats	Seats reserved for women	Total Seats
		Christians	Hindus & persons belonging to the Scheduled Castes	Sikh, Budhist and Parsi communities and other non-Muslims	Persons belonging to the Quadiani group or the Lahori group (who call themselves Ahmadis)				
1	2	3	4	5	6	7	8	9	
Punjab	240	5	1	1	1	8	12	260	
Sind	100	2	5	1	1	9	5	114	
N-W.F.P.	80	1	—	1	1	3	4	87	
Baluchistan	40	1	1	1	—	3	2	45	
Total :—	460	9	7	4	3	23	23	506	

Mode of election to the Provincial Assemblies

16. As in case of the National Assembly, members of the Provincial Assemblies from the Muslim seats are elected by the Muslim voters and the members of each minority community are elected by the voters enrolled on the electoral roll of that community. Women members of a Provincial Assembly are elected by the electoral college consisting of the members of that Assembly in accordance with the system of proportional representation by means of a single transferable vote.

CHAPTER — III

THE ELECTORAL ROLLS

Immediately after the culmination of the process of general elections to the National Assembly, the Provincial Assemblies and the Senate in May, 1985, the Election Commission took up plans for the future. Preparation of electoral rolls was given the first priority.

The electoral rolls

2. An accurate and authentic electoral roll or register of voters provides sound basis for free, fair and impartial elections. In all democratic countries, the electoral roll is generally used by the election authorities for conduct of elections to various tiers of the democratic institutions as also by the political parties for organizing their election campaign.

3. In Pakistan, the electoral rolls are used for:—

- (a) election to the National Assembly and the Provincial Assemblies by the Election Commission;
- (b) the conduct of Referendum by the Election Commission, if called under the Constitution; and
- (c) election to the local councils by the Provincial Election Authorities which are separate from the Election Commission.

Need for preparation of fresh electoral rolls

4. The existing electoral rolls had been originally prepared during 1978-79 and were updated in 1982-83. A large number of entries in these rolls had become obsolete due to deaths, shift of population, etc., and a large number of persons who attained the age of 21 years thereafter had become qualified to be enrolled as voters. In addition, the changes made in the territorial limits of some of the administrative units since the preparation of existing rolls in 1978-79, also required that the register of voters should conform to the existing units. In order, therefore, to afford an opportunity to all persons entitled to be enlisted as voters and also to provide for separate

electoral rolls for each of the four categories of the non-Muslims, preparation of the fresh electoral rolls was decided upon by the Chief Election Commissioner.

Computerisation of Electoral Rolls

5. Before embarking upon the task of actual preparation of electoral rolls, the Chief Election Commissioner gave due consideration to the modernisation and computerisation of the entire process of elections in Pakistan. For this purpose, he —

- (a) constituted a Working Group consisting of experts from the Election Commission, the Registration and Census Organisations, Pakistan Computer Bureau to carry out intensive study of the feasibility of the scheme of automation of National Registration System and preparation of draft electoral rolls as a by-product of that system; and
- (b) invited Dr. Theo Metzen, a Consultant from West Germany, to visit Pakistan for a pre-feasibility study/discussion on the use of electronic data processing and vote counting machines.

6. After due deliberations, the Working Group made the following recommendations:—

- (a) Fresh electoral rolls for the local council elections scheduled to be held in the second half of the year 1987, may be prepared by the Election Commission through the conventional method, as provided by the Electoral Rolls Act, 1974 and the Electoral Rolls Rules, 1974. These rolls may be utilized for the purpose of subsequent general elections by updating/revising them in accordance with the procedure laid down in the law.
- (b) After the proposal regarding automation of National Registration System is finalized in all respects and implemented by the Registration Organization, the task of preparation of draft electoral rolls from the data computerized by that Organisation be undertaken jointly by the Election Commission and the Registration Organization in a few selected districts as a pilot

project. The scope of this exercise can thereafter be expanded fully or to a reasonable extent, and improved further in the working of pilot project. The draft electoral rolls for the entire country may thus be prepared through the data computerized under the automation scheme after the preparation of rolls in 1987.

- (c) Since the electoral rolls have to be published both in Urdu and Sindhi languages in case of Sind Province and in Urdu in case of other Provinces, the Registration Organization may, in the meantime, explore the possibility of producing the computer print-outs in these two languages.

7. With regard to the preparation of electoral rolls, the German consultant generally agreed with the recommendations of the Working Group. After taking into account both the reports, the Chief Election Commissioner decided to prepare the fresh electoral rolls through conventional method as envisaged by the Electoral Rolls Act, 1974 and the Electoral Rolls Rules, 1974.

Legal Frame Work

8. Under Article 219 of the Constitution, the Chief Election Commissioner is charged with the duty of preparing the electoral rolls for election to the National Assembly and the Provincial Assemblies, and revising such rolls annually. The relevant law under which the electoral rolls are prepared and maintained is embodied in the Electoral Rolls Act, 1974 and the Electoral Rolls Rules, 1974.

9. The Electoral Rolls Act, 1974 provides that the electoral rolls shall be prepared under the superintendence, direction and control of the Chief Election Commissioner. The concept of the separate electorates for the Muslims and the non-Muslims has been introduced by the Constitution. Under Article 51(2A) and Article 106(3) of the Constitution, non-Muslims have been divided into four categories as per detail given below:—

- (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).

The system of separate electorates envisages that the Muslim voters are entitled to vote at an election to a Muslim seat and the non-Muslim voters, belonging to a particular community, vote for election of member of that community of the non-Muslims in an Assembly.

10. The Constitution and the Electoral Rolls Act, 1974 provide that a person shall be entitled to be enrolled as a voter in an electoral area if—

- (a) he is a citizen of Pakistan;
- (b) he is not less than 21 years of age;
- (c) he is not declared by a competent court to be of unsound mind; and
- (d) he is, or is deemed under section 7 of the Electoral Rolls Act, 1974, to be resident in the electoral area.

Provincial Laws

11. The Provincial laws relating to the formation and election of local councils provide that the electoral rolls prepared for election of members of the Provincial Assemblies shall be the electoral rolls for election to the local councils. These rolls are required to be utilized by the Provincial Governments, for elections to local councils, after necessary adjustment, arrangements, adaptation or adoption to meet their requirement. In order, therefore, to facilitate the use of electoral rolls for elections to the Assemblies as well as to the local councils, the Chief Election Commissioner decided to prepare new rolls in consultation with the Provincial Governments in the light of the President's Directive No. 315 dated 29th July, 1985.

President's Directive

12. The President's Directive was to the following effect:—

- “(a) Although we have now had elections to the Local Bodies twice, and to the Provincial Assemblies and the National Assembly once, yet there does not appear to have been any appreciable improvement in the state of the electoral rolls. I am aware that the subject of improvement of electoral rolls is constantly under

review of the Election Commission; and it was discussed also recently during my meeting with the German expert whom you had invited to visit Pakistan. As he rightly pointed out, on this occasion, the information available to us, with regard to individual members of the electorate, is so incomplete and shabby that it cannot even be computerised. I am sure you must have taken note of his observation that, for a country like Pakistan, centralised preparation, or compilation, of electoral rolls, is neither feasible, nor advisable. In view of this, we have to devise some alternative ways and means of improving the state of present electoral rolls. For a trial run, the next Local Bodies elections, due in 1987, should be taken as the target, and, finally, the rolls be brought as up to date as possible within our means by the next General Elections in 1990.

- (b) There is considerable weight in the opinion, expressed earlier on by several experienced civil servants and some objective politicians, that the best course is to entrust the task of preparation of electoral rolls to the local administration. In other words, assisted by appropriate staff, Naib Tehsildars, Tehsildars, Assistant Commissioners, and Deputy Commissioners, in their capacity as Agents of the Chief Election Commissioner, could carry out a house-to-house campaign, and remodel and update the entire electoral rolls in the next two years.
- (c) This is not such a difficult job. In order to implement it, I suggest that a team of experts from the Election Commission selected by the Chief Election Commissioner, should carry out an assessment and prepare a policy brief, which should be discussed at a special meeting to be chaired by me. This meeting should also be attended by the Provincial representatives, some selected heads of local administration, and other specially invited suitable persons."

Consultation with Provincial Governments

13. The Provincial Governments were accordingly associated by the Commission with this project closely from the stage of initial planning. Involvement of the Provincial Governments with this work was considered to be essential for two reasons; firstly, the officers and staff of Provincial

Governments were to be engaged for carrying out the field operations and, secondly, the Provincial Governments were required to hold elections to the local councils on the basis of new rolls. It was, therefore, necessary to determine the basic or minimal unit as electoral area so as to facilitate the use of new rolls for election to the local councils, which is a smaller unit, and for election to the National Assembly or a Provincial Assembly with bigger constituencies. Several meetings of senior officers of the Commission and the Provincial Governments were held to thrash out details of this country-wide operation. The Chief Election Commissioner also met the Provincial Chief Secretaries and Secretaries, Local Government Departments, and in consequence the enumeration plan, as at Annex-I, was approved.

Use of identity card

14. The question of indicating the identity card numbers against the names of voters in the electoral roll was also discussed in detail with the representatives of the Provincial Governments. The obvious merit of inclusion of national identity card number in the roll was to prevent, or at least substantially reduce, bogus voting at the time of poll. The following demerits, however, came to light during the course of consideration of this question :—

- (a) Identity card number consisted of eleven digits and two dashes. Sufficient space will have to be provided for a thirteen digit identity card number of each voter on the roll. Consequently, each page will have only one set of entries instead of the existing double column. Consumption of paper and printing charges will resultantly increase.
- (b) Indication of identity card number on the application for enrolment by the voter in the first instance and then its transcription to draft roll and the final roll provided sufficient chances of making mistakes. A large number of incorrect identity card numbers were likely to appear on the final roll. Spurious identity card numbers will affect the authenticity of electoral roll to a great extent.
- (c) After the final publication of rolls, correction of identity card number will deface or disfigure the existing entries, thereby making them illegible.
- (d) Inaccurate identity card numbers will provide a chance of making frequent objections by the Polling Agents, thus retarding progress of smooth polling on the polling day.

- (e) Comparison of identity card number with entries on the roll by polling staff will also slacken the pace of polling.
- (f) An unscrupulous Presiding Officer may turn out an otherwise genuine voter from the polling station on account of inaccurate identity card number appearing on the roll. Inaccurate identity card number could thus be abused to the disadvantage of a voter by the Presiding Officer to disenfranchise him.
- (g) Possession of national identity card was not prescribed as one of the qualifications of voters under the law. This pre-condition, if super-imposed through administrative measures, was not considered to be in consonance with the spirit of the Constitution and law.

15. Weighing the arguments for and against the proposition, it was decided that identity card number should not appear on the roll as its appearance on the roll will create more problems for the voters as well as for the officials organising the election than provide facility to them. The object of preventing bogus voting can well be achieved by making production of national identity card mandatory, under the law, for the identification of voters at the polling stations.

Printing of rolls through computerized process

16. In order to improve the quality of new rolls, several proposals were considered. A committee of officers was constituted to explore the possibility of printing the rolls through the computerised process of "Noori Nastaaliq". After making necessary inquiries from the concerned agencies, it transpired that computerized process was too expensive and the capability and capacity of the local presses was too limited to undertake such a voluminous work. It was, therefore, decided to arrange the printing of rolls through the Printing Corporation of Pakistan.

Electoral machinery

17. For accomplishment of the task of preparation of fresh electoral rolls, necessary machinery was evolved in accordance with the provisions of law. Major components of the electoral machinery were the District

Registration Officers, Assistant District Registration Officers, Revising Authorities, Registration Officers, Assistant Registration Officers, the Supervisors and the Enumerators.

18. For the timely and satisfactory completion of all phases of the process involved in the preparation of new rolls in a district, the Chief Election Commissioner appointed all Deputy Commissioners and Political Agents as District Registration Officers for their respective districts/agencies. Although the Deputy Commissioners were associated with this work in the past, yet their appointment as District Registration Officers, the Deputy Commissioners held superior charge over the Registration Officers of their districts and they were generally required to perform the following duties in this connection :—

- (a) to oversee all arrangements and logistics;
- (b) to co-ordinate the work of Registration Officers in the district;
- (c) to ensure timely appointment of Enumerators and Supervisors according to the procedure laid down by the Commission;
- (d) to ensure completion of all phases and processes efficiently on the due date;
- (e) to provide necessary assistance to the Registration Officers and guidance to the public, as and when required;
- (f) to keep a strict watch over the progress of work and to inform the Provincial Election Commissioner of all developments from time to time;
- (g) to remove bottlenecks, if any, by sorting them out on the spot; and
- (h) to submit fortnightly report to the Provincial Election Commissioner on the progress of work in their districts.

The District Registration Officers were, however, not required to perform any legal functions under the provisions of the Act and the Rules.

19. To assist the District Registration Officer in an effective manner, the Election Officers/Assistant Election Commissioners in each

enumeration proceedings on March 31, 1986. The Chief Election Commissioner announced the procedure and the following schedule of different phases relating to the preparation of fresh electoral rolls in a Press Conference held at Karachi on 30-3-1986:—

(a) Enumeration proceedings by total coverage of all residential units in the country.	31-3-1986 to 30-6-1986
(b) Preparation of manuscript of draft electoral roll	1-7-1986 to 9-8-1986
(c) Draft publication of electoral rolls for inviting claims, objections and applications	10-8-1986
(d) Filing of claims and objections	11-8-1986 to 31-8-1986
(e) Disposal of claims and objections by the Revising Authorities	1-9-1986 to 30-9-1986
(f) Incorporation of decisions on claims and objections and preparation of manuscript of final electoral roll	1-10-1986 to 20-11-1986
(g) Printing of electoral rolls	21-11-1986 to 1-5-1987

26. On demand of the public and the political parties, the schedule was, however, revised twice and the task was ultimately accomplished as per following schedule:—

(a) Enumeration proceedings by total coverage of all residential units	31-3-1986 to 31-7-1986
(b) Preparation of manuscript of draft electoral rolls	1-8-1986 to 9-9-1986

district were appointed as Assistant District Registration Officer. They performed all administrative work in the district relating to the preparation of electoral rolls and also worked as Staff Officers of the District Registration Officers as before. The Assistant District Registration Officer kept liaison with the Registration Officers, the Deputy Commissioners and the Provincial Election Commissioners.

20. For the completion of this gigantic task of national importance, a well-knit task force consisting of 309 Registration Officers, 1,028 Assistant Registration Officers, 288 Revising Authorities, 12,999 Supervisors and 37,841 Enumerators were engaged by the Chief Election Commissioner for a total number of 52,824 electoral areas in the country as per detail given below:—

<i>Province/Area</i>	<i>No. of Electoral Areas</i>
Federal Capital	285
Punjab	28,277
Sind	8,193
N-W.F.P.	9,211
Baluchistan	6,858
Total:—	<u>52,824</u>

21. 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, Mukhtiarkars, Assistant Education Officers, Head Masters of High Schools, etc. The appointment of Revising Authorities was made from amongst the Judicial Officers.

22. School teachers, Patwaries and junior employees of various Government Departments were appointed as Enumerators. Supervisors were appointed from Head Masters of Middle and Primary Schools, Qanungos/Supervisory Tapedars, Agriculture Field Assistants and other employees of that level from Government and semi-Government Organizations. Appointment of the employees of local bodies as Enumerators and Supervisors was, however, prohibited for administrative reasons.

Forms of Enrolment

23. As far as possible, the forms required to be used in this process were simplified within the frame work of law. Various forms and registers were printed and distributed to the enumerators and Supervisors well before the commencement of enumeration proceedings. These forms were supplied to the public free of cost. Detail of the forms and registers printed and supplied for preparation of the rolls in 1986-87 is tabulated below :—

Item	Punjab	Sind	NWFP	Baluchistan	Total
Forms —					
I	56,000	17,000	12,000	7,800	92,800
II	12,250,000	4,735,900	3,037,100	1,080,000	21,103,000
III	1,260,000	387,100	253,100	90,000	1,990,200
IV	1,125,000	473,100	210,800	77,000	1,885,900
V	385,000	190,600	70,000	26,000	671,600
VI	385,000	190,600	70,000	26,000	671,600
VII	26,000	12,500	12,000	450	50,950
VIII	480,000	439,500	15,900	20,000	955,400
IX	160,000	34,500	25,400	9,000	228,900
X	35,000	53,600	1,000	1,300	90,900
XI	13,000	34,300	400	800	48,500
XII	13,000	30,300	400	800	44,500
Registers —					
Claims	3,500	600	300	250	4,650
Objections	1,500	600	300	250	2,650

24. In addition, the manual of instructions for the guidance of Registration Officers and Assistant Registration Officers, along with the relevant law, was supplied to the Registration Officers and Assistant Registration Officers simultaneously. Similarly, Manual for the Revising Authorities was supplied to all Revising Authorities for their guidance. A booklet containing instructions for the guidance of Enumerators and Supervisors was also published and distributed to them. A brief course was arranged at district/tehsil/sub-division level for the training of Enumerators and Supervisors to make them understand fully the relevant legal provisions and the procedure for the registration of voters.

Schedule for enumeration

25. All administrative arrangements for the preparation of fresh electoral rolls were finalised in time and the stage was set to launch the

- | | |
|---|-------------------------------|
| (c) Draft publication for inviting claims and objections | 10-9-1986 |
| (d) Filing of claims and objections | 11-9-1986
to
30-10-1986 |
| (e) Disposal of claims and objections by the Revising Authorities | 1-11-1986
to
31-11-1986 |
| (f) Incorporation of decisions on claims and objections and preparation of manuscript copies of final electoral rolls | 1-12-1986
to
31-12-1986 |
| (g) Checking of the manuscripts by the Election Officers | 1-01-1987
to
31-01-1987 |
| (h) Printing of electoral rolls | 4-2-1987
to
30-9-1987 |
| (i) Final publication | 8-10-1987 |

Publicity

27. The Election Commission had chalked out a phased publicity programme for various stages of the enumeration proceedings through Radio, TV and the national and regional newspapers. The publicity programme was meant to educate the masses in the procedure of enrolment and other relevant information. The District Registration Officers and Registration Officers were required to make local arrangements for publicity for the guidance of public to inform them of the Registration Officers and Assistant Registration Officers of their areas and the display centres of electoral rolls, when published. In addition, paid advertisements in all the national, regional and local newspapers

were also arranged to publicize the dates fixed for various phases of the operation.

Procedure of enrolment

28. As a first step, the enumerator was required to survey the area to prepare a list of households of the area assigned to him. This list was checked by him through a physical verification of the house-holds and by comparison with the previous electoral rolls. Thereafter, the enumerators visited each house personally and obtained from the head of house-hold a statement containing requisite particulars of such persons living there as were eligible to be enrolled as voters. After obtaining and verifying the statements from all house-holds, the enumerator passed on to the Supervisor these statements, duly arranged in serial order, along with the list of house-holds. The Supervisor further verified the entries in all statements after a personal house to house visit. The forms, duly corrected, checked, verified and signed by the Supervisors, were then passed on to the Assistant Registration Officer concerned who, in turn, verified the entries to the extent of 10% by personal house to house visit.

29. The manuscript roll was prepared by the enumerators in a printed register. From this register, three copies of the roll were prepared for preliminary publication. The roll for the Muslim voters of each area was prepared in two parts, one for male voters and the other for female voters. Similarly, the roll of non-Muslim voters of each category was split into two parts, one containing the names of male voters and the other of the female voters.

Draft Publication

30. The draft rolls were published on September 10, 1986 through-out the country for the purpose of inviting claims for fresh enrolment, objection to the enrolment of a person and applications for correction of existing entries in the rolls. The draft rolls were placed on display at about sixty thousand display centres for public inspection in each electoral area, ward and sub-ward, such as schools, post offices, union council offices, in addition to the offices of Registration Officers, Assistant Registration Officers and Election Officers, etc.

Registration of voters on draft rolls

31. In all 4,80,09,545 voters were brought on the preliminary electoral rolls as per detail given below:—

<u>Area/Province</u>	<u>Voters enrolled on draft rolls.</u>
The Federal Capital	1,89,074
Punjab	2,88,83,001
Sind	1,05,86,862
N-W.F.P.	59,33,333
Baluchistan	24,17,275
Total:—	<u>4,80,09,545</u>

Special Inquiries

32. In the meantime, the Election Commission started receiving complaints of over-enumeration and under-enumeration of voters from different parts of the country. The Chief Election Commissioner took a serious note of these complaints and directed senior officers of the Commission to personally investigate the complaints. The Commission remained active throughout the process and entertained all complaints from individuals and the political parties, without any exception. All complaints were investigated and the Commission spared no effort in making this national document as authentic and accurate as possible.

Additions, Deletions ordered by the Chief Election Commissioner

33. As a result of this extra effort, the preliminary electoral rolls of two sub-divisions, namely, Batagram of Mansehra district, and Duki-Sinjawi of Loralai district, were scrapped as a whole and fresh rolls were ordered to be prepared. In addition, enrolment of 8,322 eligible persons as voters and removal of the names of 1,48,648 ineligible persons from the rolls of various areas was ordered by the Chief Election Commissioner. The highest number of

names of ineligible persons removed from the electoral rolls was 51,458 in Kachhi district and 49,763 in Jacobabad district. All complaints about omissions or bogus entries were promptly processed and disposed of on merit.

Claims, Objections and applications for correction

34. With reference to the preliminary list of voters, 3,08,433 claims for new entries, 3,33,063 objections against the entries appearing in the roll and 24,791 applications for correction of existing entries therein were filed throughout the country. Break-up of the claims, objections and applications is given in the following table:—

Province/Area	Claims for additions	Objections for deletions	Applications for corrections	Total
Punjab	1,60,455	2,12,949	16,491	3,89,895
Federal Capital	1,213	704	84	2,001
Sind	72,290	90,940	5,394	1,68,624
N-W.F.P.	28,173	14,358	2,146	44,677
Baluchistan	46,302	14,112	676	61,090
TOTAL:—	3,08,433	3,33,063	24,791	6,66,287

The claims, objections and applications were adjudicated upon by 291 Revising Authorities within the specified time.

35. As a result of decisions of the Revising Authorities, the following position ultimately emerged:—

Applications for	Total number	Accepted	Rejected
(1) Additions	3,08,433	1,59,367	1,49,966
(2) Deletions	3,33,063	1,58,730	1,74,333
(3) Corrections	24,791	18,079	6,712
TOTAL:—	6,66,287	3,36,176	3,31,011

After incorporation of decisions of Revising Authorities, the manuscript of final electoral rolls was prepared.

Printing of electoral rolls

36. Before handing over the manuscript of final rolls to the printers, the manuscripts were thoroughly and meticulously checked and scrutinized by the Election Officers with original records so as to ensure error-free printing of the lists of voters. They again compared the calligraphed pages with the manuscripts and made necessary corrections, wherever required. The printing of electoral rolls was arranged by the Printing Corporation of Pakistan on behalf of the Election Commission. The rolls relating to the Punjab, NWF and Baluchistan Provinces were printed in Urdu. In case of the rolls of Sind Province, every entry printed in Urdu was repeated in Sindhi language also. The Printing Corporation of Pakistan engaged 169 Printing Presses for printing of the rolls as under :—

Islamabad	—	2 Presses
Punjab	—	119 Presses
Sind	—	22 Presses
NWFP	—	23 Presses
Baluchistan	—	3 Presses
		<hr/>
Total :—		169 Presses
		<hr/>

Number of copies printed

37. Two hundred copies of the new electoral rolls were printed. Of these, the Commission placed one hundred printed copies of the rolls at the disposal of Deputy Commissioners, on behalf of the Provincial Governments, for holding the ensuing elections to the local bodies. Fifty copies of rolls of the Cantonment areas were made available to the Cantonment Executive Officers for local bodies elections in these areas.

38. The Commission made special arrangement to preserve the remaining one hundred copies of the rolls at the district headquarters for elections to the National Assembly and the Provincial Assemblies.

Electoral rolls for FATA

39. Procedure for preparation of electoral rolls in respect of Federally Administered Tribal Areas has been laid down under the Preparation of Electoral Rolls (FATA) Order, 1975 (P.O. No. 1 of 1975). Under this Order, the franchise is restricted to Maliks, who are in receipt of Maliki Allowance or Lungi Allowance or are Mowajib Elders and who are not less than 21 years of age. The rolls of these areas are required to be prepared by the Political Agent or, as the case may be, the Deputy Commissioner concerned for each constituency of the Federally Administered Tribal Areas falling within his jurisdiction. In view of the restricted franchise, house to house enumeration is not necessary in these areas.

40. The rolls for the Federally Administered Tribal Areas were required to be prepared on the basis of constituencies. Since the rolls of the constituencies were already available, fresh preparation of rolls of these areas was not undertaken alongwith enumeration proceedings launched in the rest of country on March 31, 1986. Article 5 of the Preparation of Electoral Rolls (Federally Administered Tribal Areas) Order, 1975 empowered the Chief Election Commissioner to make amendments in the electoral rolls of these areas. Since the constituencies of FATA remained unchanged for 1988 general elections, the process of making amendments in the rolls of these areas continued upto October 7, 1988. Constituency-wise voting strength of these areas as on January 14, 1985 for 1985 General Elections and as on October 7, 1988 for 1988 General Elections is given below:—

No. & Name of Constituency	Name of Agency/ Tribal Area	Voting strength for 1985 elections as on 14-1-1985	Voting strength for 1988 elections as on 8-10-1988	Increase
1	2	3	4	5
NA-27 Tribal Area-I	Mohmand Agency	8,927	9,333	(+) 406
NA-28 Tribal Area-II	Kurram Agency	1,393	1,393	—
NA-29 Tribal Area-III	Orakzai Agency	7,902	8,592	(+) 690
NA-30 Tribal Area-IV	North Waziristan Agency	1,400	1,441	(+) 41
NA-31 Tribal Area-V	South Waziristan Agency	1,137	1,138	(+) 1

1	2	3	4	5
NA-32 Tribal Area-VI	Bajaur Agency	6,348	7,338	(+) 990
NA-33 Tribal Area-VII	Khyber Agency	2,777	3,737	(+) 960
NA-34 Tribal Area-VIII	Tribal Areas adjoining Peshawar, Kohat, Bannu and D.I. Khan.	1,377	1,431	(+) 54
TOTAL:—		31,261	34,403	(+) 3,142

Final Publication

41. The final electoral rolls were published throughout the country on 8th October, 1987 and displayed at prominent public places for general information of the public. In all, the names and particulars of 4,78,69,856 voters were brought on the final electoral rolls which consisted of 14,49,589 pages. The fresh electoral rolls came into force immediately on final publication and the previous rolls prepared in 1979 simultaneously ceased to exist.

42. The number of voters enrolled at the preliminary stage, the number of additions and deletions made by the Revising Authorities and the Chief Election Commissioner and the final figure of voters, as on October 8, 1987, have been tabulated in the following statement:—

Sl. No.	Province	No. of voters brought on the preliminary electoral rolls (1986-87)	Number of claims			Number of objections			Number of applications for corrections					Names enrolled by the Chief Election Commissioner	Names deleted by the Chief Election Commissioner	Number of voters registered on the final electoral rolls (1986-87)
			Filed	Accepted	Rejected	Filed	Accepted	Rejected	Filed	Accepted	Rejected	Filed	Accepted			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15		
1.	Federal Capital	189074	1213	700	513	704	341	363	84	70	14	52	289	189196		
2.	Punjab	28883001	160455	84130	76325	212949	102097	110852	16491	12067	4424	2204	16503	28850735		
3.	Sind	10586862	72290	41771	30519	90940	39512	51428	5394	3809	1585	1126	59354	10530893		
4.	N.W.F.P.	5933333	28173	15488	12685	14358	7858	6500	2146	1529	617	—	2287	5938676		
5.	Baluchistan	2417275	46302	17278	29024	14112	8922	5190	676	604	72	4940	70215	2360356		
G/Total:—		48009545	308433	159367	149066	333063	158730	174333	24791	18079	6712	8322	148648	47869856		

Population and Voters

43. The total population of Pakistan, as recorded by 1981 Census, was 8,42,53,644. The population of Muslims was 8,14,50,057 (96.67%) and that of the non-Muslims was 28,03,587 (3.33%). Excluding the population of FATA, the population of the rest of the country was 8,20,55,097. The population of the FATA was not taken into account for the reason stated in paragraphs 39 and 40.

44. As against the population of 8,20,55,097, the number of voters registered on the final electoral rolls was 4,78,69,856. The following table gives the Province-wise detail of the voters registered on the rolls of the Muslims and the non-Muslims :—

Province/Area	Population	Registered voters	Percentage
1	2	3	4
(1) The Federal Capital	3,40,286	1,89,196	55.60%
(2) Punjab	4,72,92,441	2,88,50,735	61.00%
(3) Sind	1,90,28,666	1,05,30,893	55.34%
(4) NWFP	1,10,61,328	59,38,676	53.69%
(5) Baluchistan	43,32,376	23,60,356	54.48%
TOTAL :—	8,20,55,097	4,78,69,856	58.34%

45. The percentage of registered voters in relation to population was 58.34% which appears to be reasonable. Perfection can not be claimed in a man-made document but, judging from all standards of comparison, the percentage of 58.34% was a fair reflection of the total voting strength of persons who were of the age of 21 years and above. The percentage of registered voters further indicates that no large scale over-enumeration or omission had taken place in the country as a whole.

46. Population and voting strength of the Muslims and non-Muslims, as registered in 1986-87, appears in the following Table:—

Voters by Religion	1981 Population	Voters registered in 1987	Percentage of voters to population
1	2	3	4
(1) Muslims	7,92,59,649	4,65,09,992	58.68%
(2) Christians	13,04,495	6,57,759	50.42%
(3) Hindus and Scheduled Castes	12,75,291	6,94,330	54.44%
(4) Sikhs, Budhists, Parsis and other non-Muslims	1,12,291	5,216	4.64%
(5) Quadianis	1,03,271	2,559	2.48%
TOTAL:—	8,20,55,097	4,78,69,856	58.34%

47. Out of 4,78,69,856 registered voters, the number of male voters was 2,56,98,002 and the number of female voters was 2,21,71,854. The percentage of male voters was 53.68% and the percentage of female voters was 46.32% of the registered voters.

48. The Constitution requires that elections to the National Assembly and the Provincial Assemblies shall be held on the basis of separate electorates for the Muslims and the non-Muslims. For the purpose of elections, the minority communities stand divided by the Constitution into four groups, viz : (1) the Christians, (2) Hindus and Scheduled Castes, (3) Sikh, Budhist and Parsi communities and other non-Muslims and (4) Quadianis. Pursuant to the Constitutional provisions, the Commission prepared new rolls separately for each group of the non-Muslim voters and for the sake of distinction, the rolls were printed in different colours as per detail given below:—

(1) Muslim voters

— White

- | | | |
|--|---|--------|
| (2) Christian voters | — | Pink |
| (3) Hindus and Scheduled Castes voters | — | Blue |
| (4) Sikh, Budhist, Parsi and other non-Muslim voters | — | Yellow |
| (5) Quadiani voters | — | Green |

49. The electoral rolls of all the five categories of voters, both male and female, of an electoral unit were grouped together in the form of a book in the above order. In cases where no voter of a particular category of the non-Muslims was registered, a certificate to that effect was invariably recorded on the paper of prescribed colour and added to the relevant roll. Similar certificates were also appended to the rolls in case of "Be-Chiragh" areas. Outer cover or the title page of the roll of each unit indicated particulars of the electoral unit and a list of the voting strength of each category of voters. In other words, the new roll is a self-contained register of voters of an electoral unit.

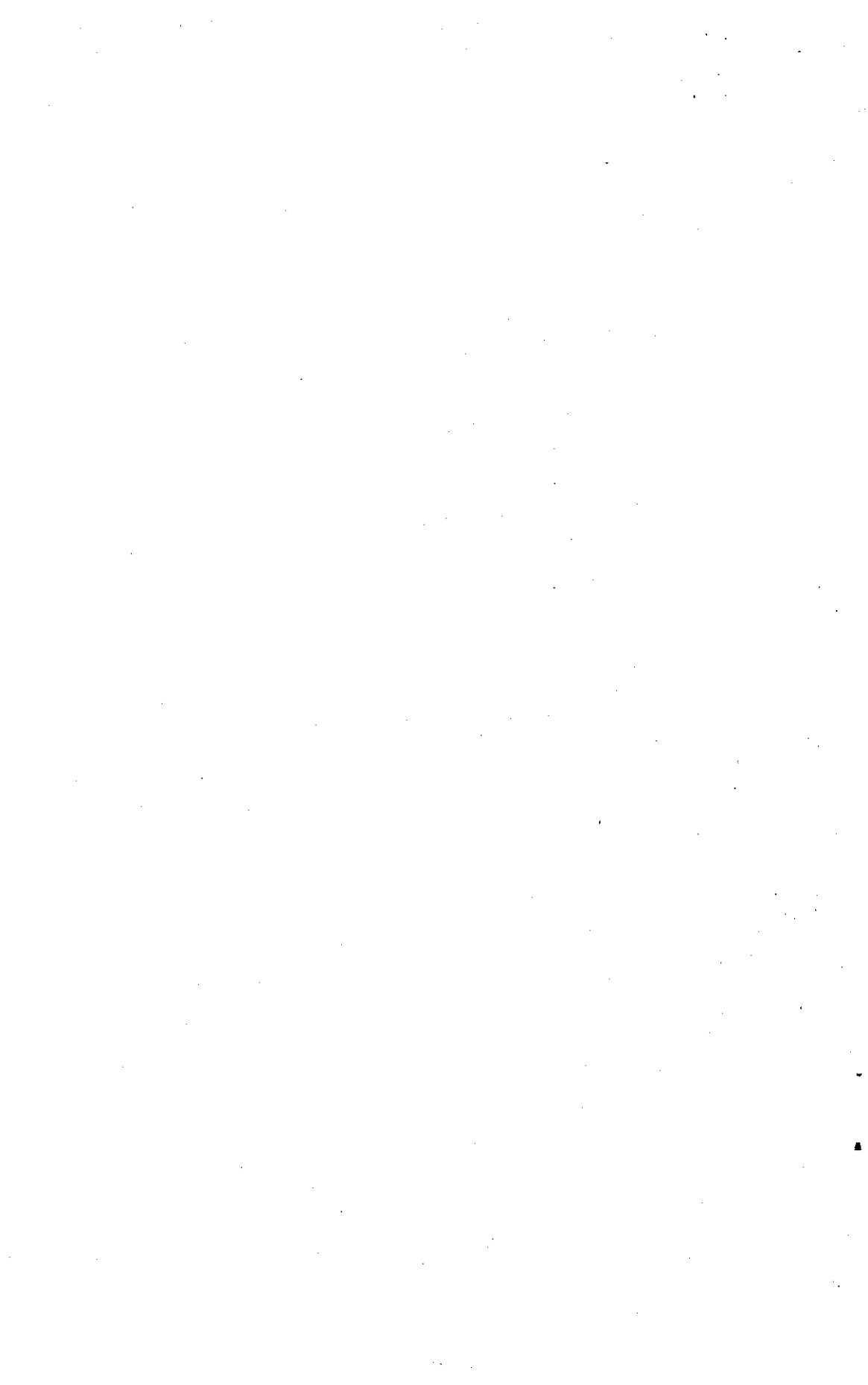
50. Taking advantage of the past experience, a much smaller but well defined area was adopted as a basic unit for the preparation of the electoral rolls. Subsequent addition of new names at the end of the rolls of the same locality has been made possible. This arrangement was made with a view to facilitating assignment of voters of the same locality or area to one and the same polling station on the eve of the polls. This was not possible previously because of larger size of the basic unit.

51. The quality and typography of the previous electoral rolls was generally considered to be faulty for sub-standard calligraphy and printing. The new rolls were uniformly printed on a better quality paper, in manageable foolscap size, in accordance with the style, specification and typography which was prescribed by the Commission and circulated to the printers before-hand.

Updating, maintenance and sale of electoral rolls

52. Amendment to the electoral rolls is a continuous process under section 18 of the Electoral Rolls Act, 1974. The electoral roll has to be updated, maintained and kept in a state of readiness for use in elections. Keeping in view the importance of this voluminous national document, the process of its updating, maintenance and sale was streamlined on a scientific basis.

Elaborate procedure was devised for this purpose in a broucher titled "Usage & Maintenance of Electoral Rolls" which was published in Urdu for the first time and supplied to the field offices of the Commission.



CHAPTER — IV

ELECTION TO THE SENATE

Term of office of Senators

The Senate of Pakistan (Upper House of the Parliament) consists of 87 members who were elected in March, 1985 in accordance with the system of proportional representation by means of a single transferable vote. Clause (3) of Article 59 of the Constitution provides that the Senate shall not be subject to dissolution but the term of its members, who shall retire as follows, shall be six years:—

- (a) Of the fourteen members elected from each Province against the general seats, seven shall retire after the expiration of the first three years and seven shall retire after the expiration of the next three years.
- (b) Of the five members elected from each Province against the special seats for 'Ulema', technocrats and other professionals, two members shall retire after the expiration of first three years and three shall retire after the expiration of next three years.
- (c) Of the eight members elected from the Federally Administered Tribal Areas, four shall retire after the expiration of first three years and four shall retire after the expiration of the next three years.
- (d) Of the three members elected from the Federal Capital, one shall retire after the expiration of first three years and two shall retire after the expiration of the next three years.

2. The members of the Senate elected in 1985 were, therefore, required to be divided in two groups: the first group having three years' term of office and the second group having six years' term of office. The term of 41 members

was to be determined as three years and the term of 46 members was to be determined as six years, as would appear from the following table:—

Province/Area	General seats			Special seats			Term of office			Total
	Total	3 years term	6 years term	Total	3 years term	6 years term	3 years term	6 years term	6 years term	
1	2	3	4	5	6	7	8	9	10	
Punjab	14	7	7	5	2	3	9	10	19	
Sind	14	7	7	5	2	3	9	10	19	
N-W.F.P.	14	7	7	5	2	3	9	10	19	
Baluchistan	14	7	7	5	2	3	9	10	19	
Federal Capital Islamabad	3	1	2	—	—	—	1	2	3	
FATA	8	4	4	—	—	—	4	4	8	
TOTAL:—	67	33	34	20	8	12	41	46	87	

Procedure for drawal of lots

3. Section 82A of the Senate (Election) Act, 1975 provides that the Chief Election Commissioner shall draw lots to divide the members of the Senate into two groups in the prescribed manner. The manner for drawing of lots was neither prescribed in the Senate (Election) Act, 1975 nor in the Senate (Elections) Rules, 1975. After careful consideration, a detailed procedure for that purpose was prescribed and notified in the official Gazette *vide* S.R.O. 33(1)/88 dated the 19th January, 1988, as under:—

- (a) The proceedings shall be held in the presence of the Senators or their authorized representatives and such press and media representatives as may wish to attend;
- (b) identical slips containing the names of the Senators printed in english shall be used;
- (c) another set of identical slips containing the words "First Group — Three years' Term" and the words "Second Group — Six years' Term" printed in English shall be used;

- (d) the lots shall be drawn in the following alphabetical order of Urdu language :—
- (i) Baluchistan.
(general seats and special seats),
 - (ii) Punjab.
(general seats and special seats),
 - (iii) Sind.
(general seats and special seats),
 - (iv) North-West Frontier Province.
(general seats and special seats),
 - (v) Federal Capital,
 - (vi) Federally Administered Tribal Areas;
- (e) the drawal of lots shall take place separately for the general seats and the special seats of each Province ;
- (f) two baskets or cartons, with lids, shall be placed in front of the Chief Election Commissioner, visible to the audience. One of the baskets, labelled as "Names", shall be utilized to contain the slips bearing names of the Senators and the other basket, labelled as "Term of office", shall be used for containing the slips indicating the term of office. Lots in respect of the Senators elected from the general seats of a Province shall be drawn first. One person from amongst the audience shall be invited at random by the Chief Election Commissioner to read out loudly the name printed on a slip and then fold that slip and put it in the basket meant for names. In this manner, the slips containing names of all the fourteen Senators elected to general seats from a Province shall be put in the concerned basket or carton and covered with lid. Thereafter, seven slips indicating "First Group—Three years' Term" and seven slips indicating "Second Group — Six years' Term" shall be picked up, read out loudly, folded and put in the basket labelled as the "Term of Office" and covered with lid. Both the baskets will be shaken well to reshuffle the slips placed therein in order to avoid any chance of identification ;
- (g) another person from amongst the audience shall be asked by the Chief Election Commissioner to pick up one slip from each of the

- two baskets turn by turn to make a pair *i.e.* the name of a Senator and his group and term of his office which shall be read out by that person and duly recorded by an officer of the Commission, signed and announced by the Chief Election Commissioner. The Senator concerned may also append his signatures against the entry of his name if he so desires. This process shall be repeated till all the slips in the baskets are exhausted;
- (h) thereafter, the slips containing the names of five Senators elected from the special seats of that Province shall be read out loudly, folded and put in one basket. In the other basket, two slips containing the words "First Group — Three Years' Term" and three slips containing the words "Second Group — Six years' Term" shall be read out, folded and put in the basket. The folded slips shall be reshuffled in the respective baskets to avoid identification and the process of drawing of lots, as in the case of the Senators from the general seats, shall be repeated;
- (i) in case of the Senators from the FATA, eight identical slips bearing names of the Senators shall be put in one basket and in the other basket four slips containing the words "First Group — Three years' Term" and another four slips containing the words "Second Group — Six years' Term" shall be put in the same manner as in case of the Senators from a Province. The process of reshuffling, picking up of the slips and the announcement of the result of the lots by the Chief Election Commissioner shall be the same as laid down for a Province;
- (j) In case of the Federal Capital, three identical slips containing the names of three Senators shall be put in one basket. In the other basket, one slip containing the words "First Group — Three years' Term" and two slips containing the words "Second Group — Six years' Term" shall be put. Each basket shall be covered with lid and reshuffled thoroughly to avoid identification. The rest of the process shall be the same as for the Provinces and the FATA; and
- (k) in case of drawal of lot for a vacant seat, the name of the person originally elected to that seat, and the name of the person succeeding him as a result of bye-election, if any, alongwith the words "seat vacant" shall appear on the slip to be put in the

basket labelled as "Names" and the lot shall thereafter be drawn. The Chief Election Commissioner shall record the term of office against the vacant seat having been drawn in the lot and this term of office shall be term of office of the person subsequently elected to fill this seat".

Drawal of lots

4. The Chief Election Commissioner was thus in a position to hold proceedings for drawal of lots in accordance with the prescribed procedure. He accordingly decided to draw lots in the Parliament House, Islamabad, on January 30, 1988 and the following notification to that effect was issued on January 1, 1988:—

"No. F. 10(1)/86-Cord.—In pursuance of sub-section (1) of section 82A of the Senate (Election) Act, 1975 (LI of 1975), the Chief Election Commissioner is pleased to notify that the drawal of lots for the purpose of dividing the Members elected to the Senate from the Federal Capital, the Federally Administered Tribal Areas and the Provinces of the Punjab, Sind, Baluchistan and the North-West Frontier into two groups under clause (3) of Article 59 of the Constitution shall be held by him in the Parliament House, (Committee Room No. 2), Islamabad, at 10.00 A.M. on the 30th January, 1988".

5. The proceedings for drawal of lots took place at the Parliament House, Islamabad, on the due date, in the presence of a large number of the Senators, including the Chairman and Deputy Chairman, and the press representatives. The proceedings were also televised at the request of the Chief Election Commissioner for record and reference.

Term of office notified

6. The names of the Senators and term of their office, as determined by drawal of lots, were notified in the official Gazette the same evening. The term of three years of 41 Senators was due to expire on March 20, 1988 and the term of six years of the remaining 46 Senators would expire on March 20, 1991.

Election to resultant vacancies

7. In order to fill the seats to be vacated in the Senate by the first group of Senators on March 20, 1988, the following schedule of election was notified on January 21, 1988 :—

- | | | |
|-----|---|---|
| (a) | Nomination of candidates | 11-2-1988 |
| (b) | Scrutiny of nomination papers | 13-2-1988 |
| (c) | Last date for withdrawal of candidature | 25-2-1988 |
| (d) | Polling day | 3-3-1988 |
| (e) | Place of poll :— | |
| | (1) Punjab | Provincial
Assembly Building,
Lahore. |
| | (2) Sind | Provincial
Assembly Building,
Karachi. |
| | (3) NWFP | Provincial
Assembly Building,
Peshawar. |
| | (4) Baluchistan | Provincial
Assembly Building,
Quetta. |

Appointment of Returning Officers

8. The following Returning Officers were appointed for holding election to the seats noted against their names :—

- | | | |
|-------|---------------------------------------|---|
| (i) | The Provincial Election Commissioners | For the general and special seats of their respective Provinces |
| (ii) | The Joint Secretary (Elections) | For the seats of the Federally Administered Tribal Areas |
| (iii) | The Secretary, National Assembly | For the seats of the Federal Capital |

Nomination from the Provinces

9. In all 59 candidates filed nomination papers for 36 seats from the Provinces. Of these, 46 candidates were nominated for 28 general seats and 13 persons were nominated for 8 special seats, as per detail given below:—

Province	General seats		Special seats		Total	
	No. of seats	Candidates	No. of seats	Candidates	No. of seats	Candidates
1	2	3	4	5	6	7
Punjab	7	13	2	6	9	19
Sind	7	12	2	3	9	15
NWFP	7	12	2	2	9	14
Baluchistan	7	9	2	2	9	11
TOTAL:—	28	46	8	13	36	59

Election from the Punjab

10. There were thirteen candidates for seven general seats of the Punjab. As a result of withdrawal of candidature by four candidates and retirement of two candidates from the contest, seven validly nominated candidates were left in the field for seven general seats. Since the number of contesting candidates was equal to the number of seats, all of them were declared to have been elected unopposed.

11. Out of six candidates for two special seats, two candidates withdrew their candidature and two candidates retired from the contest. The remaining two contesting candidates were consequently declared elected to the Senate as a result of uncontested election.

Election from Sind

12. The total number of candidates for seven general seats of Sind was twelve. As a result of withdrawal of candidature by three candidates, nine contestants were left in the field. The poll was held on March 3, 1988, and seven candidates securing the highest number of votes were declared elected to the general seats.

13. As against two special seats, three persons had filed nomination papers. None of them withdrew from the contest. The poll was held on March 3, 1988, and of the candidates securing the requisite quota of votes were elected.

Election from N-W.F.P.

14. Twelve persons filed nomination papers for election to seven general seats from the NWFP. One of the validly nominated candidates withdrew his candidature. The election was contested by eleven candidates on March 3, 1988.

15. In case of election to two special seats, only two persons had filed nomination papers and they were declared elected unopposed.

Election from Baluchistan

16. For seven general seats from Baluchistan, there were eleven candidates. The nomination papers of two candidates were rejected. None of the validly nominated candidates withdrew from the contest. The election was contested by nine validly nominated candidates on March 3, 1988.

17. For election to two special seats, two persons filed nomination papers. The nomination papers of one candidate were rejected and the remaining one candidate was declared elected unopposed. Election to one unfilled seat was also held subsequently according to fresh schedule.

Election from FATA

18. In case of election to four seats from the FATA, the members of

the National Assembly from these areas formed the electoral college. There were then seven Members of the National Assembly in position instead of eight. Consequently, seven MNAs were able to propose and nominate only three candidates as one member of the National Assembly was, under the law, required to propose or nominate only one candidate to the Senate. Only 3 persons could thus file nomination papers for 4 seats and they were declared elected unopposed. Fourth seat remained unfilled. Election to this seat was also held subsequently.

Election from the Federal Capital

19. In all, three candidates filed nomination papers for one seat from the Federal Capital. Election was held under the Senate (Election of Members from the Federal Capital) Order, 1988, (P.O. No. 3 of 1988) and the name of the candidate returned from the Federal Capital was notified on March 20, 1988.

Completion of the process

20. The process of election to the Senate was thus completed and the names of the returned candidates from the Provinces and FATA were notified by the Commission on March 7, 1988, enabling them to make oath of their office as Senators in place of the Senators retiring on March 20, 1988, on the completion of their term of three years.

21. With the culmination of the process of drawing of lots and holding of election to the resultant vacancies, the cycle of six years' term of office for all members of the Senate was set in motion.

CHAPTER — V

REGISTRATION OF POLITICAL PARTIES

The Political Parties Act, 1962 (Act III of 1962) was promulgated on July 15, 1962 for the formation and regulation of political parties and amended in 1963, 1975, 1976, 1977, 1978, 1979, 1985 and 1988 for the purposes mentioned in the various amending ordinances.

2. Every political party was required to account for the source of its funds in accordance with the law as envisaged by clause (3) of Article 17 of the Constitution. No law was, however, enacted to make it mandatory for the political parties to render their accounts to audit.

3. The concept of registration of political parties and the manner of filing the statements of finances and accounts by the political parties for audit were simultaneously embodied in the Political Parties Act, 1962, by adding sections 3A and 3B through the Political Parties (Amendment) Ordinance, 1979, promulgated on August 30, 1979 and section 3C by Ordinance No. LIII of 1979, promulgated on 7th October, 1979.

4. Under the amended law, a political party was required to make application to the Election Commission for registration, along with copies of the foundation document or the party constitution, within a specified period. The Commission registered the political party applying for registration, after satisfying itself that—

- (a) the accounts of the party were subjected to audit ;
- (b) the party had published a formal manifesto, the party's foundation document, giving its aims and objectives and providing therein for election of its office bearers to be held periodically ;
- (c) the party had undertaken to publish any amendment to its manifesto or foundation document as and when such an amendment was made ; and

- (d) the party believed in the ideology, integrity and sovereignty of Pakistan.

5. The process of registration of political parties and the audit of accounts of the political parties was suspended in consequence of the ban imposed on the activities of political parties and on the operation of accounts of the political parties under Martial Law Regulation No. 48 issued on October 16, 1979. The ban on political activities continued under the Provisional Constitution Order, 1981.

6. Consequent upon revival of the Constitution on December 30, 1985, the provisions of the Political Parties Act, 1962, became operative again and the process of registration of political parties re-commenced. The Election Commission reviewed the provisions of the Act in a meeting held at Karachi on 19th and 20th January, 1986 to specify the manner for filing applications by political parties for registration, as required by section 3B of the Act. A Notification to this effect was issued by the Commission on January 20, 1986.

7. In pursuance of section 3B of the Political Parties Act, 1962, the Commission authorized the Accountant General, Pakistan Revenues, Islamabad to audit the finances and accounts of the political parties and to submit his audit report to the Commission within 15 days of the presentation by the political party of a statement of its accounts to him. This was also notified in the official Gazette on January 20, 1986.

8. In the meantime, the Federal Government notified the Political Parties Rules, 1986, on 18th January, 1986, and repealed the Political Parties (Audit of Accounts) Rules, 1979. The new rules required every political party to maintain proper accounts of all its income and expenditure, assets and liabilities in the form prescribed thereunder and to submit the statement of its finances and accounts to audit within six weeks of the close of each financial year. Audit report on the accounts of a political party was required to be submitted to the Election Commission within fifteen days of the filing of statements of accounts with the Accountant General, Pakistan Revenues.

9. The Accountant General, Pakistan Revenues, however, experienced difficulties in auditing the accounts of political parties for want of complete statements and supporting documents. The Ministry of Interior was

accordingly apprised of the difficulties faced by the Accountant General, Pakistan Revenues and the Political Parties Rules, 1986, were amended on July 30, 1987, as under:—

- (a) Instead of 45 days, a period of 75 days was allowed for filing the statements of accounts by the parties after close of each financial year.
- (b) Sub-rule (1a) to rule 4 was added, making it incumbent upon the political parties to furnish such documents, information and clarification relating to their accounts as may be needed by the Accountant General, Pakistan Revenues.
- (c) The period of submission of audit report by the Accountant General, Pakistan Revenues to the Commission was enhanced from 15 days to 45 days.
- (d) Form of the statement of accounts was modified so as to add therein a column for "Details of assets/liabilities indicating nature, quantum and cost."

10. In all, 53 political parties applied for registration to the Election Commission during the period from January, 1986 to January, 1987. Of these, the Commission ordered registration of the following 28 parties under the Political Parties Act, 1962:—

- (1) Pakistan Muslim League,
Islamabad.
- (2) Ghareeb Awam Party,
Karachi.
- (3) Tehrik-e-Istiqlal Pakistan,
Rawalpindi.
- (4) Jamaat-i-Islami Pakistan,
Lahore.
- (5) Pakistan Musawaat Party,
Lahore.
- (6) Pakistan Shia Political Party,
Lahore.

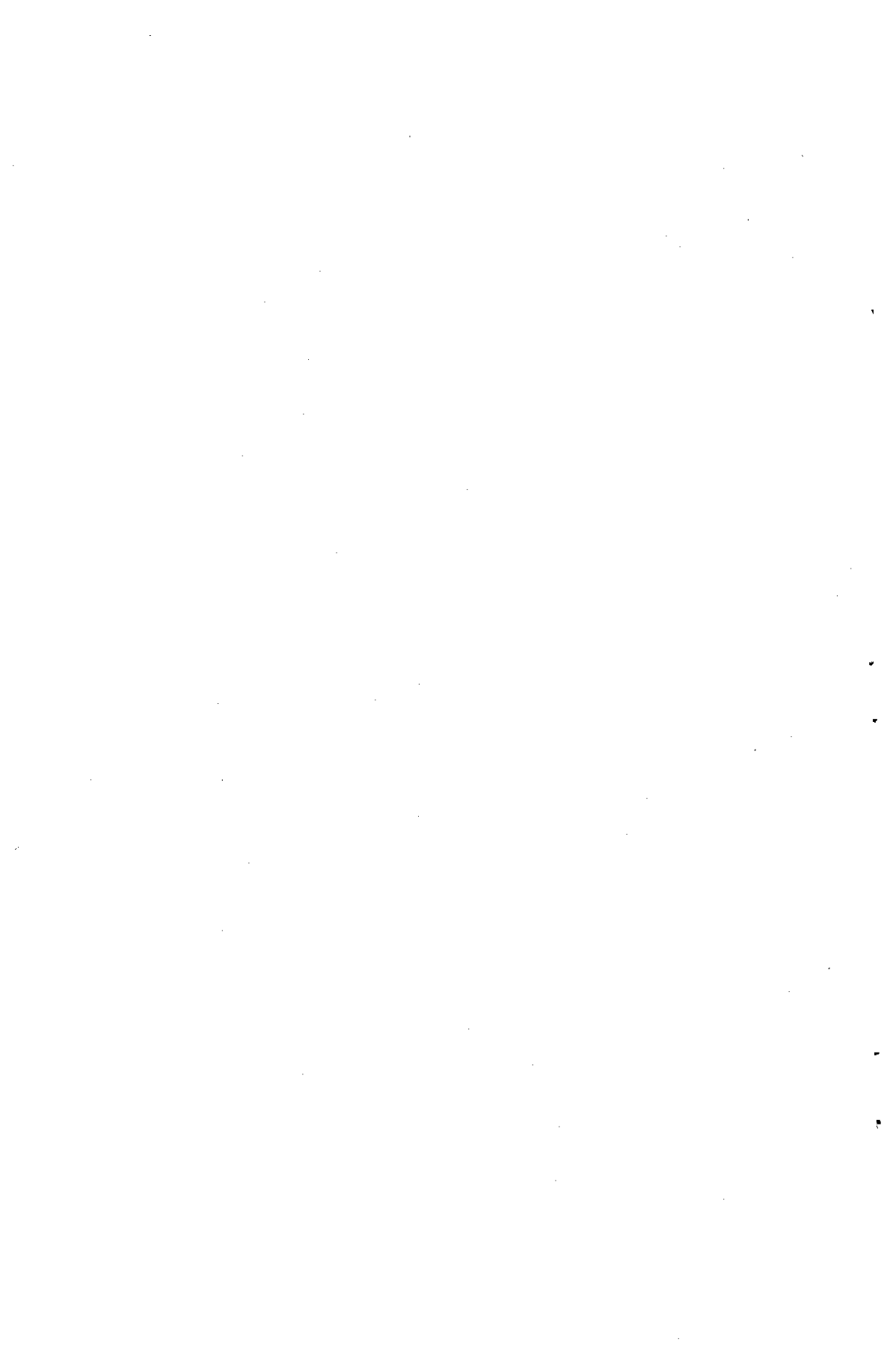
- (7) Khaksar Tehrik Pakistan,
Lahore.
- (8) Majlis-e-Ahrar-e-Islam Pakistan,
Lahore.
- (9) Jamiat-e-Ulema-e-Islam Pakistan (JUI)
- (10) Jamiat-e-Ulema-e-Pakistan (JUP)
- (11) Al-Mashriqi Khaksar Tehrik
- (12) Markazi Jamiat-e-Ahl-e-Hadees
Pakistan.
- (13) Pakistan Christians National Party,
Lahore.
- (14) Pakistan Ittehad Tehreek,
Karachi.
- (15) Pakistan National League,
Karachi.
- (16) Progressive Peoples Party Pakistan,
Karachi.
- (17) Pakistan Himayat Tehreek Pakistan,
Karachi.
- (18) Pakistan Awami League,
Karachi.
- (19) Dehat Ittehad Party,
Sahiwal.
- (20) Pakistan Masihi League,
Sialkot.
- (21) Aalmi Majlis-e-Ahrar-e-Islam.
- (22) Pakistan Muslim Mahaz,
Lahore.
- (23) Pakistan Baluch Ittehad Party,
Karachi.
- (24) Pakistan United Minorities Council,
Peshawar.

- (25) Pakistan National Masihi Kashtkar Party,
Karachi.
- (26) National Peoples Party.
- (27) Tehrik-e-Tahaffuz-i-Azmat-i-Insani
(Pakistan)
- (28) Jamaat Ahl-e-Sunnat Pakistan.

11. The process of registration of political parties was in progress when vires of the Political Parties Act, 1962, and subsequent amendments therein were challenged in the Supreme Court of Pakistan through Constitutional Petition No. 2-R of 1987, filed by Ms. Benazir Bhutto. The Supreme Court, after hearing the parties at length, held the provisions of section 3A (in part), section 3B and 3C of the Political Parties Act, 1962, to be void and of no legal effect.

12. As a result, provisions relating to the registration of political parties were struck down and the process of registration of political parties introduced in Pakistan in September, 1979 came to an end on June 20, 1988.

13. Provisions of the Political Parties Act, 1962 and the Political Parties Rules, 1986, relating to the filing of statements of finances and accounts by the political parties and their audit, however, remained in force. As a result, every political party has to render its accounts to audit in the prescribed form, within seventy-five days of the close of each financial year (July — June).



CHAPTER — VI

**DISSOLUTION OF THE NATIONAL ASSEMBLY
AND PROVINCIAL ASSEMBLIES**

**Duration of the National Assembly
and Provincial Assemblies**

Article 52 of the Constitution provides that the National Assembly shall, unless sooner dissolved, continue for a term of five years from the day of its first meeting and shall stand dissolved at the expiration of its term.

2. Similarly, under Article 107 of the Constitution, a Provincial Assembly shall, unless sooner dissolved, continue for a term of five years from the day of its first meeting and shall stand dissolved at the expiration of its term.

3. First sessions of the National Assembly and the Provincial Assemblies elected in 1985 were held in March, 1985. The normal term of five years of these Assemblies was, therefore, due to expire in March, 1990.

Dissolution of the National Assembly

4. The preparatory work for the next general elections was in progress when the President of Pakistan dissolved the National Assembly on May 29, 1988, as per Order reproduced below:—

“Whereas the objects and purposes for which the National Assembly was elected have not been fulfilled.

And whereas the law and order in the country have broken down to an alarming extent resulting in tragic loss of innumerable valuable lives as well as loss of property.

And whereas the life, property, honour and security of the citizens of Pakistan have been rendered totally unsafe and the integrity and ideology of Pakistan have been seriously endangered.

And whereas public morality has deteriorated to unprecedented level.

And whereas in my opinion a situation has arisen in which the Government of the Federation cannot be carried on in accordance with the provisions of the Constitution and an appeal to the electorate is necessary.

Now therefore I, General Muhammad Zia-ul-Haq, President of Pakistan, in exercise of the powers conferred on me by Clause (2) of Article 58 of the Constitution of the Islamic Republic of Pakistan hereby dissolve the National Assembly with immediate effect and in consequence thereof the Cabinet also stands dissolved forthwith”

Dissolution of the Provincial Assemblies

5. The Governor of Baluchistan dissolved the Provincial Assembly, Baluchistan the same day and the Governors of the Punjab, Sind and NWFP dissolved the Provincial Assemblies of their respective Provinces on May 30, 1988, under clause (2) of Article 112 of the Constitution.

6. In consequence, the Federal Cabinet headed by Mr. Mohammad Khan Junejo and the Provincial Cabinets headed by the Chief Ministers stood dissolved. Consequent upon the dissolution of the National Assembly and the Provincial Assemblies, the mid-term elections became due in terms of clause (2) of Article 224 of the Constitution which requires that when the National Assembly or a Provincial Assembly is dissolved, a general election to the Assembly shall be held within a period of ninety days after the dissolution, and the results of election shall be declared not later than fourteen days after the conclusion of the polls.

Plan of Action for mid-term Election

7. The Election Commission had to reschedule its priorities in the changed circumstances and to gear up its entire machinery to cope efficiently with the new situation in order to fulfil its constitutional obligation. As a first step, a communication was addressed on June 1, 1988 to the Chief Secretaries, asking them to remain in a state of preparedness for holding elections in the country. Secondly, an emergent meeting of senior officers of the Commission and the Provincial Election Commissioners was held at Islamabad on June 4,

1988, to take stock of the situation and to prepare a plan of action for consideration and approval of the Commission.

8. The Election Commission held a two-day session at Islamabad on 8th and 9th June, 1988, to discuss the situation arising out of the dissolution of the Assemblies. The Commission considered at length the plan of action prepared by senior officers of the Commission and decided as under :—

- (a) Twenty-five copies of electoral rolls be updated immediately for placing at the disposal of Returning Officers, as soon as their appointment is made.
- (b) Tentative polling scheme be prepared by the Deputy Commissioners on the basis of existing constituencies, pending appointment of Returning Officers.
- (c) Appointment of polling staff be planned by the Deputy Commissioners on the basis of tentative polling schemes.
- (d) Arrangements to procure the requisite quantity of all items of election material be made on top-priority basis through the respective Government agencies.
- (e) Arrangements to manufacture and supply 3,50,000 vials of indelible ink within 45 days be finalized with the PCS & IR Laboratories, Karachi.
- (f) Proposal for appointment of Returning Officers and Assistant Returning Officers be finalized by the Provincial Governments by June 30, 1988.
- (g) Special arrangements be made with the Printing Corporation of Pakistan and the Pakistan Security Printing Corporation for the timely printing and supply of one hundred million ballot papers throughout the country, according to approved format and design of the ballot paper.
- (h) The ballot boxes be kept ready and functioning, free of any fault, duly painted, oiled and cleaned.
- (i) Forms of 29 different types, registers, postal ballot papers, posters and placards be printed immediately and supplied to all concerned by July 25, 1988.

- (j) The extent of existing constituencies with reference to latest wards in major municipalities be redefined to facilitate identification of areas in urban constituencies and also to modify the extent of constituencies of the newly created districts of Chakwal, Jhelum, Attock, Khanewal, Multan, Ziarat, Sibi, Tamboo and Nasirabad and in Karachi Division.
- (k) The Commission would meet frequently to review progress of the work.

Fresh delimitation of Constituencies

9. Immediately after the dissolution of the National Assembly and the Provincial Assemblies, the Election Commission embarked upon the task of making necessary preparations for holding the ensuing general elections within the stipulated period. The President, in his address to the Senate on July 20, 1988, announced that the next general elections will be held on November 16, 1988, on the basis of fresh delimitation of constituencies as required by Article 51(3) of the Constitution.

10. With this new mandate, the Commission had again to refix priorities of its function and, as a first priority, had to complete the task of delimitation of constituencies within the framework provided by the Delimitation of Constituencies Act, 1974. In order to enable the Commission to accomplish this task within the given time, the Delimitation of Constituencies Act was amended by the Delimitation of Constituencies (Amendment) Ordinance, 1988 promulgated on July 21, 1988. This amendment removed the inconsistency between the law and the Constitution enabling the Commission to proceed further with the delimitation work on the basis of 1981 population census. Details of this exercise have been spelt out in the chapter on the "Delimitation of Constituencies."

11. Final list of constituencies was published on October 1, 1988 and with the completion of that phase, the stage was set for announcing schedule for the elections.

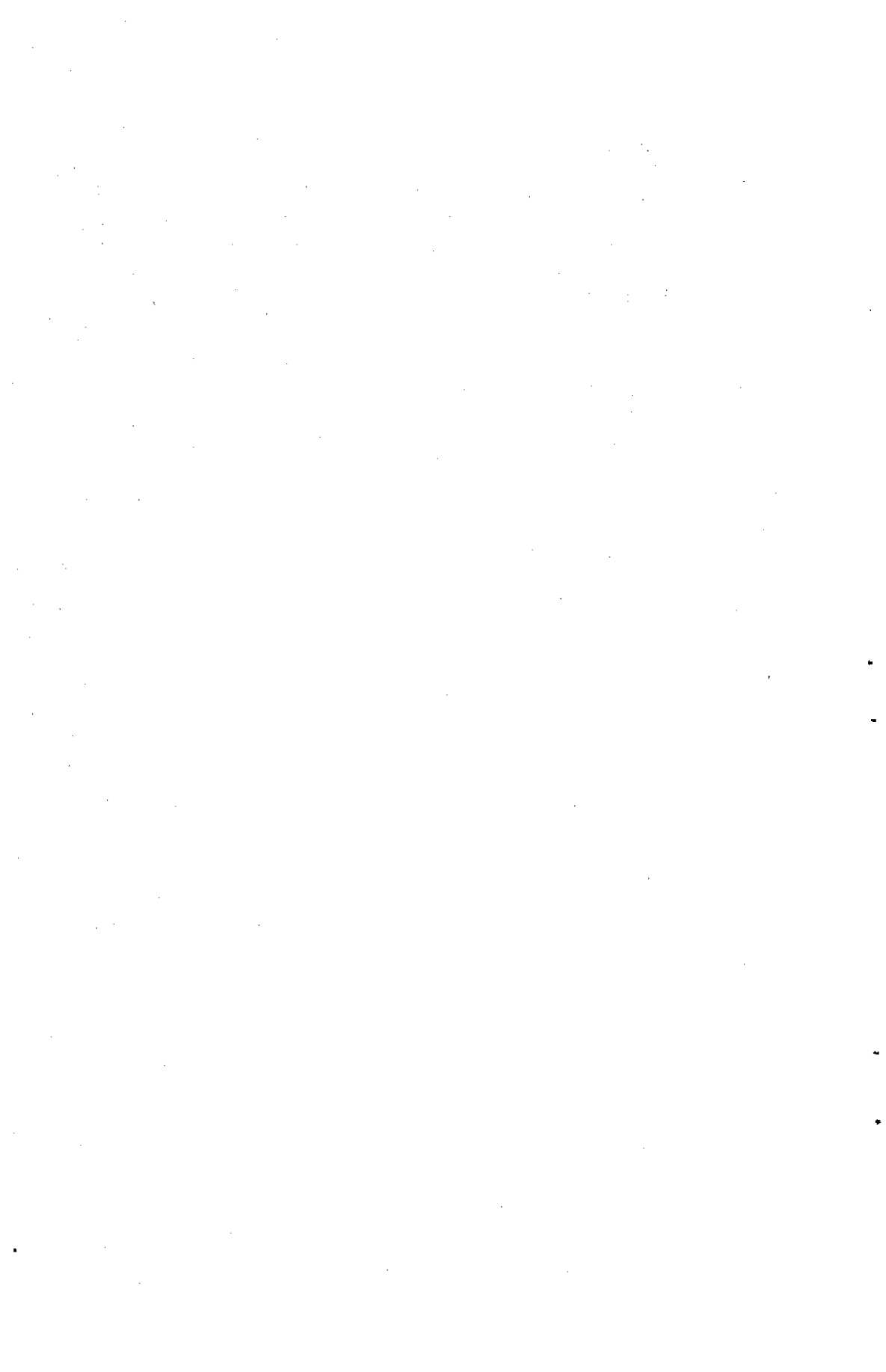
Revision of polling scheme

12. As soon as the final list of constituencies was published, the

Commission directed the Deputy Commissioners and the Returning Officers to remodel the polling schemes in accordance with the boundaries of fresh constituencies and also to revise the appointment of polling staff accordingly.

Death of the President

13. The President, General Muhammad Ziaul Haq, died in a tragic air-crash near Bahawalpur on August 17, 1988, along with other senior military officers. The Chairman of the Senate, Mr. Ghulam Ishaq Khan, made oath of office as Acting President of Pakistan the same evening, in accordance with clause (1) of Article 49 of the Constitution. In his first address to the nation on that occasion over the radio and television, the Acting President made a commitment to the nation that free, fair and impartial election will be held in the country on the date already announced.



CHAPTER — VII

THE DELIMITATION OF CONSTITUENCIES

Introduction

In Pakistan, the system of election to the National Assembly and the Provincial Assemblies is mainly based on two inter-linked principles: the simple majority vote and the single-member territorial constituency. This system requires division of the entire country into geographically compact units for election of one person from each unit as its representative. The process of dividing the country into such units is called the delimitation of constituencies.

2. Delimitation of Constituencies is aimed at providing due and realistic representation to the population of a particular area or administrative unit in the Federal and the Provincial legislatures. The population and area are the two major components of this country-wide exercise.

Legal framework

3. The legal basis and principles of delimitation have been laid down under the Constitution and the law. Article 222 of the 1973 Constitution envisages that, subject to the Constitution, the Parliament may by law provide *inter-alia*, for the delimitation of constituencies by the Election Commission. The Delimitation of Constituencies Act, 1974 (Act No. XXXIV of 1974) was accordingly enacted by the Parliament and promulgated with effect from May 11, 1974. Section 3 of the Delimitation of Constituencies Act, 1974, required that the Election Commission shall delimit territorial constituencies for election to the National Assembly and to each Provincial Assembly in accordance with the provisions of the Constitution and this Act.

4. According to Article 51 of the Constitution, the National Assembly consists of 237 members elected to the seats as specified below:—

(a) two hundred and seven Muslim seats which are allocated to each

Province, the Federally Administered Tribal Areas and the Federal Capital under section 7 of the Act;

(b) ten additional seats reserved for the minority communities as under:—

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

(c) twenty seats reserved for women which are allocated to the Provinces as provided in section 7 of the Act.

5. Article 106 of the Constitution lays down that the Provincial Assembly of each Province shall consist of such number of Muslim members, the non-Muslim members and the women members as is specified in the following table:—

Provincial Assembly	Muslim Seats	Seats reserved for non-Muslims					Seats reserved for women	Total Seats
		Christians	Hindus and persons belonging to the Scheduled Castes	Sikh, Buddhist & Parsi Communities and other non-Muslims	Persons belonging to the Quadiani group or Lahori group (who call themselves Ahmadis)	Total non-Muslim Seats		
1	2	3	4	5	6	7	8	9
Punjab	240	5	1	1	1	8	12	260
Sind	100	2	5	1	1	9	5	114
NWFP	80	1	—	1	1	3	4	87
Baluchistan	40	1	1	1	—	3	2	45
Total:—	460	9	7	4	3	23	23	506

Principles of Delimitation

6. Section 9 of the Act has laid down the general principles for the delimitation of constituencies, according to which all 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; laying emphasis on the equality of population in constituencies of the same Assembly inter se, as far as possible. In so far as the Federally Administered Tribal Areas are concerned, two or more separated areas can be grouped together in one constituency.

7. For the creation of the Muslim constituencies, the population of both Muslims and non-Muslims, as officially published by the Census Organization, has to be taken into account.

Administrative unit for delimitation

8. This data is compiled and published by the Census Organisation in the District Census Reports after every decennial population census. In case of rural areas, the population is published for revenue units, *i.e.*, a village, Patwar/Tapedar Circle, Qanungo Halqa/Supervisory Tapedar Circle, Tehsil/Taluka, etc. For urban areas, the population is published for each ward comprising a municipal/town committee. In framing the delimitation proposals, a Patwar or Tapedar Circle is taken as the basic unit to define rural areas and a municipal ward forms the basic or minimal unit in describing urban areas in a constituency. This pattern has generally been followed in describing the extent of constituencies.

Delimitation of Constituencies for 1988 Elections

9. Soon after the publication of fresh electoral rolls on October 8, 1987, the Election Commission started making plans to embark upon the task of delimitation of constituencies for the general elections then due in 1990. Ground work for delimitation was taken in hand and the Provincial Governments were asked to furnish maps and other relevant material and data relating to the changes made by them in the administrative units. The Commission, however, noted that provisions of the Delimitation of Constituencies Act,

1974, were in conflict with the provisions of the Constitution which provided for allocation of seats in the National Assembly to the Provinces, the Federally Administered Tribal Areas and the Federal Capital in accordance with the last preceding census officially published.

10. For facility of reference, the relevant provisions of the law and the Constitution are reproduced in this paragraph. Clause (c) of section 2 of the Delimitation of Constituencies Act, 1974, provides that "population" means the population in accordance with the 1972 Census officially published. Clause (3) of Article 51 of the Constitution reads as under:—

"The seats in the National Assembly shall be allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital on the basis of population in accordance with the last preceding Census officially published."

11. The last census having been held in 1981, the requirement of allocation of seats and delimitation of constituencies according to 1972 population census as recorded in the aforesaid Act had become anomalous. No statutory base was, therefore, available to the Commission for the delimitation of fresh constituencies on the basis of 1981 population. The Commission made reference to the Government in this connection on December 31, 1987.

12. The President promulgated the Delimitation of Constituencies (Amendment) Ordinance, 1988 (IV of 1988) on July 20, 1988, which *inter-alia*, defined the word "population" as under:—

"Population" means the population in accordance with the last preceding census officially published."

In addition, the following sub-section (2) was added to section 7 of the Act:—

"The seats allocated under sub-section (1) shall be re-allocated after each succeeding census."

13. Amendments made by Ordinance No. IV of 1988 enabled the Election Commission to proceed with the delimitation work in accordance with the 1981 population census.

14. For the purpose of holding the upcoming elections on the due date, the Commission had barely two months to complete the delimitation of 667 Muslim constituencies in a country-wide operation which normally requires a period of sixteen to eighteen months. The Commission had, therefore, to work almost round the clock to finalize the preliminary delimitation of constituencies.

15. Under section 7 of the Delimitation of Constituencies Act, as amended by Ordinance No. IV of 1988, the seats in the National Assembly were allocated to the Provinces in accordance with the last census held in 1981. The following table would indicate the allocation of seats according to 1972 census and re-allocation of seats in the National Assembly on the basis of 1981 census:—

Province/Area	Allocation according to 1972 Census	Re-allocation of seats based on 1981 population as per amended provision.06N
1	2	3
N-W.F.P.	26	27
Federally Administered Tribal Areas	8	5
Federal Capital	1	1
Punjab	115	116
Sind	46	47
Baluchistan	11	11
Total:—	207	207

16. As a result of allocation of seats on the basis of 1981 census—
- (a) the number of seats falling to the share of the Federal Capital and Baluchistan remained unchanged at one and eleven respectively;
 - (b) the Federally Administered Tribal Areas got five seats instead of eight, thus losing three seats on re-allocation; and
 - (c) these three seats fell to the share of the NWFP, Punjab and Sind at the rate of one seat each, raising the number of seats from 26 to 27 in case of NWFP, from 115 to 116 in case of the Punjab and from 46 to 47 in case of Sind.

17. The question of re-allocation of seats to the Provincial Assemblies had not arisen in view of the fact that the number of seats in the Provincial Assemblies was fixed under clause (1) of Article 106 of the Constitution. These seats were, therefore, not required to be re-allocated after the census. Due to change in the population of districts and as a result of creation of new districts, the allocation of seats of the Provincial Assembly to the districts had, however, become necessary. Any change in the allocation of seats to the districts entailed fresh delimitation of constituencies in accordance with the principles of delimitation laid down under section 9 of the Act. Fresh delimitation of constituencies of all the Provincial Assemblies was, therefore, undertaken simultaneously with the delimitation of constituencies of the National Assembly.

18. The Election Commission, under section 3 of the Act, was required to delimit territorial constituencies for election to the National Assembly and to each Provincial Assembly, in accordance with the provisions of the Constitution. The constituencies for the Muslim seats were single member territorial constituencies and had, therefore, to be delimited afresh, under section 8 of the Act. Section 9 of the Act laid down the guiding principles which the Election Commission had to take into account while formulating the delimitation proposals.

Quota for Seat

19. As a pre-requisite to the actual demarcation of constituencies, the share of seats in the National Assembly and the Provincial Assemblies in respect of each district was worked out on the basis of 1981 population census.

For this purpose, the total population of the country was divided by the total number of Muslim seats in the National Assembly and the average population or quota per National Assembly constituency was thus obtained. On the same analogy, the population of a Province was divided by the total number of Muslim seats allocated to the Provincial Assembly of that Province for obtaining average population or quota per seat in the Provincial Assembly. Quota per seat in respect of the National Assembly and each Provincial Assembly was accordingly determined as under:—

Name of the Assembly	Population	No. of Muslim seats	Quota per seat
1	2	3	4
(1) National Assembly	8,42,53,644	÷ 207	4,07,022
(2) Provincial Assembly, NWFP	1,10,61,328	÷ 80	1,38,266
(3) Provincial Assembly, Punjab	4,72,92,441	÷ 240	1,97,052
(4) Provincial Assembly, Sind	1,90,28,666	÷ 100	1,90,287
(5) Provincial Assembly, Baluchistan	43,32,376	÷ 40	1,08,309

20. The share of seats of a district was determined by dividing the population of that district with the quota per seat of the National Assembly or, as the case may be, of the Provincial Assembly. In calculating the whole number of seats, a fraction of 0.5 and above was generally taken as one seat and a fraction below 0.5 was ignored. In some cases, however, a fraction of 0.5 and above was ignored to ensure that the number of seats allocated to the Province in the National Assembly or the number of Provincial Assembly seats was not exceeded. Similarly, in some cases a seat was allocated, for a fraction below 0.5 to ensure that the Provincial quotas could be maintained.

Extent of Constituencies

21. The extent of the National Assembly constituencies and the Provincial Assembly constituencies was described with reference to Districts,

Tehsils/Talukas, Municipalities, Towns, Qanungo Halqas/Supervisory Tapedar Circles, Patwar Circles/Tapedar Circles and local councils as given in the District Census Reports. It was found that in certain cases the smaller administrative units like Qanungo Halqas/Supervisory Tapedar Circles and Patwar Circles/Tapedar Circles had been re-constituted. The fact that the re-constituted extent of such units was taken into account, was mentioned wherever necessary. Where more than one constituency was demarcated out of a bigger municipality, the extent of constituencies was described by the municipal wards.

22. The principle of equality of population was followed, as far as practicable, in carving out the constituencies. While doing so, all possible care was taken to keep intact the administrative boundaries of district, tehsils/talukas and Qanungo Halqas/Supervisory Tapedar Circles. However, where bifurcation of Tehsil/Taluka and Qanungo Halqa/Supervisory Tapedar Circle was inevitable, effort was made to keep the entity of Patwar Circles/Tapedar Circles intact. The principle too, could not be followed rigidly where the limits of municipalities had been extended and parts of Patwar Circles/Tapedar Circles had been included in the municipal limits.

Inter-district constituencies

23. Districts had been generally allocated whole number of seats. However, in a few cases the excess population of two adjoining districts had to be combined to form an inter-district constituency to avoid glaring disparity in the population of constituencies. For this reason, portions of following districts were grouped together to form an inter-district constituency in the Punjab and NWFP:—

(i) Sargodha-Khushab	(0.70+0.58)
(ii) Multan-Khanewal	(0.66+0.37)
(iii) Dir-Malakand	(0.89+0.63)
(iv) D.G. Khan-Rajanpur	(0.32+0.57)

24. Due to low density of population in Baluchistan, districts in most cases were combined to form a National Assembly constituency. Inter-district constituency in respect of the Provincial Assembly of Baluchistan also could not be avoided in case of Ziarat and Loralai and also Jafferabad and Tamboo.

Preliminary list of Constituencies

25. The draft delimitation proposals were framed by the Provincial Election Commissioners in consultation with the Secretariat of the Election Commission. As far as possible, the extent of existing constituencies, as delimited in 1985, were adopted as preliminary delimitation proposals in respect of such districts the allocation of seats to which remained unchanged on the basis of 1981 population census. The remaining constituencies were remodelled on account of change in the allocation of seats and creation of new districts.

26. The preliminary list of constituencies of the National Assembly and that of the Provincial Assemblies, specifying the areas proposed to be included in each constituency, was published for general information on 16th August, 1988. Under the law, any person entitled to vote at an election to the National Assembly or a Provincial Assembly was entitled to make a representation to the Commission in respect of delimitation of constituencies within 15 days of the publication of preliminary list of constituencies. All concerned were, therefore, advised to make representations/objections against the preliminary list of constituencies by September 1, 1988. The schedule for public hearing of these representations was announced through Radio, Television and newspapers. No individual notices were served on the persons making representation with reference to the preliminary list of constituencies. The preliminary list of constituencies did not contain any proposals for the delimitation of constituencies reserved for women and the minority communities because, under the law, these constituencies had to be such that the whole country or a province formed one constituency with as many seats as were allocated to a particular community or to the province in the National Assembly or in a Provincial Assembly.

27. In response to the preliminary list of constituencies, 665 representations were filed with the Commission as per detail given below:—

N-W.F.P.	=	182
FATA	=	8
Punjab	=	270
Sind	=	167
Baluchistan	=	38

Public Hearing

28. The Commission held public hearing of these representations at the Provincial headquarters in accordance with the following schedule:—

P U N J A B

12-9-1988	(1) Lahore Division (2) Rawalpindi Division
13-9-1988	(1) Sargodha Division (2) Faisalabad Division
14-9-1988	(1) Multan Division (2) D.G. Khan Division (3) Bahawalpur Division
15-9-1988	Gujranwala Division

BALUCHISTAN

17-9-1988	(1) Quetta Division (2) Loralai Division (3) Sibi Division
18-9-1988	(1) Nasirabad Division (2) Kalat Division (3) Mekran Division

N-W.F.P.

20-9-1988	(1) Peshawar Division (2) Mardan Division
21-9-1988	(1) Hazara Division (2) FATA
22-9-1988	(1) Kohat Division (2) D.I. Khan Division (3) Malakand Division

S I N D

25-9-1988	Karachi Division
26-9-1988	Hyderabad Division
27-9-1988	Sukkur Division

Revised Allocation of Seats

29. The process of public hearing was in progress when the President promulgated the Federally Administered Tribal Areas (Determination of Last Preceding Census) Regulation, 1988 (Regulation No. 1 of 1988) and the Delimitation of Constituencies (Second Amendment) Ordinance, 1988 (VII of 1988), both on September 13, 1988. The Regulation provided that, for the purpose of allocating seats in the National Assembly and the application of the Delimitation of Constituencies Act, 1974, to the FATA, the census held in the year 1972 shall be deemed to be the last preceding census officially published, until a fresh census is held after the commencement of that Regulation. Consequently, section 7 of the Act was further amended by the Constituencies (Second Amendment) Ordinance, 1988, and the number of seats in the National Assembly was revised by reallocating 8 seats to the FATA, 26 seats to the NWFP, 115 seats to the Punjab and 46 seats to Sind.

30. Eight constituencies of the FATA having been delimited under the Delimitation of Constituencies (Second Amendment) Ordinance, 1988, the Commission was not required to delimit these constituencies afresh.

31. In order to consider the import of the Regulation and the amending Ordinance, as aforesaid, the Commission held an emergent meeting at Lahore on September 14, 1988. Due to reduction in the number of seats of the NWFP, Punjab and Sind in the National Assembly, the Commission reconsidered the allocation of seats made to the districts on the basis of 1981 population census and decided as under:—

- (a) Instead of two seats, D.I. Khan district of the NWFP, was reallocated one seat for its share of 1.56.
- (b) D.G. Khan and Rajanpur districts of the Punjab were allocated three seats for their share of 2.32 and 1.57 respectively by

allocating one exclusive seat to each district and one inter-district constituency, instead of two seats to each district.

- (c) Tharparkar district of Sind was reallocated three seats for its share of 3.69, instead of four seats.

Revised Preliminary list of Constituencies

32. The Commission published on September 14, 1988, the revised preliminary delimitation of constituencies in respect of D.I. Khan, Rajanpur and Tharparkar districts on the basis of reallocation of seats for inviting representations from the public within seven days. The persons filing representations with reference to the revised preliminary delimitation of constituencies of these districts were also heard by the Commission at Karachi on September 27, 1988. The Commission finalized hearing of all representations, including the representations against revised preliminary proposals in respect of Tharparkar, D.I. Khan and Rajanpur districts, within the specified time.

Final list of Constituencies

33. The Commission afforded opportunity of personal hearing to all persons appearing before it, irrespective of the fact whether such persons had filed formal representations or not. All proposals were considered with an open mind and the constituencies were modified wherever valid reasons were advanced. The Commission had on its part, taken all possible care and utilized its best judgment to ensure that all areas, especially the under developed and far-flung ones, get due and realistic representation in the legislatures. The Commission was able to accomplish the complex and arduous task of delimitation of constituencies within a period of only about two months to ensure the holding of elections on the 16th of November, 1988. The final list of constituencies of the National Assembly of Pakistan and the Provincial Assemblies of NWFP, Punjab, Sind and Baluchistan were published on 1st October, 1988.

CHAPTER — VIII

MEASURES TO GUARD AGAINST ELECTORAL ABUSES

The Constitution and the electoral laws provide a firm statutory basis for holding free and fair elections. In order, however, to further ensure correct verdict of the electorate, the Commission thought it expedient to introduce additional measures to minimise the incidents of electoral abuses. In addition, provisions of the election laws were, in a few cases, inconsistent with the constitutional provisions.

2. The Election Commission, therefore, undertook to examine the existing legal framework, within the short time available to it, for further improvements to remove inconsistencies, wherever occurring, in the law.

3. Based on the experience of 1985 elections and in keeping with the requirements of party-based elections, necessary amendments were made in various electoral laws as per detail given separately against each enactment.

The Representation of the People Act, 1976

4. Election to the National Assembly and the Provincial Assemblies are conducted in accordance with the provisions of the Representation of the People Act, 1976, and the Representation of the People (Conduct of Election) Rules, 1977. The following amendments were made in the Act through the Representation of the People (Amendment) Ordinance, (Ordinance No. XIV of 1988) issued on October 4, 1988:—

- (a) Sub-section (6) and sub-section (7) were added to section 7 to empower the Election Commission and the Chief Election Commissioner to suspend any officer performing any duty in connection with an election or any other public functionary or any member of the police or any law-enforcing agency who obstructs or prevents or attempts to obstruct or prevent the conduct of fair and impartial poll or interferes with an elector

when he records his vote or does any act calculated to influence the result of the election. The Commission or the Commissioner are required to refer the matter of a suspended officer to the appropriate authority for taking disciplinary action against him.

- (b) Section 12 was amended to the extent that instead of fifty electors of a constituency, only one elector could propose the name of candidate for election and another elector could second the nomination of that candidate.
- (c) The amount of security for election to a seat in the National Assembly was enhanced from rupees one thousand to rupees four thousand and, in case of election to a seat in a Provincial Assembly, from rupees five hundred to rupees two thousand by amending section 13.
- (d) In consequence of amendment to section 12, the concept of a proposer and a seconder for nomination of a candidate was introduced in section 14.
- (e) For the purpose of disposal of appeals against acceptance/rejection of nomination papers, a judge of the High Court was nominated by the President in consultation with the Chief Election Commissioner and the Chief Justice of the High Court concerned. This procedure was changed to the extent that the Chief Election Commissioner was authorised, by amending subsection (5) of section 14, to appoint the appellate judge in consultation with the Chief Justice.
- (f) The Returning Officer of a constituency was empowered to prepare a list of contesting candidates in alphabetical order of the Urdu language and to allocate one of the prescribed symbols to each contestant by drawing of lots. This procedure was devised for partyless elections of 1985. For the party-based elections, the procedure was modified to the extent that the Returning Officer was required to allocate, subject to any direction of the Commission, one of the prescribed symbols to each candidate, having regard to their preference, as far as possible, and publish

their names as before specifying against each the symbol allocated to him. The Commission was, however, empowered to allot, on an application made to it in this behalf, one of the prescribed symbols to any political party or a combination of two or more political parties who agreed to put up joint candidates for election. Section 21 was accordingly modified.

- (g) The law required that a person appointed as a polling agent for a polling station shall be an elector of the electoral area the electors of which are entitled to vote at the polling station. This condition was prescribed for the polling agents to guard against impersonation at the polling stations. In view of the fact that production of the national identity card was being proposed for identification of voters at the polling stations, proviso appearing below subsection (1) of section 23 imposing the above condition was omitted.
- (h) For proper identification of voters at the polling station, production of the national identity card by the elector was made compulsory by amending section 33 of the Act.
- (i) The amount of security deposit, which was refundable to the candidate making it, was made liable to be forfeited to the Federal Government, if not claimed within six months of the declaration of result of election. A proviso to that effect was added to subsection (1) of section 43.
- (j) Reference to the provisions of the Houses of Parliament and Provincial Assemblies (Elections) Order, 1977, in section 47 was substituted by relevant provisions of the Constitution.
- (k) The ceiling of election expenses of a candidate for election to a seat in—
 - (i) the National Assembly was enhanced from rupees forty thousand to rupees five hundred thousand; and
 - (ii) a Provincial Assembly was increased from rupees twenty-

five thousand to rupees three hundred thousand by substituting sub-section (3) of section 49.

- (l) Sub-section (3) of section 50 required that a candidate at the election held under the Houses of Parliament & Provincial Assemblies (Elections) Order, 1977, shall not submit a return of election expenses. This provision was omitted as the general elections 1988 were not held under that Order.
- (m) In the explanation appearing under sub-section (3) of section 67, reference to Article 13 of the Houses of Parliament and Provincial Assemblies (Elections) Order, 1977, was substituted by reference to section 103AA of the Act.
- (n) A new sub-section (4) was added to section 95 for giving effect to section 494 of the Code of Criminal Procedure, 1898, in respect of an offence specified in sub-section (1) of the Act, under the direction of the Chief Election Commissioner. This was done to authorise the Chief Election Commissioner to withdraw prosecutions for the offences specified in that provision.
- (o) The qualifications and disqualifications for election to the National Assembly and the Provincial Assemblies were brought in line with the qualifications and disqualifications prescribed under Article 62 and Article 63 of the Constitution. Section 99 was accordingly amended.
- (p) The power of summary inquiry into the allegations of grave illegalities or violation of the provisions of the Act or the rules were given to the Election Commission by adding section 103AA. This special power was given to the Election Commission for deciding complaints of irregularities having been committed in the general elections of 1977, under the Representation of the People (Amendment) Ordinance, 1977 (Ordinance No. XV of 1977) promulgated on March 21, 1977 and subsequently withdrawn on May 12, 1977.

5. The Representation of the People Act, 1976 was further amended by the Representation of the People (Third Amendment) Ordinance, 1988

(XXVII of 1988) promulgated on 7-11-1988 to the extent that a ballot paper shall not be issued to a person who *inter-alia* fails or refuses to produce his national identity card.

6. The period for filing the returns of election expenses by the contesting candidates was enhanced from “thirty days” to “four months” by amending sub-section (1) of section 50 through the Representation of the People (Fourth Amendment) Ordinance, 1988 (Ordinance XXXIII of 1988) dated 24-12-1988.

7. Ordinances No. XIV of 1988 dated 4-10-1988, No. XXVI and XXVII of 1988 dated 7-11-1988 and No. XXXIII of 1988, dated 24-12-1988 stood repealed at the expiration of four months from the dates of their promulgation, under Article 89 of the Constitution. The amendments made through these Ordinances were, however, re-enacted and given effect from the 4th February, 1989, under the Representation of the People (Amendment) Ordinance, 1989 (V of 1989) promulgated by the President on May 22, 1989. Amendment to section 33 relating to the mandatory production of the national identity card at the polling stations for identification of voters was, however, not included in the fresh Ordinance.

The Representation of the People (Conduct of Election) Rules, 1977.

8. In consequence of the amendments made in the Representation of the People Act, 1976, the following amendments were made to the Representation of the People (Conduct of Election) Rules, 1977:—

- (i) In order to file appeals against the rejection as well as acceptance of nomination papers the words “acceptance” and “accepting” were added in rule 5, wherever necessary.
- (ii) Sub-rule (2) of rule 5 was amended to provide for appointment of an appellate judge by the Chief Election Commissioner in consultation with the Chief Justice of the High Court concerned.
- (iii) Rule 13 was amended to prescribe the manner of marking the postal ballot paper in accordance with the instructions contained in Form-XI.

- (iv) Rule 42 was amended to bring the amount of security deposits for election to the seats reserved in the Assemblies for women at par with the security deposits prescribed for Muslim seats.
- (v) Rule 94 was amended to provide for forfeiture of security deposit, if not claimed within six months of the declaration of result of election.
- (vi) Nomination form for the Muslim candidates (Form-I) and the nomination form for the non-Muslim candidates (Form-IA) were modified so as to facilitate nomination of a candidate by one proposer and one seconder, instead of fifty proposers.
- (vii) Reference to the Houses of Parliament and Provincial Assemblies (Elections) Order, 1977 in Form-XXI was substituted by reference to the relevant provisions of the Constitution.
- (viii) Sub-rule (5) of rule 43 was amended to facilitate appointment of the appellate judge from amongst judges of the High Courts, nominated by the Commission in consultation with the Chief Justice of the High Court concerned for disposal of appeals by candidates for seats reserved for women in the Assemblies. This amendment was made *vide* SRO 1070(1)/88 dated 28-11-1988.
- (ix) Sub-rule (1) of rule 58 was amended to include the words "or his national identity card" to enable the members of the Assemblies to cast their votes at the election for women seats.

The Electoral Rolls Act, 1974

9. The provisions of the Constitution and the Electoral Rolls Act, 1974, were inconsistent to the extent that under Article 51 and Article 106 of the Constitution, any person of the age of 21 years and above was entitled to vote. Section 6(2) of the Act and the proviso appearing thereunder prescribed the age of voters as 18 years. In order to bring the provisions in conformity with the Constitutional provisions, the word "eighteen" occurring in section 6(2) was substituted with the word "twenty-one" and the proviso was omitted by the Electoral Rolls (Amendment) Act, 1987 (Act No. III of 1987). This amendment made it possible for the Commission to enrol such persons as voters as were of 21 years and above on the fresh electoral rolls in 1986-87.

The Preparation of Electoral Rolls (FATA) Order, 1975

10. In consonance with the provisions of the Constitution and the Act, the age of voter in the Federally Administered Tribal Areas was also fixed as twenty-one years and above by amending the Preparation of Electoral Rolls (FATA) Order, 1975 (P.O. No. 1 of 1975) through the Preparation of Electoral Rolls (FATA) (Amendment) Order, 1988 (P.O. No. 4 of 1988), promulgated on 15th May, 1988. Proviso under paragraph (b) of clause (2) of Article 1 was omitted.

The Electoral Rolls Rules, 1974

11. The following amendments were made in the Electoral Rolls Rules, 1974:—

- (a) Clause (a) of sub-rule (1) of rule 19 was amended to provide for the preservation of one copy, instead of three copies, of the draft electoral rolls by the Registration Officer. This amendment was made *vide* S.R.O. 1115(1)/86 dated 21-12-1986.
- (b) Sub-rule (2) of rule 19 was amended to fix the price of the new electoral roll at rupees two per page, instead of twenty-five paisa, *vide* S.R.O. 1115(1)/86 dated 21-12-1986.
- (c) After the estimated expenditure on printing of the rolls was known to the Commission, the cost of electoral roll was revised and fixed at the rate of paisa seventy-five per page *vide* S.R.O. 450(1)/88 dated 21-6-1988.

The Delimitation of Constituencies Act, 1974

12. In order to bring the provisions of this Act in line with the Constitution, the following amendments were made through the Delimitation of Constituencies (Amendment) Ordinance, 1988 (IV of 1988), promulgated on 21-7-1988:—

- (i) Reference to “1972” in clause (c) of section 2 was substituted by the words, “last preceding” as provided under Article 51(3) of the Constitution. This amendment enabled the Commission to

proceed further with the delimitation of fresh constituencies on the basis of last preceding census which was held in 1981.

- (ii) Allocation of seats given in the table below sub-section (1) of section 7 was revised on the basis of latest population Census of 1981 and a new sub-section (2) was added to the effect that seats shall be re-allocated in the National Assembly after each succeeding census.
- (iii) The word "general" occurring under clause (a) and clause (b) of sub-section (1) and in sub-section (3) of section 8 and in proviso to section 9 was substituted with the word "Muslim".
- (iv) Sub-section (1A), sub-section (2) and sub-section (4) of section 8 were omitted.
- (v) After the word "Constituencies" occurring for the first time the words "for Muslim seats" were inserted under sub-section (1) of section 9. The words "including non-Muslims" were inserted after the word "population" under sub-section (1) of section 9.
- (vi) For the word "thirty" the word "fifteen" was substituted under sub-section (2) of section 10.
- (vii) The word "Order" was substituted by the word "Act" under section 10B.
- (viii) Schedule to the Act was omitted.

13. Five seats fell to the share of FATA on the basis of 1981 Census. In order to restore the previous allocation of eight seats in these areas, the FATA (Delimitation of Last Preceding Census) Regulation, 1988 (Regulation No. 1 of 1988) was issued by the President on September 13, 1988 in exercise of the powers conferred on him by clauses (3) and (5) of Article 247 of the Constitution.

14. Restoration of eight seats, instead of five seats, to the FATA necessitated reallocation of seats to the Provinces. Under the Delimitation of Constituencies (Second Amendment) Ordinance, 1988 (VIII of 1988), promulgated on September 13, 1988, the number of seats was reallocated to the

Provinces. The following further amendments were made through Ordinance No. VIII of 1988:—

- (a) Number of seats in the National Assembly allocated to the Provinces and the FATA in the Table below section 7 was revised to restore the previous allocation of 26 seats to NWFP, 8 seats to FATA, 1 seat to Federal Capital, 115 seats to the Punjab, 46 seats to Sind and 11 seats to Baluchistan.
- (b) Sub-section (1) of section 8 was modified to include the words “delimitation of constituencies of the FATA as set out in the Schedule”.
- (c) The schedule, referred to in the amended sub-section (1) of section 8, was added to the Act. This schedule contained delimitation of 8 seats to the FATA.
- (d) In case any amendments, alterations etc. become necessary by reason of the amendments made in the Act by this Ordinance, the Commission was empowered to issue a preliminary report and list of such constituencies specifying the amendments etc. therein and invite objections thereto within seven days of the date of publication thereof. The Commission would publish the final report and list of constituencies as modified after hearing the objections.

15. The amendments made *vide* Ordinance No. IV of 1988 dated 21-7-1988 were due to lapse at the expiration of four months on 21-11-1988. Another Ordinance No. XXIX of 1988 was, therefore, issued on November 21, 1988 to the same effect. Delimitation of Constituencies (Amendment) Act, 1989 (Act III of 1989) was promulgated by the Parliament on 9th February, 1989, which repealed Ordinances No. VIII and No. XXIX of 1988.

The Senate (Election) Act, 1975

16. The Senate (Election) Act, 1975, was amended so as to substitute the word “Commissioner” for the words “Election Commission”. This was done as election to the Senate is the exclusive responsibility of the Chief Election Commissioner. The provisions of sub-section (5) of section 13 and sub-section (1) of section 43 were accordingly modified through the Senate

(Election) (Amendment) Act, 1986 (Act V of 1986) enacted by the Parliament on 28-12-1986. In addition, reference to Article 272 in sub-section (1) and sub-section (4) in section 82A, being redundant, was omitted.

The Senate (Election of Members from the Federal Capital) Order, 1988

17. The Senate (Election) Act, 1975, (Act LI of 1975) was made applicable to election of members of the Senate from the Federal Capital subject to the following modifications:—

- (a) A reference to a Province shall be read as a reference to the Federal Capital.
- (b) a reference to a Provincial Assembly shall be read as a reference to the National Assembly; and
- (c) a reference to voters shall be read as a reference to a person who is a member of the National Assembly.

18. The Senate (Members from the Federal Capital) Order, 1973, (P.O. No. 12 of 1973) was repealed.

The Senate (Election) Rules, 1975

19. Consequential amendments were made in rule 5 of the Senate (Election) Rules, 1975, to substitute the word "Commissioner" for the word "Commission" *vide* S.R.O. 318(I)/87 dated 23-4-1987.

20. In addition, a new rule 7A was added to the Rules *vide* S.R.O. 155(I)/88, dated 29-2-1988 in order to include a provision for retirement of candidates for election to the Senate.

The Political Parties Act, 1962

21. The Political Parties Act, 1962, was amended through the Political Parties (Amendment) Act, 1985 (XXII of 1985) as under:—

- (i) "Explanation" appearing under section 3A was omitted.
- (ii) A new section 8B was added to provide for disqualification of

members of the Parliament or a Provincial Assembly on ground of defection from the political party nominating such candidate for election.

- (iii) Another new section 11 was added to authorise the Election Commission constituted for holding the general elections to exercise the powers and perform functions under this Act.
- (iv) Power to make rules for carrying out the purposes of the Act was conferred on the Federal Government by adding a new section 12.

22. Following the verdict of the Supreme Court given on the question of registration of political parties raised in Constitutional Petition No. 2-R of 1987, this Act was further amended by the Political Parties (Amendment) Ordinance, 1988 (XIII of 1988) as under:—

- (i) Sub-section (1) of section 3 was substituted by a new sub-section providing for the formation of political parties on the conditions laid down thereunder. Text of the new provision is reproduced below:—

“(1) No political party shall be formed with the object of propagating any opinion, or acting in any manner, prejudicial to the Islamic Ideology, or the sovereignty or integrity of Pakistan, or morality, or the maintenance of public order.

Explanation.—In this sub-section, “an act prejudicial to the maintenance of public order” means an act or activity which undermines, or is likely to undermine, the security and solidarity of Pakistan and includes—

- (i) advocating, or agitating or propagating for, the secession of a part of the territory of Pakistan from the Federation or the break-up of the Federation;
- (ii) disrupting, or attempting or threatening to disrupt, the sovereignty, integrity, unity or security of Pakistan or harmony between different sections of the people; and
- (iii) a conspiracy, design or scheme to overthrow the Government by force, or to create internal

disturbances or cause or engender disruption or disaffection amongst the armed forces or forces entrusted with the maintenance of law and order or subvert the loyalties of such forces.”

(ii) Section 3B and section 3C relating to registration of political parties were omitted.

(iii) Section 6 relating to dissolution of a political party was substituted by a new section as under:—

“6. *Dissolution of a political party.*—(1) If the Federal Government is of the opinion that a political party is a foreign-aided party or has been formed or is operating in a manner prejudicial to the Islamic Ideology or the sovereignty or integrity of Pakistan, or morality or the maintenance of public order, it shall make a declaration to that effect and publish the same in the official Gazette and, within fifteen days of such publication, refer the matter to the Supreme Court.

(2) If, upon a reference made to it under sub-section (1) in respect of a political party, the Supreme Court is satisfied that the party is a foreign-aided party, or has been formed or is operating in a manner referred to in that sub-section, the Supreme Court shall decide accordingly.

(3) On the date of the decision of the Supreme Court under sub-section (2) in respect of political party, the party shall stand dissolved and all its properties and funds stand forfeited to the Federal Government.

(4) Where a reference has been made to the Supreme Court under sub-section (1) in respect of a political party, the Supreme Court may make such interim order prohibiting the party and its members from indulging or taking part in any political activity, or freezing the funds of the party, as the Court may deem fit.”

(iv) Section 7 and section 8 were substituted. The new provisions prescribed penalties for contravention of section 3A and certain disqualifications for being a member of Majlis-e-Shoora (the Parliament) or a Provincial Assembly. The newly added

provisions of section 7 and section 8 are quoted below:—

- “7. *Penalties.*—(1) An office-bearer of a political party which contravenes the provisions of section 3A shall be punishable with simple imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both:

Provided that, in the case of a continuing contravention, he shall be punishable with a further fine which may extend to one thousand rupees for every day after the first during which the contravention continues.

Explanation.—In this sub-section, “office-bearer of a political party” means an office-bearer at the national or provincial set up of the party otherwise than as a mere member of the working, central, provincial or other committee thereof.

- (2) Any person who, after the dissolution of a political party under sub-section (3) of section 6, holds himself out as a member or office-bearer of, or acts for, or otherwise associates himself with that party, shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to twenty thousand rupees, or with both:

Provided that, in the case of continuing offence, he shall be punishable with a further fine which may extend to two thousand rupees for every day after the first during which the offence continues.”

- “8. Certain disqualifications for being a member of Majlis-e-Shoora (Parliament) or a Provincial Assembly.—

(1) A person who——

- (a) at the time when a reference was made to the Supreme Court under sub-section (1) of section 6 in respect of a political party which is dissolved under sub-section (3) of that section, was an office-bearer of the political party at its national or provincial set up; or
- (b) has been convicted under section 7, shall be disqualified from being elected as, and from being, a

member of Majlis-e-Shoora (Parliament) or a Provincial Assembly or a local body for a period of five years from the date of such dissolution or conviction, as the case may be.

Explanation.—In this sub-section, “office-bearer of the political party” includes a member of the working, central, executive, provincial or other committee, by whatever name called, of the political party at its national or provincial set up.

(2) The President may, at any time, either of his own motion or on the application of any person who is disqualified under sub-section(1), by order in writing, remove the disqualification.”

- (v) A new sub-section (2) was added to section 9 to restrict trial of the cases of violation of section 7(1) to the Supreme Court, as under:—
- “2. No court other than the Supreme Court shall try an offence punishable under sub-section (1) of section 7.”
- (vi) Reference to the Election Commission Order, 1977 in section 11 was omitted.

The Political Parties Rules, 1986

23. The Political Parties Rules, 1986, were promulgated by the Government on January 18, 1986, to prescribe the manner and form for filing statements of finances and accounts by the political parties for audit. These rules were amended *vide* S.R.O. 624(1)/87 dated 30-7-1987 in order to—

- (i) enable the political parties to submit their accounts to audit within seventy-five days, instead of six weeks, of the close of financial year;
- (ii) make it obligatory for the parties to furnish such documents, information and clarification as may be required by the Accountant General, Pakistan Revenues; and
- (iii) allow the Accountant General, Pakistan Revenues to submit audit report to the Commission within 45 days instead of 15 days.

CHAPTER — IX

THE POLLING PLAN

Introductory

Preparation of the polling scheme is the culmination of all the planning and administrative arrangements preceding the actual conduct of the poll.

2. The polling scheme is one of the major components of the electoral system which is carefully tailored by integrating the voters and the territory for the purpose of setting up of polling stations within the territorial limits of each constituency of the National Assembly and the Provincial Assembly.

3. The polling scheme is prepared separately for each constituency, specifying the location of polling stations, assignment of voters to them, the number of booths at each polling station, the number of ballot boxes and the polling personnel required for a polling station. The equipment, material and manpower requirements for each polling station and for each constituency are thus accurately assessed. The requirements of the polling material are also estimated on the basis of polling scheme.

Polling Scheme for 1988 elections

4. Soon after the dissolution of National and Provincial Assemblies on 29th May, 1988, the Election Commission issued instructions to all the Deputy Commissioners and Political Agents on June 12, 1988 to immediately frame the polling scheme for upcoming elections on the basis of existing constituencies of their districts/agencies, pending formal appointments of the Returning Officers. They were directed to prepare the polling schemes in accordance with the electoral rolls of the Muslims and four categories of the non-Muslims as published in October, 1987. They were further asked to obtain the data in respect of registered voters from the Registration Officers concerned. Although preparation of polling scheme for each National/Provincial Assembly constituency was the personal responsibility of the Returning Officer, yet the Deputy Commissioners/Political Agents were

requested to frame these schemes by July 10, 1988 pending appointment of Returning Officers.

5. Since the question of fresh delimitation of constituencies was hanging fire till then, it was considered advisable to prepare the polling scheme on the basis of existing constituencies which were notified for 1985 general elections. This time-consuming exercise was undertaken to complete the ground work, subject to any remodelling of the polling scheme, which may become necessary according to fresh delimitation of constituencies.

6. The Deputy Commissioners/Political Agents were directed that buildings proposed to be utilised for the polling stations should be inspected by responsible officers in order to verify that the buildings do exist, that they are not in a state of disrepair and that they are suitable for the polling purposes. Soon after their appointment, the Returning Officers were also required to carry out physical verification of the polling sites. Keeping in view the fact that elections were to be held on the basis of separate electorates for the Muslims and four categories of the non-Muslims, the following points were also to be kept in mind while framing the polling scheme:—

- (i) Voters, Muslims as well as non-Muslims, both male and female, of the same electoral area are assigned to one and the same polling station for casting their votes.
- (ii) The electoral rolls to be utilized at a polling station should be for the same electoral area and their bifurcation booth-wise should also be the same.
- (iii) The non-Muslim male voters should be assigned to one of the booths meant for the Muslim male voters and the non-Muslim female voters should be assigned to a booth meant for Muslim female voters.
- (iv) The same Presiding Officer will be in overall control and supervision of the polling station under him.
- (v) For the sake of distinction, the ballot papers for the Muslims and the ballot papers for four categories of non-Muslims, will have separate colours.
- (vi) The same ballot box will be used at each booth by the Muslim and the non-Muslim voters.

Plan of the Scheme

7. The following guidelines were given to the Deputy Commissioners/Political Agents and the Returning Officers for the preparation of polling schemes in respect of their areas:—

- (i) The polling scheme of the general elections held in 1985, as far as possible, be adopted for 1988 elections.
- (ii) As far as possible, separate polling stations be provided for male and female voters, subject to the availability of suitable buildings and polling personnel.
- (iii) Polling schemes for each National Assembly constituency and for each Provincial Assembly constituency be prepared separately for all the constituencies (Muslim as well as non-Muslim) falling under the jurisdiction of a Deputy Commissioner/Political Agent.
- (iv) The polling stations for a constituency should bear a running serial number so that when the final list of polling stations is drawn up and notified, each polling station could be identified by its number and name.
- (v) The electoral areas assigned to each polling station should be 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 Officers together with a duly signed copy of the electoral roll for each constituency.
- (vi) The assignment of voters be correctly shown against each electoral area. These assignments be further corrected, if fresh entries under section 18 or section 27 of the Electoral Rolls Act, 1974 are made before the date the constituencies are called upon to elect their representatives.
- (vii) The assignment of voters to clearly indicate the break-up by Muslim male and Muslim female voters as well as non-Muslim

male and non-Muslim female voters against each electoral area and totals for the polling stations be correctly shown.

- (viii) For the preparation of polling schemes for each constituency, the extent of each constituency as notified by the Election Commission on 6th January, 1985 or subsequent Corrigenda issued on 18th January, 1985, be kept in view.
- (ix) On the basis of total number of male and female voters, both Muslims and non-Muslims, assigned to the various polling stations, totals for the constituency be correctly given.
- (x) In describing a polling station, no abbreviations be used to avoid confusion in identifying the correct polling site. Exact description of the building would be necessary.
- (xi) No polling station be established outside the limits of the constituency. It will be illegal to do so.

Selection of Buildings

8. The following guide-lines were given for selection of public buildings to house the polling stations:—

- (i) Polling stations should invariably be housed in public buildings. Preference should be given to school and college buildings, rest houses, dak bungalows, community centres and offices of Union Councils, Town Committees, Municipal Committees, Municipal/Metropolitan Corporations, etc.
- (ii) No polling station be housed in a building which is owned by or is in the possession of any individual. It would be illegal to locate the polling station in a building which is owned by or is under the influence of a prospective 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 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 over-crowding of voters within their precincts.

- (iv) The public buildings should not be in a delapidated condition and in a state of disrepair. Wherever new buildings are available, they should be utilized, if found suitable.
- (v) Prior inspection of the buildings selected to serve as polling station was essential to check their suitability for the purpose.
- (vi) In case the polling station building had more than one storey, the polling station was preferably to be located on the ground floor to avoid inconvenience to the voters.

Assignment of Voters

9. Another important factor to be taken into account for preparation of the polling scheme is the assignment of voters to the polling stations. The Deputy Commissioners were advised to observe the following guide-lines for this purpose:—

- (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 so that electors of complete electoral area could cast their votes at the same polling station. 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 distances 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 can, 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 was considered advisable 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 relate to a polling station, taking care that the number of electors does not exceed two thousand. In urban areas where the enumerator's rolls within the electoral area may not have been distinctly kept in view, care had to be taken to see that streets and 'mohallahs' were not bifurcated. Where such bifurcation was inevitable, the name of the streets/mohallahs or the roads had to be clearly mentioned with suitable land marks ordinarily known to the electors. The bifurcation in such cases must be done keeping in view the fact that full pages of the electoral rolls are used at such polling station 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 & female electors should be arranged. In urban areas, especially where the number of electors in a ward is sufficiently large, it should be ensured that 'mohallah' or street are assigned to the same polling station.

Location of Polling Stations

10. For the convenience of the voters and for efficient conduct of elections, the polling stations have to be located at suitable, convenient and easily accessible places. The following instructions were issued in this behalf:—

- (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. 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 affiliations and tribal feuds should be kept in view, so that voters of a tribe have not to go to

the territory of a tribe 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.

Polling Booths

11. Lay-out of polling station and provision of polling booths within a polling station according to the number of male and female voters had to be carefully planned before-hand so as to ensure smooth and orderly conduct of the poll. The following broad principles were laid down to achieve that objective:—

- (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 is 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 before-hand 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 was 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 can mark the ballot papers in secret. Each booth should also have seating capacity for one Assistant Presiding Officer, two Polling Officers and one Polling Agent of each contesting candidate. The polling booths 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 had 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 had to be avoided.
- (vii) Where necessary, separate entrances and exits may be improvised by the use of "Qanats" etc.

12. Charts showing the possible lay-out of polling stations with the location of booths in different situations were drawn up and supplied to Returning Officers and Presiding Officers for their guidance.

Improvised Polling Stations

13. Provision of temporary structure of polling station had to be avoided in the interest of economy. Improvised polling stations were allowed to be set-up under unavoidable circumstances only and those, too, at places where absolutely no suitable public buildings were available.

Publication of list of Polling Stations

14. Immediately after their appointment on October 8, 1988, the polling scheme was scrutinized by the Returning Officers with the help of the Assistant Returning Officers. The list of polling stations was drawn separately

for each constituency. This list specified the location of a polling station and particulars of voters of an area assigned to each polling station in a constituency. Formerly, the law required a Returning Officer to prepare the list of polling stations for his constituency within a specified time and submit it to the Election Commission for approval. For the timely completion of the lists of polling stations and the polling staff, this procedure was modified to the extent that the powers to approve these lists were given to District Returning Officers. Section 7 of the Representation of the People Act, 1976, was amended by the Representation of the People (Amendment) Ordinance, 1985 (Ordinance No. II of 1985) on 12th January, 1985, to enable the Commission to appoint a District Returning Officer for each district, in addition to the Returning Officer for each constituency. Simultaneously, sections 8 and 9 of the Act were also amended to empower the District Returning Officers to approve the list of polling stations and the lists of Presiding Officers, Assistant Presiding Officers and Polling Officers proposed by the Returning Officer for appointment at each polling station in a constituency. The District and Sessions Judges were appointed by the Commission as District Returning Officers in each district.

15. In their capacity as District Returning Officers, the District and Sessions Judges approved the lists of polling stations locally and published them in the official Gazette well before the specified time. These lists were given wide publicity for information of the public.

Statistics regarding Polling Stations

16. In all, 33,329 polling stations, having 1,13,718 booths were established throughout the country for 1988 general elections, as per detail given in the following Table:—

Province/Area	Polling stations	Polling booths
Federal Capital	143	497
Punjab	21,165	72,849
Sind	6,210	21,936
NWFP	4,122	13,597
FATA	35	80
Baluchistan	1,654	4,759
Total:—	33,329	1,13,718

Appointment of Polling Staff

17. The following guide-lines were provided for making appointment of the Presiding Officers, Assistant Presiding Officers and Polling Officers to man the polling stations:—

- (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. Patwaris should not be entrusted with election work.
- (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 for 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 the various Government departments and its selection should not be restricted to Education Department only.
- (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 the female staff is not available, the booth may be manned by elderly male staff 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 they do not have to travel long distance to reach the polling station. In urban areas also where facilities of transport and communication exist, this fact should not be lost sight of so as to minimise the inconvenience to the polling personnel.

Categories of Polling Personnel

18. Selection of the polling staff was required to be made from the following categories of Government functionaries:—

- (i) *Presiding Officer*.—Officers in BPS-17 and above may be earmarked to act as Presiding Officers. They should be able to command respect and inspire public confidence.
- (ii) *Assistant Presiding Officer*.—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 a 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 Schools, Office Superintendents, Head Clerks, S.D.Os., Senior Overseers, Agriculture Officer, Forest Range Officers etc., who will be able to handle their booths independently under the overall control and supervision of the Presiding Officer.
- (iii) *Polling Officer*.—The Polling Officers were to be drawn from the clerical staff, junior teachers and other similar categories. Even in rural areas there should be such officials as could read and write so that they were able to render necessary assistance to the Presiding Officers/Assistant Presiding Officers efficiently.

General Instructions

19. In addition, the following general instructions were issued in the matter of appointment of polling staff to ensure free, fair and impartial election:—

- (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) Ten per cent 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 on the presumption that the poll for Provincial Assembly will be held three 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) Polling personnel can be drawn from the autonomous bodies, local bodies, banks etc., if personnel from the Government departments in a district fall short of its requirements. The Ministry of Finance and the Banking Council will be requested to allow the appointment of banking staff as polling staff.

List of Poling Staff

20. The list of polling staff proposed to be engaged for each polling station was prepared by the Returning Officers accordingly and submitted to the District Returning Officers for approval before the due date. The District Returning Officers accorded prompt approval to the appointment of polling staff. Appointment orders were issued by the Returning Officers to each individual officer by the end of october, 1988. Staff once approved by the District Returning Officer was, in no case, subject to further change except in case of serious illness. In that case, too, the staff from the reserve was appointed from the approved list. Such changes, though very few, were to be reported promptly by the Returning Officers to the District Returning Officer.

Duties of Presiding Officer

21. 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 ballot box to the candidates and their election agents and their polling agents, if present, before the commencement of poll, record their statements to this effect and obtain their signature on them.
- (4) To supervise the poll and maintain discipline and law and order at the polling station.
- (5) To allow admission to 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 adjourn the poll due to interruption, obstruction by riot, open violence or any natural calamity, if required.
- (9) 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.
- (10) To issue certified copies of the statement of the count and ballot papers account to the polling agents.
- (11) To communicate, through pre-arranged means, the result of count to the Returning Officer immediately after the count.
- (12) To return the polling bags containing election material and result of count to the Returning Officer.

Duties of Assistant Presiding Officer

22. 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 the voter from such documents, material or evidence as may be deemed fit. (For proper identification of voters, production of the national identity card was made compulsory at a later stage).
- (3) To record serial number and name of voter, as appearing on the electoral roll, on the counterfoil of the ballot paper.
- (4) To have the thumb impression of a voter affixed on counterfoil of ballot paper in indelible ink, with the assistance of one of the Polling Officers.
- (5) To issue ballot paper to a voter.
- (6) To affix official stamp with code mark on the back of ballot paper and on the counterfoil and to sign it.
- (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

23. 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 roll.
 - (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 in indelible ink 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 to generally assist the Assistant Presiding Officer.

Training of Polling Staff

24. The Election Commission was conscious of the fact that the staff engaged for performance of complex duties at the polling stations should be fully conversant with the process and procedure for taking the poll. Elaborate arrangements were, therefore, made to impart necessary training to the staff, both in theory and in practice. Lack of training adversely affects the efficient conduct of polls. The Returning Officers and District Returning Officers were given express instructions to arrange training of polling staff in an organized, systematic and scientific manner. A "Hand-Book for the training of Polling Personnel" was published in English and Urdu by the Election Commission and supplied to all Returning Officers. This manual covered all legal and procedural aspects of the poll in plain language. Course of instructions extending over two to three days was arranged by the Returning Officers and Assistant Returning Officers to ensure that the Presiding Officers, Assistant Presiding Officers and Polling Officers understand the provisions of law, the rules and the instructions issued by the Election Commission for the fair and free conduct of the poll. "Mock" polling stations were established to impart practical training to the polling staff utilising them to act as Presiding officers, Assistant Presiding Officers, Polling Officers, Police personnel and the voters. They were made to go through trial-poll to demonstrate practically the duties to be performed by them. The Returning Officers had to satisfy themselves that the polling staff working under them was thoroughly conversant with the law, procedure and the system of marking the ballot paper.

25. A full-dress rehearsal was followed by the training. At the end of training, a brief question-answer session was held to judge whether the polling staff had fully understood the functions and duties to be performed by them.

26. The operation of the ballot boxes formed part of training.

Strength of Polling Staff

27. A total number of 33,329 Presiding Officers, 1,13,718 Assistant Presiding Officers and 2,27,436 Polling Officers were engaged on polling duties for the conduct of 1988 general elections according to the following detail:—

Province/Area	Presiding Officers	Assistant Presiding Officers	Polling Officers.
Federal Capital	143	497	994
Punjab	21,165	72,849	1,45,698
Sind	6,210	21,936	43,872
NWFP	4,122	13,597	27,194
FATA	35	80	160
Baluchistan	1,654	4,759	9,518
Total:—	33,329	1,13,718	2,27,436

Comparison of Polling Scheme with previous Polling Schemes

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

Election Year	General (Muslim)		Voters	Return- ing Offi- cers	Assistant Return- ing Offi- cers	Polling Stations	Polling Booths	Presiding Officers	Assistant Presiding Officers	Polling Officers
	National Assembly	Provincial Assemblies								
1	2	3	4	5	6	7	8	9	10	11
December, 1970* Elections. (Staggered Poll)	138	300	25730280	120	194	14068	48340	14068	48340	96680
March, 1977 Elections, (Staggered Poll)	200	460	30899052	255	397	16891	63361	16891	63361	126722
November, 1979 (Abortive) Elections. (Simultaneous)	200	460	22955346	264	306	20436	70417	20436	140834	70417
February, 1985 Elections (Staggered Poll)	207	460	34396661	333	501	35847	81047	25537	81047	162094
November, 1988 Elections (Staggered Poll)	207	460	48061670	519	672	33329	113718	33329	113718	227436

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

CHAPTER — X

ELECTION MATERIAL

In connection with the conduct of general elections, huge quantity of numerous items of election material is required for use at the polling stations. The election material to be provided to a polling station includes the ballot boxes, official code mark rubber stamps (oval and square), rubber stamps for marking the ballot papers, self-inking stamp pads, various forms and envelopes, in addition to other miscellaneous items of stationery. All these items are manufactured and prepared according to the design and specifications approved by the Commission.

2. As for back as 4th June, 1988, the Commission had started physical verification of the available stock of election material, the assessment of total requirements and the preparations for the procurement and distribution of material to the polling stations.

3. As the entire stock of election material, which was available at the Provincial Headquarters in serviceable condition, was utilized in General Elections 1985, it became imperative to recheck the stock position of the serviceable material retrieved from districts after General Elections, 1985 for replenishment. Accordingly, the Provincial Election Commissioners carried out a survey and reported to the Commission the shortages of various items. After necessary approval and allocation of funds, the Provincial Election Commissioners were authorised to replenish the stock. The available stock position of each essential item before the conduct of general elections in November, 1988 is discussed in the following paragraphs.

Official Mark Rubber Stamps

4. Under the law, these stamps, bearing secret code mark are used by the Presiding Officers for marking the ballot paper on the back to ensure genuine voting and to eliminate risk of using premarked ballot papers. The official mark rubber stamps of two shapes were utilized. Square shaped stamps were utilized for marking the ballot paper at the election of the National Assembly and oval shape stamp was meant for use at the Provincial Assembly

elections. The square stamp was of 2" × 2" size and the oval stamp was 2-1/2" × 1-1/2" size. The words "Election Commission Pakistan" and the code number also appeared on these stamps.

5. These stamps were got manufactured through the Department of Stationery and Forms, Karachi, on the eve of November, 1988 elections. The total quantity of 133,800 square and 114,800 oval stamps was manufactured in addition to the stock already available with the Provincial Election Commissioners.

6. Official mark stamps had separate code numbers which were kept secret. The stamps were manufactured in series, each series numbering 001 to 999 by prefixing A to Z, AA to AZ, BA to BZ, CA to CZ and so on.

7. The requirement of official mark (rubber stamps) was calculated at the rate of one per booth plus one extra per polling station, with a reserve of 5%. The total number of official mark rubber stamps available at the time of elections was 209,100 square and 189,800 oval shaped stamps.

8. A complete record of stamps supplied to different polling stations was kept by the Provincial Election Commissioners. The code numbers were, however, not known even to the Returning Officers. After elections these stamps have been kept in safe custody in the election offices for future use.

Rubber Stamps for Marking Ballot Papers (Marking Aid Stamps)

9. The law required that each voter had to put a prescribed mark on the ballot paper at any place within the space containing the name and symbol of the contesting candidate for whom he wished to vote. The ballot paper bearing any other mark became invalid. Accordingly, a square shaped rubber stamp (known as the marking aid stamp) of 3/4" × 3/4" size, having 9 squares equally divided, was used at the polling stations. These stamps were supplied at the rate of 2 per booth, 2 extra per polling station with 5% reserve. A total number of 744,159 marking aids was thus required for the four provinces, against which 78,959 stamps were available in stock.

Self Inking Stamp Pads

10. The self inking stamp pads of standard size were provided to each polling station @ 2 per booth, one extra per polling station with a 5% reserve. As these pads were not available in stock, fresh procurement of 369,600 stamp pads was made for the general elections, 1988. The procurement was arranged through the Stationery Department, Karachi.

Standard Stationery Packs

11. The standard stationery packs each containing 15 items such as ball point pens (Red), ball point pens (Blue), Rice paper, paper Pins, Steel Needles, Thread ball, Razor blades, pasting gum (2 oz bottle), Candles, Match Box, Sealing Wax, Plastic Scales and Marker (Black), blotting paper and safety pins was provided @ one per polling station with 5% reserve. Accordingly, 84,000 packs were required for election to the National and Provincial Assemblies which were procured through the Department of Stationery and Forms, Karachi.

Brass Seals

12. The brass seal was used to seal and reseal the ballot boxes, cloth bags, various type of packets and envelopes etc. The brass seal was supplied to each polling station @ 1 each, with 5% reserve. The brass seal was of 1" diameter and each carried a separate code number record whereof was kept by the Provincial Election Commissioner concerned. The code number of brass seal was also kept secret. A total number of 70,000 brass seals were supplied.

Cloth Bags

13. Cloth bags of two sizes i.e. 18" × 30" and 18" × 15" were provided in three colours i.e. white for National Assembly and Khaki for the Provincial Assembly elections and blue for minorities. These bags were procured from the Department of Stationery and Forms as under:—

	Punjab	Sind	NWFP	Baluchistan	Total
White 18" × 30"	26,000	7,500	5,000	2,800	41,300
White 18" × 15"	26,000	7,500	5,000	2,800	41,300

	Punjab	Sind	NWFP	Baluchistan	Total
Khaki 18" × 30"	26,000	7,500	5,000	2,800	41,300
Khaki 18" × 15"	26,000	7,500	5,000	2,800	41,300
Blue 18" × 30" (For minority)	18,000	7,500	1,000	1,000	27,500
Blue 18" × 15" (For minority)	6,000	7,500	1,000	1,000	15,500
White 18" × 30" (For keeping forms)	—	15,000	—	—	15,000
Total	1,28,000	60,000	22,000	13,200	2,23,200

The large cloth bag white (18" × 30") was used to contain the essential items of election material, *i.e.* rubber stamps, brass seals, standard stationery pack, indelible ink etc. alongwith the smaller white bag of 18" × 15" containing ballot papers of a polling station for the National Assembly Constituency. The Khaki large and small bags were used for the same purpose for election to the Provincial Assemblies, whereas blue bags were used for minorities.

14. The bags were supplied @ one per polling station, with sufficient reserve to each province.

Canvas Bags

15. During 1985 general elections steel trunks were used for keeping polling bags for National Assembly and Provincial Assemblies elections. However, on the eve of 1988 general elections, it was decided due to shortage of time, to use large sized canvas bags for this purpose. Accordingly, 20,400 canvas bags were got manufactured for four provinces as per detail given below:—

Punjab	12,750
Sind	3,500
N-W.F.P	2,500
Baluchistan	1,650
	<u>20,400</u>

Duty Badges and Passes

16. In order to facilitate the identification of staff on polling duty, badges were provided to each Presiding Officer, Assistant Presiding Officer and Polling Officer. Each badge contained the words "انتخابات قومی اسمبلی" and "انتخابات صوبائی اسمبلی" for National and Provincial Assemblies election separately. The badges were white in colour and of 2-3/4" × 2-3/4" square size.

17. Similarly, two types of Entry Passes, in white, of 3-1/2" × 4-1/2" size were printed. These passes were issued by the Election Commission as well as Returning Officers for the National and Provincial Assemblies elections. Passes were issued to the visitors, representatives of mass media, Press Information Department and foreign press correspondents etc. to enable them to witness the proceedings at the polling stations.

Indelible Ink

18. As provided under section 33 of the Representation of the People Act, 1976, the Presiding Officer had to put a personal mark in indelible ink on any finger of either hand as indicated by the Commission before issuing the ballot paper to a voter to avoid impersonation/double voting.

19. Accordingly, for the conduct of 1988 general elections, the Election Commission had decided to get manufactured the indelible ink and an order for the preparation of 380,000 vials (each vial of 10 ml) of the indelible ink was placed with PCSIR to meet the requirement of National Assembly and Provincial Assemblies elections. The entire quantity was packed in cartons, i.e. 70% in cartons of 5 vials each and 30% of 3 vials each. The requirement of ink was calculated on the basis of 33,328 polling stations and 113,718 polling booths. The supply of ink @ one bottle per booth plus one extra per polling station was considered to be sufficient. Printed instructions for careful handling of the bottle as well as its application at the polling stations were also supplied in each carton.

20. The distribution of the ink to the Provincial Election Commissioners for National Assembly and the Provincial Assemblies elections by the

PCSIR was as under:—

Punjab	225,000 vials
Sind	75,000 vials
N-W.F.P.	55,000 vials
Baluchistan	25,000 vials

Copies of Electoral Rolls

21. At least two copies of the printed electoral rolls, each for the National Assembly constituencies as well as the Provincial Assemblies constituencies, duly signed and authenticated by the Registration Officer, with addenda, if any, were provided to each Presiding Officer. These electoral rolls were split booth-wise at polling station in whole number of pages so that the strength of voters at each booth is equally distributed. This practice obviated the requirement of more than two sets of electoral rolls at a booth. It also avoided the necessity of striking off the names of those electors who were not assigned to a particular booth from the relevant copy of roll.

Posters/Placards/Banners/Forms and Envelopes

22. In addition to the election material referred to above, various types of posters, placards and banners were used at each polling station, such as—

- (i) Posters showing the method of marking the ballot papers;
- (ii) Posters showing the names and symbols of the contesting candidates;
- (iii) 9 types of placards showing Presiding Officer, Asstt. Presiding Officer, Polling Officer, Polling Agents, Entrance, Exit, Male Polling Booth, Female Polling Booth and place for marking ballot paper; and
- (iv) separate banners showing the name of polling station-National and Provincial.

23. Similarly, 28 types of forms and 15 types of envelopes of various

sizes were got printed and supplied at each polling station according to the scale prescribed by the Commission.

Manual of Instructions

24. In order to make the procedure and phases of elections more intelligible, comprehensive instructions were issued for the guidance of election staff, the candidates and their agents in the shape of following Manuals:—

	No. of copies printed
(i) Manual of Instructions for the guidance of District Returning Officers, Returning Officers and Asstt. Returning Officers	3,000
(ii) Manual of Instructions for the guidance of Presiding Officers	75,000
(iii) Hand Book for the training of Polling Personnel	
(a) Urdu	150,000
(b) English	100,000
(iv) Guide Book for Instructions to the Presiding Officers/Assistant Presiding Officers (in Urdu)	100,000

Punch Machines

25. In order to further safe-guard against bogus voting, the Commission had decided to arrange procurement of 207,000 punch machines for punching the Identity Cards of voters in token of having voted at the elections.

26. The punch machines were got manufactured through POF Wah Cantt. at a cost of Rs. 3,531,000/- and supplied to four provinces as per detail given below:—

(1) Punjab	122,000
(2) Sind	44,000
(3) N-W.F.P.	26,000
(4) Baluchistan	15,000

Total:—	207,000
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Ballot Boxes

27. Section 30 of the Representation of the People Act, 1976 requires that Returning Officer shall provide each Presiding Officer with such number of ballot boxes as may be necessary and that the boxes shall be of such material and design as may be approved by the Commission.

28. On the eve of general elections, 1988, the Commission had checked the availability/requirement of ballot boxes to be used at the polling stations. As per scale prescribed by the Commission *i.e.*, one per polling booth and one per polling station, a total number of 147,046 ballot boxes was required for 33,328 polling stations and 113,718 polling booths against which a total quantity of 122,435 ballot boxes was available in the four provinces. In order to meet the shortage, the Commission had approved that small ballot boxes, donated earlier to the Provincial Governments by the Commission, may be put in serviceable condition for use at the polling stations in case of any shortage of large size boxes. For the purpose 49,503 small ballot boxes were obtained from the Provincial Governments.

29. The detail of large and small size ballot boxes may be seen as under:—

Province/Area	Total requirement	No. of large size ballot boxes available	No. of small size ballot boxes obtained from the Provincial Governments
1	2	3	4
Federal Capital	640	—	—
Punjab	94,014	72,300	33,360
Sind	28,160	27,463	6,000
N-W.F.P. including FATA	17,828	15,547	5,590
Baluchistan	7,051	7,125	4,553
Total:—	1,47,693	1,22,435	49,503

Tele-communication net-work

30. As per past practice, a tele-communication net work was also provided during the General Elections, 1988 to facilitate the administrative arrangements and the communication of results from all corners of the country to the Election Commission. This net work included the following:—

- (a) Hot Lines (16) to the Election Commission's Secretariat, Islamabad/Provincial Election Commissioners, Printing Corporation of Pakistan and Pakistan Security Printing Corporation.
 - (b) STD telephones (785) to the Election Commission of Pakistan/Provincial Election Commissioners/Printing Corporation of Pakistan Press/Pakistan Security Printing Corporation/District Returning Officers/Returning Officers and Army, etc.
 - (c) Telex Machines (9) to the Election Commission's Secretariat, Islamabad and Provincial Election Commissioners.
 - (d) Telefax Machines (6) to the Election Commission's Secretariat, Islamabad and Provincial Election Commissioners.
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CHAPTER — XI

THE COMMUNICATION PLAN

Object of the Plan

The nation expects the Election Commission to release the preliminary result of election soon after the closing hour on the polling day. The Commission is conscious of the fact that any delay in the announcement of result of election causes misgivings in the minds of the public. 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.

2. An effective communication link between the Returning Officer and all polling stations in the constituency assigned to him, is imperative on the polling day for the purposes of communicating instructions of the Commission during emergency and disturbances and for transmitting the result of election after close of the poll. Every Returning Officer has, therefore, to prepare a plan for his constituency in accordance with the guide-lines provided by the Commission and keeping in view the means of communication available in the constituency.

3. The object of communication plan 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 required, by installing special wireless units by the Army and Rangers to ensure that all individual polling stations have reasonable access to a communication facility. It is not practicable to provide an exclusive communication facility to every polling station.

Phases of the Plan

4. The process of transmission of election results has the following four phases:—

- (i) from polling station to the Returning Officer;

- (ii) from Returning Officer to District Information Centre functioning under the District Returning Officer;
- (iii) from District Information Centre to the Provincial Election Commissioner; and
- (iv) from the Provincial Election Commissioner to the Election Commission Secretariat at Islamabad.

Communication Plan

5. The Communication plan prepared for the 1985 general elections served as a model for the 1988 elections. On that basis, necessary guidelines were provided to the Returning Officers who made the following arrangements for the first phase of the plan for communication 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 a police, Army 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.
- (c) In the event of short distance between the polling station and Returning Officer's office, the Presiding Officer was required to send a copy of the statement of the count duly signed 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 before-hand.
- (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 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.

6. 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) A district Information Centre was established in each district under the supervision of the District Returning Officer. This Centre worked round the clock till the result of all constituencies in a district had been communicated to the Provincial Election Commissioner.
- (ii) 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 Information Centre, after due verification, for onward transmission to the Provincial Election Commissioner.
- (iii) The Returning Officers and Assistant Returning Officers had to work round the clock till complete results of constituencies were communicated to the District Information Centre.
- (iv) The result of a constituency, as a whole and not in instalments, was to be communicated by the Returning Officer. Progressive result of polling stations was not to be communicated.
- (v) The District Information Centre was to communicate the result of each constituency simultaneously through telephone and telegram/teleprinter to the Provincial Election Commissioner. Additional telephones were installed in the office of the Provincial Election Commissioner for receiving the results. The allocation of these telephones to the various districts was intimated in advance to all concerned.

- (vi) The Provincial Election Commissioner was to communicate the results of a constituency to the Election Commission Secretariat, Islamabad on the specified telephones and simultaneously to confirm it through the telex. 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) The preliminary/provisional results were to be announced by the Election Commission Secretariat, Islamabad, and not by any other officer/agency. 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 Information Centre was to collect from Returning Officer and communicate the result in this form to the Provincial Election Commissioner for onward transmission to Election Commission Secretariat, Islamabad.
- (ix) The telephone department provided 'Clear Line' connections between the District Information Centre and the Provincial Election Commissioner's office and then between the Provincial Election Commissioner's office and the Election Commission Secretariat at Islamabad.

7. 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

8. In order to finalize arrangement for release of election result, a meeting of senior officers of the Election Commission and the media chiefs was held at Islamabad on November 10, 1988 under the chairmanship of the Chief Election Commissioner. The Secretary, Information, Managing Director, Pakistan Television, the Director General, Pakistan Broadcasting Corporation, Principal Information Officer, Director News, PTV, the Director General, Associated Press of Pakistan, the Editor, Pakistan Press International, and the Director General, Films and Publications, Government of

Pakistan, participated in the deliberations. It was decided that the procedure for announcement of result in 1985 should generally be followed as under:—

- (a) A Central Control Room be set up in the Commission's Secretariat under the charge of the Joint Secretary (Elections) and the results should be announced directly by the PTV and Radio Pakistan from that Control Room.
- (b) The result of a whole constituency and not the progressive result, shall be announced.
- (c) Percentage of votes cast to registered votes in respect of each constituency shall also be announced.
- (d) The format of the result sheet devised for 1985 election was adopted. Names of contesting candidates on the result sheet were desired to be printed in Urdu, as before.
- (e) Result sheet for each category of non-Muslims shall be prepared separately on coloured paper.
- (f) The Commission shall prepare twelve copies of the result sheet, on the basis of information received from the Provincial Election Commissioners, authenticate it and distribute one sheet per agency through the representative of the Ministry of Information. Special arrangements were also made for making out more photostat copies of the result sheets, if required.
- (g) Result of Provincial Assemblies election will also be announced by the Election Commission at Islamabad in the same manner as in case of the National Assembly polls.
- (h) The Commission shall provide in its office suitable space for the installation of Teleprinters/Telephones to various agencies and any other leading newspapers, at their expense.

Proforma of Result Sheet

9. The proforma, as was devised for 1985 elections, was printed in Urdu for each constituency by the Election Commission and copies thereof were supplied to the Provincial Election Commissioners and the information media in sufficient quantity. A specimen of the proforma is given below:—

ELECTION COMMISSION OF PAKISTAN
Preliminary Results of General Elections, 1988.
National Assembly/Provincial Assembly

Number and Name of Constituency:

Number of polling stations:

Total number of Muslim Voters:

Total votes cast:

Valid Votes:

Rejected Votes:

Total Votes:

Percentage of the votes cast:

Serial Number	Name of candidate	Party affiliation	Votes polled
1.			
2.			
3.			
4.			
5.			

6.

Date _____

Signature of Officer
receiving the result.

_____ Time

Signature of Officer
announcing the result.

_____ Time

Central Control Room

10. Six receiving centres, each headed by a senior officer of the Commission, were set up in the Commission's Secretariat at Islamabad. A Central Control Room was established in the Committee Room of the Election Commission Secretariat, Islamabad, with hot-line telephones connected with Provincial Headquarters and intercom with the receiving centres and the teleprinter service. The Central Control Room arranged to display the result of each constituency on the special boards manufactured for this purpose and simultaneously supplied copies thereof to the media. Pakistan Television, Radio Pakistan, PIO, APP and other news agencies established their offices, with hot-lines, within the premises of the Election Commission Secretariat. The local and foreign journalists remained present throughout in

the Control Room to obtain latest information for immediate transmission to their respective principals within the country and abroad. A large number of foreign dignitaries and ambassadors stationed at Islamabad visited the Central Control Room, alongwith their families, and remained there to see the process of announcement of election result. The President, Mr. Ghulam Ishaq Khan, also graced the occasion with his presence and greatly appreciated the elaborate arrangements made by the Commission and the electronic and print media to keep the nation informed of the latest result of election.

11. The Communication Plan prepared for transmission of election results at the district, Provincial and Federal level worked with perfection and precision. The result of a constituency was announced immediately on receipt in the Central Control Room. As in case of last general elections, the preliminary results in respect of all constituencies were announced within twenty-four hours of the close of the poll for election to the National Assembly and the Provincial Assemblies.

CHAPTER — XII

MAINTENANCE OF LAW AND ORDER

Maintenance of peace and order on the polling day is a pre-requisite for the conduct of free and impartial elections. Basically, the maintenance of law and order is the responsibility of the Provincial Governments but the Election Commission has to ensure that the electorate is given a fair opportunity to exercise the right of vote in a tranquil and peaceful atmosphere, free of pressure and intimidation. The election campaign generates tension which generally leads to confrontation between the contesting parties. Careful and meticulous planning is, therefore, needed at all levels in order to keep the law and order situation under control.

2. While occupied fully with the preparatory work for holding elections on the due date, the Election Commission had an eye on the law and order situation prevailing in the country. The Commission was apprehensive of the gradually deteriorating law and order situation in Sind and some incidents of violence in the Punjab. In the face of mounting tension, the Commission decided to meet the Provincial Chief Secretaries, Home Secretaries, the Federal Secretary, Interior, the Director General, Registration, and senior officers of the Commission at Islamabad on October 22, 1988 to have first hand knowledge of the prevalent conditions.

3. The Chief Election Commissioner, who chaired the meeting, apprised the representatives of the Federal Government and the Provincial Governments of the arrangements made by the Commission. He appealed to them that they should rise to the occasion to meet the challenge by extending their whole-hearted support and co-operation to the Election Commission, the District Returning Officers and the Returning Officers in the discharge of their national duty. He advised them to ignore any pressure from any quarter aimed at hindering fair, free and impartial polls.

4. The Chief Election Commissioner referred to the Directive issued by the President on 13th of October, 1988 and hoped that this Directive would

be followed by all concerned in letter and spirit. With regard to the law and order situation, the Chief Election Commissioner suggested that the Provincial Governments might take into confidence the political leaders so that peaceful conditions could be maintained in the country on the eve of the poll in the best national interest.

5. The Chief Election Commissioner advised them to prepare a detailed and elaborate scheme for maintenance of law and order at the polling station in each district. The question of deployment of levies, Civil Armed Forces, the Rangers and the Armed Forces of Pakistan came up for discussion in the meeting. The Chief Election Commissioner emphasized the need for neat and clean election campaign by the contesting parties and advised the local administration to exercise their powers sparingly to avoid any undue curb on the political activity. Loud speaker should be allowed for election campaign in the rural areas without exception and in case of cities, the situation may be dealt with on merit.

6. It was decided that the Army will be called to maintain law and order wherever considered necessary by the Provincial Governments. The Army would provide visible cover to the civil administration in cities and towns. Presence of the Army will act as deterrent to mischief mongers.

7. The question of ban on carrying of arms also came up for discussion. The Chief Secretary, Punjab, disclosed that the Punjab Government had already imposed complete ban on carrying arms. The Chief Secretary, NWFP informed that only four armed guards were allowed in the NWFP for each political leader and that no other person was allowed to carry arms. He further stated that a code of ethics was evolved by all political parties in the Province to remain peaceful during the polls. In Sind and Baluchistan carrying of arms in public places was banned.

8. It was apprehended that due to persistent fear of violence on the eve of the poll, the voters may generally choose to stay in-doors. In that case, turn-out of voters at the polling stations might be low. It was decided that the political parties should be advised by the Government that a foreign hand might attempt to disrupt the process of election and that they should, in this situation, exercise self-restraint in the best interest of the country.

9. It was decided that the Federal Government will meet all expenses on the maintenance of law and order situation before and during the polls. The Provincial Governments should, therefore, refer their demands for additional grant to the Ministry of Interior.

10. The Provincial Governments agreed to constitute a District Co-ordination Cell in each district to monitor the law and order situation and also to provide effective and timely assistance to the District Returning Officers and the Returning Officers. A liaison officer was appointed in each district to co-ordinate the material support and logistics required by District Returning Officers and Returning Officers. The Chief Secretaries were confident that they would be able to provide the requisite support to the District Returning Officers and Returning Officers and that no problem would arise in co-ordinating the work at the district level.

11. The Provincial Governments agreed to discuss with the local political leaders the question of regulating processions to avoid blockade of main roads and highways. The Ministry of Interior was also advised to hold meeting with top-level leadership of the political parties in this respect. The Chief Secretaries assured on behalf of their respective Governments that they would take all possible administrative steps to make the process of election a success and that the exercise of holding the polls on 16th and 19th November, 1988 would be smooth and orderly.

12. The Chief Election Commissioner said that compulsory production of the National Identity Card at the polling stations was aimed at providing effective check on bogus voting and consequently the general atmosphere within the polling stations would be calm and favourable for orderly and disciplined conduct of the poll.

13. The Director General Registration briefed the participants of the meeting on the progress of issuance of National Identity Cards. It was decided that procedure for issuance of cards be simplified and that the Registration Organization should take special measures to accelerate the pace of work to the maximum possible so that no voter is deprived of his vote on that account.

14. The Chief Election Commissioner directed the Registration Organization to check their record to cancel the identity cards reportedly

issued to the Afghan refugees. He advised that no unauthorised person should be allowed to cast vote and no entitled person should be deprived of his constitutional right to do so.

15. As a follow up action, similar meetings were held with the Inspectors General and Deputy Inspectors General of Police to firm up arrangements to keep the law and order situation under control during elections.

Role of Police and Civil Armed Forces

16. A contingent of policemen, assisted by Civil Armed Forces, Police Qaumi Razakars and Janbaz Force, was posted at the polling stations to regulate entry and exit of voters on the polling day. More Police force was deployed at the polling stations of sensitive areas. To control the law and order situation, mobile police teams were constituted to patrol the area, particularly the trouble spots. The Army was kept on alert to come in aid of civil administration, should the situation so warrant.

Transport Arrangements

17. Effective arrangements were made to provide adequate transport facilities to the law enforcing agencies. In addition to the transport of various Government departments and semi-Government institutions, public transport was also requisitioned by the Deputy Commissioners to meet the transport requirements for maintaining law and order on the polling day.

18. For this purpose, the Election Commission requested the Provincial Governments to delegate powers to the Deputy Commissioners to requisition vehicles etc., for use during the polls, under section 6 of the Representation of the People Act, 1976.

Roving Magistrates

19. Based on the experience of 1985 elections, Provincial Governments assigned a group of polling stations to one Roving Magistrate for

maintaining law and order and for liaison with the Returning Officer of the Constituency concerned. The Roving Magistrates were provided with wireless sets for immediate contact with the Returning Officer or Deputy Commissioner in case of emergency.

Role of Armed Forces

20. As a matter of policy, the Army personnel were not deployed at the polling stations. However, the Army provided an effective umbrella to the civil administration to maintain the law and order. Special arrangements were made to deploy static and mobile reserves in the areas where trouble was anticipated. In addition, the armed forces provided security at the printing presses during the printing of ballot papers, and at the PCSIR Laboratories, Karachi, where indelible ink was manufactured.

Magisterial Powers to Presiding Officers

21. At the instance of the Election Commission, sufficient and deterrent powers were given to the Presiding Officers to deal with the offenders effectively and instantaneously at the polling stations, during the last general elections. Section 86A of the Representation of the People Act, 1976, was amended through the Representation of the People (Fifth Amendment) Ordinance, 1985 promulgated on February 24, 1985, which empowered the Election Commission to authorise an officer performing a duty in connection with an election to exercise the powers of a Magistrate First Class 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 any of the clauses of sub-section (1) of section 190 of the Code of Criminal Procedure.

22. The Commission authorised all Presiding Officers to exercise the powers of Magistrate First Class and to try the specified offences summarily on the days appointed for taking the poll for election to the National Assembly and Provincial Assemblies. Necessary authorisation to this effect was notified in the official Gazette on November 2, 1988.

23. Express instructions were simultaneously issued to all Deputy Commissioners to arrange necessary training of Presiding Officers so as to familiarize them with the procedure of summary trial. Forms required for the exercise of magisterial jurisdiction were also made available to the Presiding Officers.

24. These powers had enabled the Presiding Officers to deal with the situation more authoritatively during the last general elections and this arrangement ultimately proved to be an effective deterrent during the ensuing elections as well.

25. Due to the combined efforts and whole-hearted support of the judiciary, the armed forces and the civil administration, the law and order situation generally remained under control and the Election Commission was thus able to fulfil its constitutional obligation of holding elections honestly, justly and fairly.

CHAPTER—XIII

**INDUCTION OF JUDICIAL OFFICERS
IN THE ELECTORAL PROCESS****Appointment of Returning Officers**

The Election Commission appointed the District & Sessions Judges to act as District Returning Officers for their respective districts. The Additional District & Sessions Judges, Senior Civil Judges and Civil Judges were appointed as Returning Officers for Muslim constituencies of the National Assembly and the Provincial Assemblies. In a few cases, where judicial officers were not available, the officers of the executive branch and judicial Magistrates were appointed as Returning Officers. The Extra Assistant Commissioners, Tehsildars, Mukhtiarkars, Sub-Divisional Education Officers, Magistrates and Project Managers were appointed as Assistant Returning Officers to assist the Returning Officers in the performance of their duties.

2. The appointment of District Returning Officers, Returning Officers and Assistant Returning Officers was notified by the Election Commission in the official Gazette on October 6, 1988.

3. 75 District Returning Officers, 519 Returning Officers and 672 Assistant Returning Officers were appointed for 207 Muslim constituencies of the National Assembly and 460 Muslim constituencies of the Provincial

Assemblies as per detail given below:-

Province/Area	National Assembly Number of			Provincial Assembly Number of		
	Consti- tuencies	Returning Officers	Assistant Returning Officers	Consti- tuencies	Returning Officers	Assistant Returning Officers
1	2	3	4	5	6	7
Islamabad	1	1	1	—	—	—
Punjab	115	115	118	240	193	213
Sind	46	46	94	100	5	15
NWFP	26	26	39	80	77	76
FATA	8	8	23	—	—	—
Baluchistan	11	11	30	40	37	63
Total:—	207	207	305	460	312	367

Principles of appointment

4. Induction of judicial officers in the process of elections was a new experiment. Their appointment as Returning Officers was made to inspire public confidence in the electoral process and to ensure that the elections are held in a free, fair and impartial manner. 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 co-extensive with the boundaries of one or two Provincial Assembly constituencies, one Returning Officer was assigned more than one constituency. Where a constituency extended over two or more talukas/tehsils, the Additional District & Sessions Judges were appointed as Returning Officers.

Duties of District Returning Officers

5. The District & Sessions Judges were appointed as District Returning Officers to coordinate 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 or their proposers within the period specified by the Election Commission under section 11 of the Representation of the People Act, 1976.

- (b) Scrutiny of the nomination papers in accordance with 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 communication to the District Returning Officers.
- (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 Officer 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/Additional Returning Officer (Provincial Election Commissioner concerned).

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 Officer. 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 Officers. 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 non-Muslim Seats**

8. For election to ten seats reserved for non-Muslims in the National Assembly, the Joint Secretary (Admn.) of the Election Commission was appointed as Returning Officer, with Provincial Election Commissioners as Additional Returning Officers for their respective Provinces. The Returning Officers for Muslim constituencies in the National Assembly were appointed to act as Assistant Returning Officers for this election.

9. In case of election to the seats reserved for non-Muslims in the Provincial Assemblies, the Provincial Election Commissioners were appointed to act as Returning Officers for their respective Provinces. The Returning Officers for the Muslim constituencies of the Provincial Assembly were appointed to act as Assistant Returning Officers for election to the non-Muslim seats.

President's Directive

10. In order to ensure that all executive authorities in the Federation and the Provinces provide effective assistance to the judicial officers for smooth and efficient conduct of election, the President issued a Directive on October 13, 1988, to the Governors and the Chief Ministers, with copies to the Chief Election Commissioner, the Chief of the Army Staff, the Cabinet Secretary and the Secretary, Interior.

11. The Directive is reproduced below:—

07 of 1988

THE PRESIDENT

**CONDUCT OF FREE, FAIR AND IMPARTIAL GENERAL
ELECTIONS ON 16 AND 19 NOVEMBER 1988**

1. At the time of assumption of office of the President of the Islamic Republic of Pakistan, on 17 August 1988, in accordance with the Constitution, I had made a commitment to the Nation that free, fair and impartial

general elections will be held in the country according to the schedule already announced. The date for the general elections to the National Assembly has been fixed as 16 November 1988, and to the Provincial Assemblies as 19 November 1988.

2. In order to fulfil this commitment, I decided to entrust responsibilities for the conduct of the elections to officers of the judicial cadres. In keeping with this policy decision, the Election Commission has since notified the appointment of District and Sessions Judges as District Returning Officers to oversee and co-ordinate the work of the Returning Officers in a district. To the extent it was possible, Additional District and Sessions Judges and Senior Civil Judges have been appointed as Returning Officers for the conduct of elections in the constituencies of the National Assembly and the Provincial Assemblies. In a few cases, where judicial officers were not available, the officers of the executive branch and judicial magistrates have been appointed as Returning Officers and Assistant Returning Officers.

3. Since judicial officers are being inducted in the electoral process for the first time, and they do not normally have those physical resources and facilities at their disposal as are available with the officers of the executive and other departments operating in a district, the judicial officers will stand in need of maximum assistance from the local administration. In order to ensure that the judicial officers appointed for election duties do actually receive the required degree of assistance for the efficient and smooth conduct of election, I would like to draw the attention of the Governors and the Chief Ministers to their constitutional obligation under Article 220 of the Constitution which states that: "It shall be the duty of all executive authorities in the Federation and in the Provinces to assist the Commissioner and the Election Commission in the discharge of his or their functions".

4. In pursuance of this objective, I direct the Governors and the Chief Ministers, in their capacity as executive heads of the provincial administration, to ensure:

- (a) The Deputy Commissioners shall assist, to the fullest extent, District Returning Officers and Returning Officers in the discharge of their duties, so that there are no gaps or deficiencies left in making foolproof arrangements for the conduct of the

elections. For this purpose, they shall mobilise all their resources and place them at the disposal of District Returning Officers and Returning Officers to the extent of their requirements. The Deputy Commissioners, the District Returning Officers and other officers must work as a well knit team, fully dedicated to the cause of holding the forthcoming elections in a free, fair and impartial manner.

- (b) It shall be the responsibility of the district administration to provide the facilities of transport, telephone, accommodation, manpower, security, etc to the officers and staff engaged in election duties.
- (c) As has been the practice in the past, the bulk-breaking of election material shall be held at the district headquarters, under the direct supervision of the District Returning Officers. The Deputy Commissioners shall provide the requisite manpower for this purpose, and also make available to the District Returning Officers and Returning Officers necessary facilities and resources for packing and distribution of the election material to each polling station in the district according to schedule and under full security. Wherever necessary, the services of the Armed Forces may also be availed of for the purpose of security of the election material during transit.
- (d) The polling scheme shall be updated and revised according to the new delimitation of constituencies and taking into consideration the impact of the recent floods in the Punjab and Sind. It will be necessary to ensure that the public buildings selected earlier do exist, and are suitable to house the polling stations. In case some of the buildings are wholly or partly damaged by the floods, alternative arrangements for polling stations shall be made. The polling stations selected should be convenient, central, neutral and commodious enough for the purpose of election.

5. In order to avoid dislocation of election work, postings and transfers of the officers and staff engaged in election duties shall not be made till the culmination of the process of election.

Also, unless it is unavoidable on account of promotions or retirement or similar other exigencies, the district officers of the administration may not be dislocated or posted out till after the elections are over. This is absolutely necessary, not only to avoid discontinuity of the administrative arrangements connected with the elections, but also to eliminate firmly the possibility of any misperception or misgivings which such postings may create. I also expect the district administration to discharge strictly and impartially their obligation to maintain law and order so as to enable voters to exercise their rights free from fear of coercion or violence.

6. In the end, I want to reiterate that the holding of free and fair elections, without any administrative or security lapse whatsoever, is our collective constitutional and moral responsibility. Therefore, no let or hindrance from any quarters by officials employed on election duties shall be tolerated. The Chief Election Commissioner shall keep me apprised of the process of smooth, fair, free and impartial general elections. I would like that necessary directions, to execute the policy enunciated above, be issued immediately.

(Ghulam Ishaq Khan)
President.

All Governors
All Chief Ministers

No. 178/1/PRESIDENT of 13 October, 1988.

Copy to: Chief Election Commissioner

Chief of the Army Staff

Cabinet Secretary

Secretary Interior

CHAPTER — XIV

THE SCHEDULE OF GENERAL ELECTIONS

The President, in his address to the nation on July 20, 1988, had fixed the 16th of November, 1988, as the date of poll for election to the National Assembly and the Provincial Assemblies. He had, however, left to the Election Commission the option of holding simultaneous or staggered polls to the Assemblies. Before making firm recommendations to the Government, this proposition was considered at length by the Election Commission in order to avoid the risk of dislocation of arrangements for election at any stage.

Simultaneous versus staggered poll

2. In the history of general elections in Pakistan, there is hardly any instance of holding the polls for the National Assembly and the Provincial Assemblies on one and the same day throughout the country. It was partly because of the fact that the Governments-in-power never favoured such a move and partly because the Election Commission itself avoided such an eventuality mainly for administrative reasons.

3. The poll for the general elections 1970, 1977 and 1985 was held on one day for the National Assembly and on another day for the Provincial Assemblies. It was for the first time in 1970 that in the then Province of East Pakistan, elections in a few cyclone affected constituencies and bye-elections in the troubled areas were held for both the assemblies on one and the same day, especially in cases where the boundaries of the National Assembly and the Provincial Assembly constituencies were co-extensive. The simultaneous polls reduced the requirements of polling staff for taking the poll and the police for maintenance of law and order at the polling stations.

4. The Commission, however, made recommendations in the 1970-71 report on general elections that in future the polls for the National Assembly and the Provincial Assemblies should be held on a single day. In spite of these recommendations, the subsequent elections could not be held on a single day,

except in 1979, when the aborted elections were planned on the basis of one-day poll.

5. The Commission examined the matter in the light of relevant provisions of law and merits and demerits of the case.

Relevant provision of law

6. The relevant provision of law for this purpose is embodied in section 25 of the Representation of the People Act, 1976, which reads as under:—

“25. One day poll.- Polls for a general election for an Assembly shall be held on the same day and the polls for National Assembly seats and the Provincial Assembly seats may be held simultaneously;

Provided that, if the Commission is satisfied that polls cannot take place in a constituency on account of a natural calamity or for any other reason beyond its control, the Commission may fix another day for holding the poll in that constituency.”

Merits of Simultaneous Polls

7. The merits of simultaneous polls are as under:-

- (a) where general elections are staggered on the grounds of shortage of staff or to suit the administrative exigencies of the government in power, it is inevitable that the results of first election have a far reaching effect on the results of the subsequent elections. The supporters in favour of simultaneous polls have advocated that even if staggering becomes necessary, no results should be announced before polling has been completed for both the elections.
- (b) The simultaneous polls save the country from going through the same administrative and electoral process twice during the short span of a fortnight, involving unnecessary waste of expenditure, labour, energy and time.

- (c) A single process, with greater concentration on maintenance of law and order, can save the high tensions that otherwise prevail on the eve of simultaneous polls.
- (d) The chances of manipulation by the Government in power are obviated because the results of both the elections are known at one and the same time and it is positively known as to the extent up to which a change would occur in the future structure of the executive Governments, both at the Federal and the Provincial levels.
- (e) Political alliances between the likeminded Candidates of the two Assemblies or even amongst the candidates belonging to the same party, become easier for the purposes of canvassing.
- (f) If the National Assembly polls are held earlier, their results can prompt the defeated parties to find some excuses to boycott subsequent polls as a face saving device. This would create an ugly situation which can be avoided, if polls are held simultaneously.
- (g) From the point of view of law and order, simultane polls reduce the strains on the law enforcing agencies and their redeployment for the Provincial Assembly polls is rendered unnecessary.
- (h) While arranging the simultaneous polls, care has to be taken to have the ballot papers in two different colours so that the illiterate voters do not get confused. Another precaution that can be taken is that the ballot papers for the two Assemblies are not handed over to the voters at one and the same time. They vote for the National Assembly first and then for the Provincial Assembly elections. The insertion of two ballot papers of two different colours in the same ballot box, does not create any serious problem, as the ballot papers for the two elections can conveniently be distinguished at the time of counting.

Demerits of simultaneous polls

8. The demerits of simultaneous polls are briefly explained below:—
- (a) One of the main draw-backs of simultaneous polls is that the parties can pull their full weight at one stage only to obtain the results in their favour. This may lead to the use of under-hand methods to achieve the desired goals.
 - (b) The electorate is pre-dominantly illiterate. The process of simultaneous polls becomes a bit cumbersome for them because they are required to cast two votes at the same time, inspite of the care taken that the votes for the National Assembly elections are marked and cast first and that the votes for Provincial Assembly elections are marked and cast immediately thereafter.
 - (c) Because of the separate electorates, the polling for two Muslim seats and for eight non-Muslim seats is likely to create confusion and difficulties for the polling staff and the voters.
 - (d) The pace of polling, because of the ten elections, is apt to be slow, specially where the number of minority community voters is large.
 - (e) Except where the boundaries of the two Provincial constituencies are co-extensive with one National Assembly constituency, mistakes can occur in the distribution of election material to the concerned polling stations.
 - (f) Polling schemes will have to be reframed in order to identify the polling stations to the relevant constituencies of the National Assembly and the Provincial Assembly.
 - (g) The required number of polling staff may not be available in a few districts to man the polling stations. In such cases, the surplus staff from adjoining districts will have to be shifted to deficient districts at a heavy cost on TA/DA.

Conclusion

9. Weighing the merits and demerits of the proposition, the balance of convenience for the electorate and for the Election Commission apparently lay in holding the polls for the National Assembly and the Provincial Assemblies on separate dates, with at least a gap of three days between the two events. The dates of the polls in respect of the following general elections were also taken into consideration:—

Year of elections	Date of the poll for election to the	
	National Assembly	Provincial Assemblies
1962	28-4-1962	6-5-1962
1965	21-3-1965	16-5-1965
1970	7-12-1970	17-12-1970
1977	7-3-1977	10-3-1977
1985	25-2-1985	28-2-1985

10. The Election Commission accordingly decided to hold the poll for election to the Provincial Assemblies at least three days after the poll for election to the National Assembly. The date of poll for election to the National Assembly having been specified by the President as November 16, 1988, the date of poll for Provincial Assemblies elections was fixed as the 19th November, 1988.

Schedule of Election

11. In his address to the Senate on July 20, 1988, the President had indicated that the Chief Election Commissioner will announce the detailed schedule of election.

12. The Election Commission in its meeting held on October 5, 1988, approved the schedule of election. In his address to the nation over the radio and television on October 8, 1988, Mr. Justice S.A. Nusrat, the Chief Election Commissioner, announced the schedule as under:—

	National Assembly	Provincial Assembly
(a) Notification calling upon constituencies to elect their representatives	8-10-1988	12-10-1988
(b) Last date for filing of nomination papers	15-10-1988	18-10-1988
(c) Scrutiny of nomination papers	16-10-1988 and 17-10-1988	19-10-1988 and 20-10-1988
(d) Last date for withdrawal of candidature	18-10-1988	22-10-1988
(e) Last date for filing of appeals against rejection/acceptance of nomination papers	18-10-1988	22-10-1988
(f) Last date for deciding appeals	20-10-1988	25-10-1988
(g) Publication of revised list of candidates	22-10-1988	27-10-1988
(h) Polling day	16-11-1988 (Wednesday)	19-11-1988 (Saturday)

13. The same programme was notified for election to the seats reserved for four categories of the non-Muslims in the National Assembly and the Provincial Assemblies as was announced for the Muslim seats.

Public Notice

14. Immediately after their appointment, the Returning Officers issued a public notice inviting nominations from their respective constituencies, in pursuance of section 11(3) and (4) of the Representation of the People Act, 1976. The notice was placed on display at a conspicuous place outside the offices of Returning Officers and Assistant Returning Officers. Nomination papers had to be filed with the Returning Officers between 9.00 a.m. and 4.00 p.m on the days fixed for this purpose.

CHAPTER — XV

NOMINATIONS, SCRUTINY AND APPEALS

The process of election starts as soon as the constituencies are called upon by the Election Commission, through a Notification, to elect their representatives. The process of election commenced on October 8, 1988, in case of election to the National Assembly and on October 12, 1988, in case of election to the Provincial Assemblies. Six clear days were allowed for filing nomination papers from 9th to 15th October, 1988 (14th being a Friday) for National Assembly election and from 13th to 18th October, 1988 for the election to the Provincial Assemblies.

Qualifications for Membership

2. Under Article 62 of the Constitution and sub-section (1) of section 99 of the Representation of the People Act, 1976, a person was qualified to be elected as a member of an Assembly, if—

- (a) he was a citizen of Pakistan;
- (b) he had attained the age of twenty-five years;
- (c) his name appeared 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 was of good character and was not commonly known as one who violated Islamic Injunctions;
- (e) he had adequate knowledge of Islamic teachings and practised obligatory duties prescribed by Islam as well as abstained from major sins;
- (f) he was sagacious, righteous and non-profligate and honest and ameen;
- (g) he had not been convicted for a crime involving moral turpitude or for giving false evidence; and

(h) he had not, after the establishment of Pakistan, worked against the integrity of the country or opposed the ideology of Pakistan.

3. The qualifications specified in sub-paragraphs (d) and (e) were not applicable to a non-Muslim candidate but such a person had to have a good moral reputation.

Disqualification

4. Sub-section (1A) of section 99 of the Act laid down disqualifications for a candidate for election to the National Assembly or a Provincial Assembly. The disqualifications specified under Article 63 of the Constitution for membership of Parliament were made applicable to the membership of Provincial Assemblies under Article 113 of the Constitution.

Bar against double membership

5. According to the bar placed against double membership under Article 223 of the Constitution, no person could at the same time, be a member of both Houses of Parliament; 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.

6. A person could, however, be a candidate for two or more seats, at the same time, whether in the same body or in different bodies, but in case of his election to more than one seat, he was required to retain only one seat and vacate the other seats.

Nomination Form

7. Section 12 of the Representation of the People Act, 1976, provided that any fifty electors of a constituency may nominate a duly qualified person to be member of that constituency. This provision was amended through the Representation of the People (Amendment) Ordinance, 1988 (Ordinance No. XIV of 1988) on October 4, 1988, to the extent that, instead of fifty electors, any elector of a constituency could propose or second the nomination of a candidate for that constituency. This amendment necessitated modification of the nomination forms prescribed under the Representation of the People

(Conduct of Election) Rules, 1977. The nomination forms for the Muslims (Form-I) and for the non-Muslims (Form-IA) were accordingly revised to meet the requirement of one proposer and one seconder for nomination of a candidate.

Nomination of candidates

8. Every nomination had to be made by a separate nomination paper duly signed by the proposer and seconder. The nomination paper contained a declaration 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. A candidate could file a maximum number of five nomination papers for election to the same seat.

9. All nomination papers, duly signed by the proposer, the seconder and the candidate were to be delivered by the candidate, or by his proposer or seconder to the Returning Officer. To facilitate scrutiny of nomination paper, the candidate was required to indicate in the declaration the electoral area and the district in which he was registered as a voter. The Returning Officer had to acknowledge receipt of the nomination paper, indicating the time, date and place at which scrutiny was to be held. Notice of every nomination paper containing particulars of the candidate, as shown in the nomination paper, was required to be fixed outside his office.

Security deposits

10. With each nomination paper, a receipt had to be attached showing that a sum of Rs. 4,000/- in the case of election to the National Assembly and a sum of Rs. 2,000/- for election to a Provincial Assembly seat had been deposited in the treasury. The Returning Officers could also receive the amount in cash against a receipt. A candidate filing more than one nomination paper for the same seat, was not required to make more than one deposit.

Extracts from rolls to be filed with nominations

11. The Returning Officer had to verify the entries in the nomination papers relating to the names of the proposer, seconder and the candidate at the

time of their receipt and later at the time of scrutiny. To facilitate this verification, the candidates were required to file certified copies of extracts from the electoral rolls with their nomination papers. The particulars could further be checked from the entries in the constituency rolls which by then had been supplied to the Returning Officers by the Election Officer.

Statistics of nominations for National Assembly

12. During the period fixed for the nomination of candidates for National Assembly elections, 1,859 persons filed nomination papers for 207 Muslim seats as per detail given below:—

Province/Area	No. of constituencies	Candidates nominated
Islamabad	1	19
Punjab	115	865
Sind	46	495
NWFP	26	226
FATA	8	104
Baluchistan	11	150
Total:—	207	1,859

13. For ten seats reserved in the National Assembly for non-Muslim communities, 78 persons filed nomination papers as per detail given below:—

Community	No. of constituencies	Candidates nominated
Christians	4	30
Hindus and Scheduled Castes	4	46
Sikh, Budhist, Parsi communities and other non-Muslims	1	2
Persons belonging to the Quadiani group or the Lahori group (who call themselves Ahmadis)	1	—
Total:—	10	78

14. In all, 1,937 persons were nominated for election to 217 seats in the National Assembly, 1,859 for 207 Muslim seats and 78 for ten non-Muslim seats.

Statistics of nominations for Provincial Assemblies

15. For election to the seats in the four Provincial Assemblies, 5,587 persons filed nomination papers for the Muslim seats. Detail of these nominations is given in the table below:—

Provincial Assembly	No. of Muslim constituencies	No. of candidates nominated
Punjab	240	2,781
Sind	100	1,379
N-W.F.P.	80	845
Baluchistan	40	582
Total:—	460	5,587

16. For election to 23 seats reserved for non-Muslims in the Provincial Assemblies, 280 persons filed nominations as per detail tabulated below:—

Provincial Assembly	Christians		Hindus and Scheduled Castes		Sikh, Budhist, Parsi communities & other non-Muslims		Persons belonging to the Qadiani group or the Lahori group (who call themselves Ahmadis)		Total	
	Seats	Candidates	Seats	Candidates	Seats	Candidates	Seats	Candidates	Seats	Candidates
Punjab	5	90	1	11	1	2	1	1	8	104
Sind	2	35	5	105	1	3	1	—	9	143
NWFP	1	6	—	—	1	8	1	—	3	14
Baluchistan	1	7	1	10	1	2	—	—	3	19
Total:	9	138	7	126	4	15	3	1	23	280

17. Summary of the total seats and the persons nominated for each Provincial Assembly is given below:—

Provincial Assembly	Total No. of seats (Muslims and non-Muslims)	Total number of nominated candidates (Muslims and non-Muslims)
Punjab	248	2,885
Sind	109	1,522
NWFP	83	859
Baluchistan	43	601
Total:—	483	5,867

Women candidates for general seats

18. Women candidates had also filed nomination papers for election to the Muslim (general) seats in the National Assembly and the Provincial Assemblies. Twenty-seven women were nominated for the Muslim (general) constituencies of the National Assembly and 24 women filed nominations for election to the Provincial Assemblies, as detailed below:—

Province/Area	National Assembly	Provincial Assemblies
Islamabad	—	—
FATA	—	—
Punjab	12	17
NWFP	4	2
Sind	10	5
Baluchistan	1	—
Total:—	27	24

14. In all, 1,937 persons were nominated for election to 217 seats in the National Assembly, 1,859 for 207 Muslim seats and 78 for ten non-Muslim seats.

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	Seats	Candidates	Seats	Candidates	Seats	Candidates	Seats	Candidates	Seats	Candidates
Punjab	5	90	1	11	1	2	1	1	8	104
Sind	2	35	5	105	1	3	1	1	9	143
NWFP	1	6			1	8	1		3	14
Baluchistan	1	7	1	10	1	2			3	19
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FATA	—	—
Punjab	12	17
NWFP	4	2
Sind	10	5
Baluchistan	1	—
Total:—	27	24

Candidates for National Assembly and Provincial Assemblies

19. The number of persons filing nomination papers simultaneously for election to the National Assembly and the Provincial Assemblies was 544 as per detail given below:—

	Punjab	Sind	NWFP	Balu-chistan	Total
More than one seat in the National Assembly	30	13	2	—	45
More than one seat in the Provincial Assembly	60	17	17	4	98
Seats both in the National Assembly and Provincial Assemblies	226	62	65	48	401
Total:—	316	92	84	52	544

SCRUTINY

Dates of Scrutiny

20. Scrutiny of nomination papers for election to the National Assembly was held on 16th and 17th October, 1988 and scrutiny of nomination papers for election to the Provincial Assemblies was held on 18th and 19th October, 1988, by the Returning Officers concerned. The Returning Officers scrutinized the nomination papers in the presence of the candidates, their election agents, proposers, seconders and one other person (who could be an Advocate) duly authorized in this behalf by the candidate. Reasonable facility was given to them to examine the nomination papers.

Guidelines to Returning Officers regarding acceptance/rejection of nominations

21. A Returning Officer could, of his own motion, or upon any objection raised by any person, conduct a summary inquiry and reject a nomination paper on any of the grounds mentioned in section 14 of the Representation of the People Act, 1976.

22. A Returning Officer could not reject a nomination paper on the ground of any defect which was not of a substantial nature. He was authorised to allow such defects to be remedied forthwith. He was not expected to enquire into the correctness or validity of any entry in the electoral roll. As regards the age of a candidate, he could call for and examine such evidence, as was necessary, to enable him to decide the question whether a particular candidate was 25 years of age or not.

23. The rejection of nomination paper of a candidate was not to invalidate his candidature if his nomination had been accepted by another valid nomination paper. If the person nominated had not signed the oath(s) and refused to do so even at the time of scrutiny, his nomination papers were liable to be rejected. The Returning Officers were instructed not to allow adjournments of scrutiny of nominations. Decision on the nomination papers accepting or rejecting them were recorded, stating briefly the reasons in case of rejections and the objections raised.

Nominations rejected

24. Nomination papers of 26 candidates for election to the National Assembly and 61 candidates for Provincial Assemblies elections were rejected by the Returning Officers. Detail of the rejected nomination papers is as under:—

Province	Nominations rejected		Total
	National Assembly	Provincial Assembly	
Federal Capital	—	—	—
FATA	2	—	2
Punjab	9	36	45
Sind	13	13	26
NWFP	2	6	8
Baluchistan	—	6	6
Total:—	26	61	87

List of validly nominated candidates

25. 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.

APPEALS AGAINST REJECTION/ACCEPTANCE OF NOMINATION PAPERS

Appeal against decision of Returning Officer

26. After scrutiny of nomination papers, the Returning Officer has to endorse on each nomination paper his decision accepting or rejecting it and, in case of rejection, he has to record brief reasons therefor.

27. According to sub-sections (5) and (6) of section 14 of the Representation of the People Act, 1976, the decision of Returning Officer accepting or rejecting the nomination paper of a candidate is appealable before the Election Commission or a Judge of the High Court nominated by the Chief Election Commissioner after consultation with the Chief Justice of the High Court concerned. This appeal has to be summarily decided within such time as notified by the Commission and any order passed thereon is final.

28. An Appeal which is not disposed of within the specified period is deemed to have been rejected. Announcement of the day and time appointed for the hearing of an appeal over the radio, television or through the press is deemed to be sufficient notice of the day and time so appointed.

Appointment of Appellate Judges

29. In pursuance of sub-section (5) of section 14 of the Act, the Election Commission notified on October 16, 1988, the names of 41 Judges of the High Courts for disposal of appeals against the decisions of the Returning

Officers rejecting/accepting nomination papers, along with their jurisdiction, as under :—

Province	No. of Appellate Judges
Federal Capital and Punjab	24 Judges of Lahore High Court
Sind	8 Judges of Sind High Court
NWFP & FATA	6 Judges of Peshawar High Court
Baluchistan	3 Judges of Baluchistan High Court
Total :—	41

30. The appointment of Appellate Judges was given wide publicity through media for information of all concerned.

Period for filing appeals

31. Appeals against the decision of Returning Officers rejecting or accepting a nomination paper were due to be filed by 18-10-1988 and 22-10-1988 respectively for the National Assembly constituencies and the Provincial Assemblies constituencies.

Appeals for non-Muslim seats

32. The Members of the Commission were authorised to dispose of appeals against acceptance/rejection of nomination papers of the non-Muslim candidates for election to the National Assembly and the Provincial Assemblies, as noted below :—

- 1) Mr. Justice Muhammad Rafiq Tarar (1) Federal Capital
(2) Punjab
(3) NWFP
- (2) Mr. Justice Abdul Razzak A. Thahim (1) Sind and
(2) Baluchistan

Procedure for filing appeals

33. Persons desirous of filing appeals were advised to file their appeals directly with the Judge concerned in his chamber and not through the Registrar and also to ascertain the day and time of hearing the appeals from the Appellate Judge at the time of filing appeals, as notices to individual persons were not to be issued.

34. Under the law, a Returning Officer is required to supply forthwith a copy of his orders to the person whose nomination has been rejected or to the person who has challenged the acceptance of nomination papers of a candidate. The Returning Officer has further to ensure that the nomination paper or papers relating to a Muslim constituency in respect of which an appeal has been filed, along with his orders thereon, are sent to the Judge concerned by the quickest possible means. The same procedure was adopted by the Returning Officers for non-Muslim constituencies, who sent the requisite documents to the member concerned of the Election Commission.

Appeals relating to National Assembly elections

35. In case of election to the Muslim seats in the National Assembly, 26 nomination papers were rejected by the Returning Officers. Seven appeals were filed against rejection of nomination papers. The Appellate Judges accepted four appeals and rejected three appeals. In all thirteen appeals were filed against acceptance of nomination papers. Of these, five appeals were accepted and the remaining eight appeals were rejected. Province-wise detail of appeals is given in the following table:—

Province/Area	No. of nomination papers rejected	No. of appeals against rejection			No. of appeals against acceptance		
		Filed	Accepted	Rejected	Filed	Accepted	Rejected
Federal Capital	—	—	—	—	—	—	—
FATA	2	—	—	—	—	—	—
Punjab	9	2	1	1	5	3	2
Sind	13	5	3	2	4	—	4
NWFP	2	—	—	—	3	1	2
Baluchistan	—	—	—	—	1	1	—
Total:—	26	7	4	3	13	5	8

36. No nomination paper of the candidates for non-Muslim seats in the National Assembly was rejected.

Appeals relating to Provincial Assemblies elections

37. In case of nomination for Muslim seats in the Provincial Assemblies elections, the nomination papers of 61 persons were rejected by the Returning Officers. As against these rejections, 26 appeals were filed, of which 15 appeals were accepted and 11 appeals were rejected. In all 7 appeals were filed against acceptance of nomination papers which were rejected by the Appellate Judges.

38. The following table would indicate the detail of appeals in respect of each Provincial Assembly :—

Provincial Assembly	No. of nomination papers rejected	No. of appeals against rejection			No. of appeals against acceptance		
		Filed	Accepted	Rejected	Filed	Accepted	Rejected
Punjab	36	16	7	9	3	—	3
Sind	13	6	4	2	4	—	4
NWFP	6	1	1	—	—	—	—
Baluchistan	6	3	3	—	—	—	—
Total:—	61	26	15	11	7	—	7

39. The nomination papers of a candidate for the Christian seat in the Provincial Assembly, NWFP was rejected by the Returning Officer on scrutiny which was accepted on appeal by the appellate authority. No other nomination for the non-Muslim seats in the Provincial Assemblies was rejected.

Grounds for Appeals

40. Appeals against rejection/acceptance of nomination papers were generally based on the following grounds:—

- (1) Extracts from electoral rolls showing that proposer and seconder were registered voters of the area was not produced.

- (2) Candidate was not present at the time of scrutiny.
- (3) Proposer and seconder were not registered voters in the relevant constituency.
- (4) Candidate was a convict.
- (5) Candidate was in service of a nationalised bank.
- (6) Candidate was under age.
- (7) Candidate violated Islamic Injunctions.
- (8) Respondent was debarred to contest election as independent candidate in view of a bar contained in section 4 of the Political Parties Act, 1962.
- (9) Candidate was a Government contractor.
- (10) Candidate was not a registered voter in any constituency of the Province from which he was seeking election to the Provincial Assembly.
- (11) Challan form for depositing security deposit was not got signed from the Returning Officer and complete head of account was not mentioned therein.
- (12) Candidate practised fraud in getting a mutation of a piece of land sanctioned in his name.
- (13) Candidate failed to enter his serial number as well as those of the proposer and the seconder, as recorded in the electoral rolls, in the nomination form.
- (14) A criminal case was registered against the candidate.
- (15) Candidate was neither sagacious, nor honest/righteous/ameen.
- (16) Name of the proposer was incorrectly recorded in the electoral rolls.
- (17) Candidate belonged to a particular sect which did not fall within the definition of 'Muslim'.
- (18) The seconder did not sign the nomination form.
- (19) Age and address of the proposer as given in the nomination form were different from the one mentioned in the electoral rolls.

**Revised list of candidates for
Muslim seats in the National Assembly.**

41. After disposal of the appeals against rejection/acceptance of nomination papers, the Returning Officers published revised lists of candidates for election to the National Assembly on October 22, 1988 and for election to the Provincial Assemblies on October 27, 1988, as per schedule notified by the Commission.

42. The revised list of candidates for election to the Muslim seats in the National Assembly contained the names of 1,832 candidates as per detail appearing in the following table :—

Province/Area	Persons nominated	Nominations rejected by Returning Officer (-)	No. of persons whose appeals against rejection of nomination papers were accepted (+)	No. of persons whose nomination papers rejected on appeal against acceptance of their nomination papers (-)	No. of contesting candidates after disposal of appeals
NWFP	226	2		1	223
FATA	104	2		3	99
Federal Capital	19				19
Punjab	865	9	1		857
Sind	495	13	3	1	484
Baluchistan	150				150
Total:	1,859	26	4	5	1,832

**Revised list of candidates for
Non-Muslim seats in the National Assembly**

43. As stated earlier, the nomination papers of all candidates for election to the non-Muslim seats in the National Assembly were accepted by the Returning Officers on scrutiny. As a result, 78 candidates were in the field for ten constituencies reserved for non-Muslims in the National Assembly as under :—

(1) Christians	30
(2) Hindus and Scheduled Castes	46

- (3) Sikh, Budhist, Parsi & other non-Muslims 2
- (4) Persons belonging to the Quadiani group or the Lahori group (who call themselves Ahmadis)

Total:— 78

44. The total number of candidates for the National Assembly for both the Muslim and non-Muslim constituencies was 1910.

Revised list for Muslim seats in the Provincial Assemblies

45. As per revised list, the number of candidates for election to the Muslim seats in the Provincial Assemblies was 5,541. Detail of each Provincial Assembly has been tabulated below:—

Province	Persons nominated	Nominations rejected by Returning Officer (-)	No. of persons whose appeals against rejection of nomination papers accepted (+)	No. of persons whose nomination papers rejected on appeal against acceptance of their nomination papers (-)	No. of contesting candidates after disposal of appeals
Punjab	2,781	36	7	—	2,752
Sind	1,379	13	4	—	1,370
NWFP	845	6	1	—	840
Baluchistan	582	6	3	—	579
Total:—	5,587	61	15	—	5,541

Revised list for non-Muslim seats in the Provincial Assemblies

46. The nomination paper of one candidate for the seat reserved in the Provincial Assembly, NWFP, for Christians was rejected by the Returning Officer on scrutiny. On appeal his nomination paper was accepted and he was declared as a validly nominated candidate. Thus, in all 280 candidates

contested for 23 seats reserved for the non-Muslims in the four Provincial Assemblies, as in the following table:—

Provincial Assembly	Christians	Hindus and Scheduled Castes	Sikh, Budhist parsi and other non-Muslims	Persons belonging to Qadiani group or Lahori group (who call themselves Ahmadis)	Total
Punjab	90	11	2	1	104
Sind	35	105	3		143
NWFP	6		8		14
Baluchistan	7	10	2		19
Total:	138	126	15	1	280

47. The total number of candidates, for the Muslim and non-Muslim seats in the four Provincial Assemblies was 5,821.

CHAPTER — XVI

WITHDRAWING, RETIRING AND CONTESTING CANDIDATES

Withdrawal of candidature

Section 16 of the Representation of the People Act, 1976 provides that any validly nominated candidate may, by notice in writing signed by him and delivered to the Returning Officer on or before the withdrawal date, either by the candidate himself or through an advocate duly authorized in writing by him, withdraw his candidature. Authorization in favour of an advocate has to be attested by a competent authority, such as, Oath Commissioner or a Notary Public under the Notaries Ordinance, 1961.

2. A notice of withdrawal shall, in no circumstances, be open to recall or cancellation. The Returning Officer is required to cause a copy of the notice of withdrawal to be affixed at a conspicuous place in his office, if he is satisfied that signature on the notice is genuine.

**Number of withdrawing candidates
from National Assembly election**

3. According to the schedule for elections, the date for withdrawal of candidature for the National Assembly elections and the Provincial Assemblies elections was fixed respectively as 18th and 22nd October, 1988. The number of validly nominated candidates who withdrew their candidature from elections to the Muslim constituencies in the National Assembly was 520 as in the following table:—

Province/Area	No. of withdrawing candidates from the Muslim constituencies
Islamabad	5
FATA	10
Punjab	257

Sind	120
NWFP	78
Baluchistan	50
<hr/>	
Total:—	520
<hr/>	

4. Two candidates for the seats reserved for Christians and six candidates for the seats reserved for Hindus and Scheduled Castes in the National Assembly also withdrew their candidature.

5. Thus, in all 528 validly nominated candidates withdrew from election to the Muslim and non-Muslim constituencies of the National Assembly.

Number of withdrawing candidates from Provincial Assemblies elections

6. In all 1,691 validly nominated candidates withdrew their candidature from election to the Muslim seats in the Provincial Assemblies, as detailed below:—

Provincial Assembly	No. of withdrawing candidates
Punjab	931
Sind	361
NWFP	241
Baluchistan	158
<hr/>	
Total:—	1,691
<hr/>	

7. Twenty-four candidates for election to the non-Muslim seats in the Provincial Assemblies withdrew their candidature as per following detail:—

Name of Assembly	Christians	Hindus & Scheduled Castes	Sikh, Budhist, Parsis and other non-Muslims
Provincial Assembly, Punjab	6	—	—
Provincial Assembly, Sind	3	9	—
Provincial Assembly, NWFP	1	—	2
Provincial Assembly, Baluchistan	2	1	—
Total :—	12	10	2

8. Thus, the total number of candidates who withdrew their candidature from election to the Muslim and non-Muslim seats in the Provincial Assemblies was 1,715.

Retirement from contest

9. The provision of retirement from the contest was embodied under section 17 of the Representation of the People Act, 1976. This provision was omitted under the Representation of the People (Fourth Amendment) Ordinance, 1977 (Ordinance No. XXVIII of 1977) issued on August 7, 1977, which was made applicable to the "forthcoming elections".

10. After the 1985 general elections were held, Ordinance No. XXVIII of 1977 stood repealed and consequently the original provision of section 17 revived. The facility of retirement from the contest was thus available to the candidates for general elections held in November, 1988.

11. Section 17, as revived, provides that a contesting candidate may retire from the contest by a notice in writing signed by him and delivered to the

Returning Officer on any day not later than four days before the polling day either by such candidate in person or by an agent authorised in this behalf in writing by such candidate. No person who has given the notice of retirement is allowed to cancel the notice. The Returning Officer is required to cause a copy of the notice of retirement to be affixed at some conspicuous place in his office and also to be published in such manner as he may think fit.

12. A person in respect of whom a notice of retirement has been published shall be deemed to have withdrawn his candidature under section 16.

Retirements from contest of the National Assembly

13. In all, 145 contesting candidates retired from the contest for Muslim constituencies of the National Assembly within the prescribed period as per detail given below :—

NWFP	15
FATA	8
Federal Capital	2
Punjab	68
Sind	38
Baluchistan	14

Total :— 145

No candidate for election to the seats reserved for non-Muslims in the National Assembly retired from the contest.

Retirements from contest of the Provincial Assemblies

14. A total number of 442 contesting candidates retired from the contest for Muslim constituencies of four Provincial Assemblies. The detail of retiring candidates is as under :—

Provincial Assembly, Punjab	210
Provincial Assembly, Sind	119
Provincial Assembly, NWFP	34
Provincial Assembly, Baluchistan	79

Total :— 442

15. In addition, one candidate for the Christian seat in the Provincial Assembly, Baluchistan, and three candidates for the seats reserved for Hindus and Scheduled Castes in the Provincial Assembly, Sind, retired from the contest.

16. In all, 446 candidates retired from the contest for Muslim and non-Muslim constituencies of the four Provincial Assemblies.

Definition of contesting candidate

17. A contesting candidate has been defined under section 2(vii) of the Act to mean "a validly nominated candidate who has not withdrawn his candidature".

Contesting candidates for National Assembly election

18. After the scrutiny of nomination papers, disposal of appeals, withdrawal of candidature and retirement from the contest, the total number of candidates for election to Muslim constituencies of the National Assembly was 1,167, as per details tabulated below:—

Province/Area	Number of candidates			Total contesting candidates
	Validly nominated after disposal of appeals	Who withdrew their candidature	Who retired from the contest	
NWFP	223	78	15	130
FATA	99	10	8	81
Federal Capital	19	5	2	12
Punjab	857	257	68	532
Sind	484	120	38	326
Baluchistan	150	50	14	86
Total:—	1,832	520	145	1,167

19. The number of contestants for ten non-Muslim seats in the National Assembly was 70, as in the following table:

Community	Number of candidates			Total contesting candidates
	Validly nominated after disposal of appeals	Who withdrew their candidature	Who retired from the contest	
Christian	30	2	---	28
Hindu	46	6	---	40
Sikh/Parsi	2	---	---	2
Ahmadi (Quadiani)	---	---	---	---
Total:--	78	8	---	70

20. The total number of candidates left in the field to contest for the Muslim and non-Muslim seats in the National Assembly was 1,237.

Contesting candidates for Provincial Assemblies elections

21. Position with regard to the candidates for election to 460 Muslim seats in the Provincial Assemblies is tabulated below:--

Provincial Assembly	Number of candidates			Total contesting candidates
	Validly nominated after disposal of appeals	Who withdrew their candidature	Who retired from the contest	
Punjab	2,752	931	210	1,611
Sind	1,370	361	119	890
NWFP	840	241	34	565
Baluchistan	579	158	79	342
Total:--	5,541	1,691	442	3,408

22. In addition, 252 candidates were left in the field to contest for 23 seats reserved for the minority communities in the Provincial Assemblies as in the following table :—

Name of the Assembly	Number of candidates															
	Validly nominated				Who withdrew their candidature				Who retired from the contest				Contesting candidates			
	Christians	Hindus	Sikhs, Buddhists etc	Quadrants	Christians	Hindus	Sikhs, Buddhists etc	Quadrants	Christians	Hindus	Sikhs, Buddhists etc	Quadrants	Christians	Hindus	Sikhs, Buddhists etc	Quadrants
Provincial Assembly, Punjab	90	11	2	1	6	—	—	—	—	—	—	—	84	11	2	1
Provincial Assembly, Sind	35	105	3	—	3	9	—	—	—	3	—	—	32	93	3	—
Provincial Assembly, NWFP	6	—	8	—	1	—	2	—	—	—	—	—	5	—	6	—
Provincial Assembly, Baluchistan	7	10	2	—	2	1	—	—	1	—	—	—	4	9	2	—
Total:—	138	126	15	1	12	10	2	—	1	3	—	—	125	113	13	1

23. In all, 3,660 candidates were left to contest election from 483 constituencies of the four Provincial Assemblies.

Proceedings terminated

24. Section 18 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. Election proceedings were terminated in the following three constituencies due to the death of the candidates, as noted against each constituency :—

- | | | |
|-------------------------|---|---------------------------|
| (1) NA-21 Swat-I | — | Mr. Karim Bakhsh |
| (2) NA-62 Faisalabad-VI | — | Mr. Muhammad Ilyas Bhutta |
| (3) PF-6 Peshawar-VI | — | Mr. Jehangir Khan |

As a result, election was not held in these constituencies on the due date.

Uncontested return

25. Section 20 provides that where after scrutiny, or after withdrawal of candidature or after retirement from contest, there remains only one validly

nominated candidate, the Returning Officer shall, by public notice, declare such candidate to be elected to that seat. As the number of validly nominated candidates was more than one in each constituency, at all stages, no candidate was declared elected unopposed to any Muslim constituency either in the National Assembly or a Provincial Assembly. Only one validly nominated candidate was declared elected uncontested against the seat reserved in the Provincial Assembly, Punjab, for persons belonging to the Qadiani group or the Lahori group (who call themselves Ahmadis).

Number of Average candidates per seat

26. The following table would show the average number of contesting candidates per constituency for elections held in Pakistan in 1962, 1965, 1970, 1977, 1985 and 1988 :—

Year of Election	Assembly	Number of general (Muslim) seats	Number of contesting candidates	Average per constituency
1962	National Assembly	150	609	4.06
	Provincial Assembly, West Pakistan	150	890	5.93
	Provincial Assembly, East Pakistan	150	1,003	6.69
1965	National Assembly	150	400	2.67
	Provincial Assembly, West Pakistan	150	310	2.07
	Provincial Assembly, East Pakistan	150	664	4.43
1970	National Assembly	300	1,579	5.26
	Five Provincial Assemblies	600	4,235	7.06
1977	National Assembly	200	715	3.58
	Four Provincial Assemblies	460	2,124	4.62
1985	National Assembly	207	1,095	5.29
	Four Provincial Assemblies	460	3,571	7.76
1988	National Assembly	207	1,167	5.64
	Provincial Assembly, Punjab	240	1,611	6.71
	Provincial Assembly, Sind	100	890	8.90
	Provincial Assembly, NWFP	80	565	7.06
	Provincial Assembly, Baluchistan	40	342	8.55

CHAPTER — XVII

POLITICAL PARTIES AND SYMBOLS

Due to low percentage of literacy, the electorate in Pakistan is generally unable to read the names of candidates on the ballot papers. In order to enable an illiterate voter to identify the name of the candidate of his choice on the ballot paper, a symbol is printed against the name of each candidate on the ballot paper. Symbol is a pictorial representation of some familiar object on the ballot paper whereby illiterate voters identify the candidate of their choice. The pictorial symbol has to be commonly known, clearly perceptible and easily recognizable. The procedure for allocation of symbols to the political parties and candidates is regulated by law.

Allocation of symbols for partyless elections

2. In the absence of political parties from the electoral arena during the 1985 general elections, the symbols were allocated to the individual candidates in accordance with the procedure laid down under section 21 of the Representation of the People Act, 1976, which provided that—

- “(1) If there are more contesting candidates than one in respect of any constituency, the Returning Officer shall—
- (a) prepare a list of contesting candidates in which their names shall be arranged in alphabetical order of the Urdu language;
 - (b) allocate one of the prescribed symbols to each contesting candidate by drawing of lots; and
 - (c) give public notice of the poll.”

Supreme Court's verdict on symbols

3. The question of participation of the political parties in the electoral process of the country was raised in a Constitution Petition No. 2-R of 1988 by Ms. Benazir Bhutto against Federation of Pakistan and others before the

Supreme Court. After hearing the parties at length, the Supreme Court passed the following short Order on October 2, 1988 :—

“For reasons to be recorded later, this Petition under Article 184(3) of the Constitution is allowed and it is hereby declared that—

- (i) every political party shall be eligible to participate in the elections to every seat in the National and the Provincial Assemblies scheduled to be held on the 16th November, 1988;
- (ii) Section 21 of the Representation of the People Act, 1976, as amended by Representation of the People (Amendment) Ordinances II and VIII of 1985 is violative of Fundamental Right contained in Article 17(2) of the Constitution in so far as it fails to recognize the existence and participation of political parties, in the process of elections, particularly in the matter of allocation of symbols and is for that reason void to that extent. As a result thereof, the political parties shall be entitled to avail of the provisions of sub-rule (2) of Rule 9 of the Representation of the People (Conduct of Election) Rules, 1977, which empowers the Election Commission to allot any of the prescribed symbols to a political party or a combination of two or more political parties who have agreed to put up joint candidates for elections.”

Amendment of law

4. Pursuant to the verdict of the supreme Court, section 21 of the Act was substituted by the following provision through the Representation of the People (Amendment) Ordinance, 1988 (Ordinance No. XIV of 1988) promulgated on October 4, 1988 :—

“(1) If there are more contesting candidates than one in respect of any constituency, the Returning Officer shall—

- (a) allocate, subject to any direction of the Commission, one of the prescribed symbols to each contesting candidate; and in

so doing shall, so far as possible, have regard for any preference indicated by the candidate at the time of filing his nomination papers ;

- (b) publish in such manner as the Commission may direct the names of the contesting candidates arranged in Urdu alphabetical order specifying against each the symbol allocated to him ; and
- (c) give public notice of the poll :

Provided that the Commission may, on an application made to it in this behalf, allot one of the prescribed symbols to any political party or a combination of two or more political parties who have agreed to put up joint candidates for election.”

Effects of legal amendment

5. Consequently, the condition of registration of political parties for participation in election was no more valid in the eye of law and all political parties were free to contest the election and were, therefore, entitled to a symbol. No criteria could be established for the purpose of allocation of symbols to political parties or for their formal recognition. The Election Commission decided to accommodate the maximum number of parties for the allocation of symbols so as to ensure as wider a participation of the parties in the electoral contest as possible, and, with that end in view, to allocate symbols to political parties regardless of the fact that all the political parties did not enjoy the same political stature.

List of symbols

6. The list of 82 symbols appearing under sub-rule (1) of rule 9 of the Representation of the People (Conduct of Election) Rules, 1977, as was adopted for 1985 general elections, was, however, not revised for ensuing general elections. Some of the political parties demanded for the symbols allotted to them in 1977 but it was considered expedient not to include the symbols affiliated in the past with various political parties.

Application for symbols

7. In its press note dated October 5, 1988, the Commission invited representations from the political parties by October 10, 1988 for their choice of symbols so that it could take into account any contentious claims for symbols.

Definition of political party

8. A political party, as defined under clause (c) of section 2 of the Political Parties Act, 1962, "includes a group or combination of persons who are operating for the purpose of propagating any political opinion or indulging in any other political activity."

9. Sub-rule (2) of rule 9 read with amended provisions of section 21 provides that the Commission may allot any one of the prescribed symbols to any political party or a combination of two or more political parties who have agreed to put up joint candidates for election on an application made by it in this behalf. This provision enabled the Commission to allot one symbol to a party or to a group or combination or alliance of various parties who agreed to put up joint candidates for election.

Allocation of symbols to parties

10. In all, 77 political parties applied for symbols. After hearing representatives of the parties, the Commission allocated symbols to 32 political parties as per detail given below :—

(1) Pakistan Awami Ittehad	Tractor
(2) Pakistan Peoples Party	Arrow
(3) Movement for the Restoration of Democracy (M.R.D.)	Railway Engine
(4) Awami National Party, Peshawar	Lantern
(5) Islami Jamhoori Ittehad	Bicycle
(6) Pakistan Democratic Party, Lahore	Umbrella
(7) Jamiat-e-Ulema-e-Islam (Fazal-ur-Rehman Group)	Book

- | | |
|--|--------------------|
| (8) Pakistan Muslim League
(Malik Qasim Group) | Chair |
| (9) Pakistan Milli Awami Ittehad
(Pushtoon Khaw), Quetta | Tree |
| (10) Pakistan Insaf Party | Lamp
(Chiragh) |
| (11) Progressive Peoples Party (Pakistan), Karachi | Knife |
| (12) Pakistan National Party | Axe |
| (13) Hazara Front (Mahaz-e-Hazara) | Walking Stick |
| (14) Wattan Party, Lahore | Wheel |
| (15) National Peoples Party (Khar Group) | Candle |
| (16) Pakistan Muslim League (Qaiyum Group) | Scooter |
| (17) Tehreek-e-Inqilab-e-Islam (Pakistan) | Helicopter |
| (18) Pakistan Muslim League (Forward Block),
Gujranwala | Inkpot with
pen |
| (19) Jamiat-e-Ulema-e-Islam (Darkhasti Group) | Ladder |
| (20) Pakistan Qaumi Labour Party, Karachi. | Whistle |
| (21) National Muslim League (Muhasaba Group),
Rawalpindi. | Spade |
| (22) Pakistan Quami Mahaz-e-Azadi, Karachi. | Bulb |
| (23) Jamaat-e-Ahl-e-Sunnat, Pakistan, Lahore | Turban |
| (24) Tehreek-e-Nafaz-e-Fiqah-e-Jafria, Pakistan | Takhti |
| (25) National Democratic Party, Lahore | Flower vase |
| (26) Awami National Party (Ainee Group) | Tonga |
| (27) Pakistan National Democratic Alliance | Bus |
| (28) Baluchistan National Alliance | Saw |
| (29) Punjabi Pakhtoon Ittehad, Sind, Karachi. | Rickshaw |
| (30) Muslim Solidarity Movement, Islamabad | Bridge |
| (31) Pakistan Mazdoor Kissan Party, Karachi | Radio |

(32) Jamiat-e-Ahl-e-Hadees Pakistan, Lahore Spectacles

11. In addition, six symbols were allocated to the political parties of non-Muslims as under :—

(1) Pakistan Christian National Party	Spade
(2) Pakistan United Minority Council	Suit case
(3) United Christians Front	Bicycle
(4) Pakistan Aqliatty Rabita Party, Peshawar	Candle
(5) Pakistan Masihi League	Umbrella
(6) All Pakistan Christian Movement	Arrow

12. Eleven applications for symbols to political parties were rejected as time-barred while the remaining applications were not pursued by the parties applying for symbols.

13. Symbols allocated to various political parties were adequately publicized through the electronic and print media.

**Directions to Returning Officers
for allocation of symbols**

14. Directions to the following effect were issued by the Commission to the Returning Officers in the matter of allocation of symbols :—

- (a) Symbol reserved for a political party should be allocated to the candidate sponsored by that political party. Before allocating symbol, the Returning Officer should satisfy himself that the candidate asking for a symbol of a party is the real nominee of that party and he may ask for a nomination letter from the candidate, duly signed by the head or General Secretary of the party.
- (b) Since the elections were being held on the basis of separate electorates for the Muslims and non-Muslims, a few symbols of the Muslim parties were allocated to the non-Muslim parties.

- (c) Any one of the symbols allocated to the political parties should not, in any case, be allocated to an independent or non-party candidate whether or not that party had put up a candidate in that constituency.
- (d) The rest of the symbols should be allocated to independent or non-party candidates.

Appeal against allocation of symbol

15. Prior to the 1985 general elections, sub-section (3) and sub-section (4) of section 21 of the Representation of the People Act, 1976, required that a contesting candidate may, within three days, of the publication of the list of contesting candidates, alongwith their symbols, file an appeal to the Commission against the decision regarding the allocation of symbol to him by the Returning Officer, and the decision of the Commission on such an appeal shall be final. No appeal was entertainable by the Commission after expiry of the period of three days.

16. The provisions of appeal against the decision of Returning Officer in the matter of allocation of symbols, as appearing under sub-section (3) and sub-section (4) of section 21, were omitted by the Representation of the People (Amendment) Ordinance, 1984 (Ordinance No. XLIX of 1984) dated 24-10-1984. The process of appeal against allocation of symbol had delayed printing of ballot papers in the previous elections. It was mainly for this reason that this process was dispensed with in 1985.

Publication of the list of contesting candidates

17. As required by law, the Returning Officers published, on the due date, the lists of contesting candidates, duly arranged in the Urdu alphabetical order, specifying against each name the symbol allocated to him. The ballot papers for each constituency had to be printed in accordance with the lists of contesting candidates for that constituency drawn on the prescribed form V

CHAPTER-XVIII

THE BALLOT PAPERS

Article 226 of the Constitution envisages that all elections under the Constitution shall be by secret ballot.

2. Section 28 of the Representation of the People Act 1976, provides that an election to the National Assembly and a Provincial Assembly shall be decided by secret ballot and every elector shall cast his vote by inserting in the ballot box a ballot paper in the prescribed form. The form of the ballot paper for the Muslim constituencies has been prescribed as Form VI and form for the non-muslim constituencies has been prescribed as Form VI-A under rule 11 of the Representation of the People (Conduct of Election) Rules, 1977. The prescribed form of ballot paper is divided into two parts by perforation. 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, part of the electoral rolls, name of electoral area and thumb impression of the voter. The main ballot paper contains the number and name of the constituency to which it relates, the 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 the ballot, no serial number or any other mark of identification is printed on the ballot paper.

Methods of Voting

3. There are two main methods of voting: the balloting system and the marking system. The existing ballot paper has been introduced in the electoral systems of Pakistan after experimenting with different methods of voting. These systems have been explained in the report on previous elections. For facility of the reader, the mechanics of the two systems are explained hereunder again.

Balloting System

4. 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 a polling station as the number of contesting candidates. Each ballot

box bears a label showing prominently the name and symbol allocated to each candidate. The boxes are placed in a screened off compartment to which the voter proceeds. He 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 observed by any of the polling staff or the 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

5. Under the marking system, a 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 common ballot box 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, 1977, 1985 and 1988.

Advantages and Disadvantages

6. Advantage 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 disadvantages, however, outweigh its advantages. Firstly, a large number of boxes with different symbols have to be arranged at each polling station. Secondly, the possibility of transferring the ballot papers from the box of one candidate to that of another before the count by unscrupulous polling officials cannot be ignored. Lastly, a voter may spoil the ballot papers of his rival candidate by pouring any deleterious 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.

Ballot Paper for 1988 Elections

7. The adoption of marking system for 1988 elections required that separate ballot papers had to be printed for each constituency. This time-consuming operation needed accuracy and speed at all stages. A large number of ballot papers had to be printed between the date fixed for the publication of revised list of candidates and the date of the poll. In actual practice, about one hundred million ballot papers for the National Assembly constituencies and the constituencies for the Provincial Assemblies had to be printed and distributed to 33,330 polling stations within a period of twenty-four days.

Printing of Ballot Papers

8. For the accomplishment of this gigantic task, meticulous and flawless planning was needed. In order to streamline all arrangements for procurement of paper and printing material, actual printing and logistics, senior officers of the Election Commission, the Printing Corporation of Pakistan and the Pakistan Security Printing Corporation held a series of meetings to thrash out details of the operation. The following decisions were taken, with the approval of the Election Commission:—

- (a) In keeping with the recommendations contained in the last report, the standard size ballot paper adopted for 1985 general elections, with blank space at the end, was discarded for 1988 elections to avoid recurrence of practical difficulties and legal complications.
- (b) Names on the ballot paper shall be printed in Urdu calligraphy (Nastaaliq).
- (c) Width of the ballot paper shall be $3-1/4$.
- (d) Maximum length of a ballot paper having eight names shall be $14-1/4$ (trimmed size).
- (e) The length of ballot paper shall vary according to the number of candidates. A ballot paper having more than eight names shall have double column with names evenly divided between the columns. Space against the last name of first or second column, if blank, shall be filled by diagonal pattern (double lines.)
- (f) Length of the counterfoil of single column ballot paper shall be $3-1/4$ and the space for the number and name of constituency on the ballot paper commencing from perforation line shall be $1/2$.

- (g) The main ballot paper should be made detachable from the counterfoil by perforation.
- (h) Space for the name and symbol of each candidate shall be 1-1/4".
- (i) A thick blank bar shall divide the space for the name and symbol of each candidate on the ballot paper.
- (j) The symbols shall be of 1" size (horizontal or vertical) and easily distinguishable. Blocks of the prescribed symbols, duly approved by the Commission, were available with the PCP & PSPC.
- (k) The ballot paper for the Muslims shall be printed on off-white Charsadda paper of 60 gsm, in the shape of books containing 100 ballot papers each.
- (l) Cover of the ballot books for the Muslim shall be in white cartridge paper of 90-120 gsm. The cover shall contain monogram of the Election Commission, number and name of the constituency, the serial numbers of ballot papers in a book, book number and the year of elections.
- (m) Ballot papers for the non-Muslims shall be of the same format and size as of the Muslim voters. The ballot papers of a particular community of the non-Muslims shall be stitched together in the form of books having 50 and 25 ballot papers.
- (n) The ballot papers for a constituency will be printed with 5% reserve on the number of registered voters.
- (o) The ballot papers for various categories of non-Muslims will be printed on coloured paper as under:—
- | | |
|--|----------|
| (i) Christians | = Pink |
| (ii) Hindus and Scheduled Castes | = Green |
| (iii) Sikhs, Budhist, Parsi and other non-Muslims | = Yellow |
| (iv) Persons belonging to the Quadiani group or the Lahori group (who call themselves 'Ahmadis') | = Blue |
- (p) The Provincial Election Commissioners will depute teams of experienced officers to meticulously examine/scrutinize the proof(s) of ballot papers before printing. In case of the slightest ambiguity, they were required to contact their Provincial Election

Commissioner and the Joint Secretary (Elections) and after obtaining necessary clarification, approve the proof for printing.

- (q) In case it is detected during the process of Printing or after the printing of the ballot papers of a particular constituency that these contain some error/mistake or omission, either in name or symbol, a revised order will be placed immediately by the Provincial Election Commissioner with the press concerned.
- (r) Besides the printing of ballot papers for each constituency, a poster of the ballot paper will also be printed @ 1 per polling booth. This poster will be an enlarged copy of the ballot paper excluding the counterfoil.

Packing and Lifting of Ballot Papers

9. Based on the past experience, the system of packing the ballot papers was improved in the following manner:—

- (a) Strong wooden crates of two or more different sizes with proper rimming. The rimming should contain a seal of the printers (PCP or, as the case may be, the PSPC), at the joining point.
- (b) Water-proof internal packing of ballot paper.
- (c) The number and name of constituency and the number of crate for constituency shall be indicated on each crate (for example, constituency NA-1 Peshawar-I crate No. 1/4, 2/4, 3/4, 4/4 etc.).
- (d) The wooden crates will bear the diagonal colour band, e.g., red band for Karachi, green for Baluchistan and yellow for Punjab etc., in addition to the number and name of constituency and the number of crates containing ballot papers for that constituency.
- (e) The packing and lifting of ballot papers will be done simultaneously with the printing so that the piling up of printed material in the press premises is avoided.
- (f) The ballot papers, duly packed, will be lifted by the respective Deputy Commissioners through their own arrangements of transport which will be escorted by the Police. The Provincial

Election Commissioner concerned will coordinate with the Deputy Commissioners for the lifting of ballot papers from the presses.

Distribution of Work between PCP and PSPC

10. In view of the working capacity of the presses, it was decided that the PCP and PSPC will undertake printing work at the ratio of 60 : 40, as per areas specified below:—

- | | |
|----------------------|---|
| PSPC Prerss Karachi | (1) Sind and Baluchistan |
| | (2) Multan and Bahawalpur Divisions of Punjab. |
| PCP Press Karachi | (1) D.G. Khan, Faisalabad and Gujranwala Divisions of Punjab. |
| | (2) Ballot paper of non-Muslims for National/Provincial Assemblies. |
| PCP Press, Lahore | (1) Lahore and Sargodha Divisions of Punjab. |
| PCP Press, Islamabad | (1) N-W.F.P. |
| | (2) Rawalpindi Division of Punjab & |
| | (3) Islamabad Capital Territory |

11. PCP and PSPC prepared a plan fixing priorities for printing and distribution of ballot papers on the basis of distances from the Press.

12. The Commission arranged Army guards at the PSPC Press, Karachi and the PCP Presses at Karachi, Lahore and Islamabad, during the printing of ballot papers.

13. As a precautionary measure, stand-by arrangements were made with the Provincial Government Presses at Karachi, Lahore and Peshawar and the WAPDA and Railway presses at Lahore.

14. In view of the apprehensions about the break down of electricity, the Commission made special request to WAPDA for foolproof arrangements during the printing of ballot papers. In case of severe break down, the WAPDA provided generators to the presses.

Total Ballot Papers Printed

15. The total number of ordinary ballot papers printed for elections to the National Assembly and the Provincial Assemblies is given below:—

Province/Area	Ordinary ballot papers printed for	
	National Assembly	Provincial Assemblies
Punjab } Islamabad }	3,60,22,700	3,34,83,300
Sind	1,30,36,400	1,24,91,400
NWFP	68,70,500	61,71,300
FATA	40,500	—
Baluchistan	27,59,000	27,62,900
Grand Total:—	5,87,29,100	5,56,08,900

(Variation in the number of ballot papers is due to the fact that FATA and the Federal Capital are not included in the Provincial Assemblies).

16. The distribution of ballot papers and other election material within the Provinces was arranged by the Provincial Election Commissioners in consultation with the local authorities. Security was provided for the safe transportation of ballot papers and other election material down to the level of polling station.

Postal Ballot Paper

17. The facility of exercising the right of franchise by post has been restricted to certain categories of voters. Section 29 of the Representation of the People Act, 1976, read with sub-section (3), (4), and (5) of section 7 of the

Electoral Rolls Act, 1974, specifies the following categories of voters who are entitled to cast their votes by postal ballot:—

- (a) A person who is in Government service or holds any office of profit if he is registered as a voter in the electoral area in which he would have been resident but for his being in such service or holding such office;
- (b) the wife and children of a person in the Government service or holding office of profit if they are enrolled as voters in the electoral area in which such person is enrolled as a voter;
- (c) a person who is detained in prison or held in other custody if he is a registered voter in the electoral area in which he would have been resident but for his being under such detention; and
- (d) a person appointed by the Returning Officer for the performance of any duty in connection with an election at a polling station other than the one at which he was entitled to vote.

No Separate Roll for Service Voters

18. The name of the persons in the service of Pakistan or holding any office of profit and their eligible children and wives were registered in the general list of voters. No separate roll was, therefore, prepared for the service voters.

Procedure for Voting by Postal Ballot

19. A person who is entitled to cast his vote by postal ballot was required to apply to the Returning Officer of his home constituency for a postal ballot paper within the time limit fixed by the Election Commission. The application had to contain the name of voter, the name of electoral area, his serial number in the electoral roll and address. On receipt of his application, the Returning Officer had to send by post to the applicant a ballot paper, a declaration, instructions for the guidance of elector and an envelope bearing on its face a form of certificate of posting showing the date of mailing to be filled by the post office. The voter had to write the name of candidate of his choice in the blank space meant for that purpose, fill in the declaration form, get it attested and return the ballot paper and the declaration to Returning

Officer in a sealed cover so as to reach him before the date fixed for the consolidation of result of that constituency.

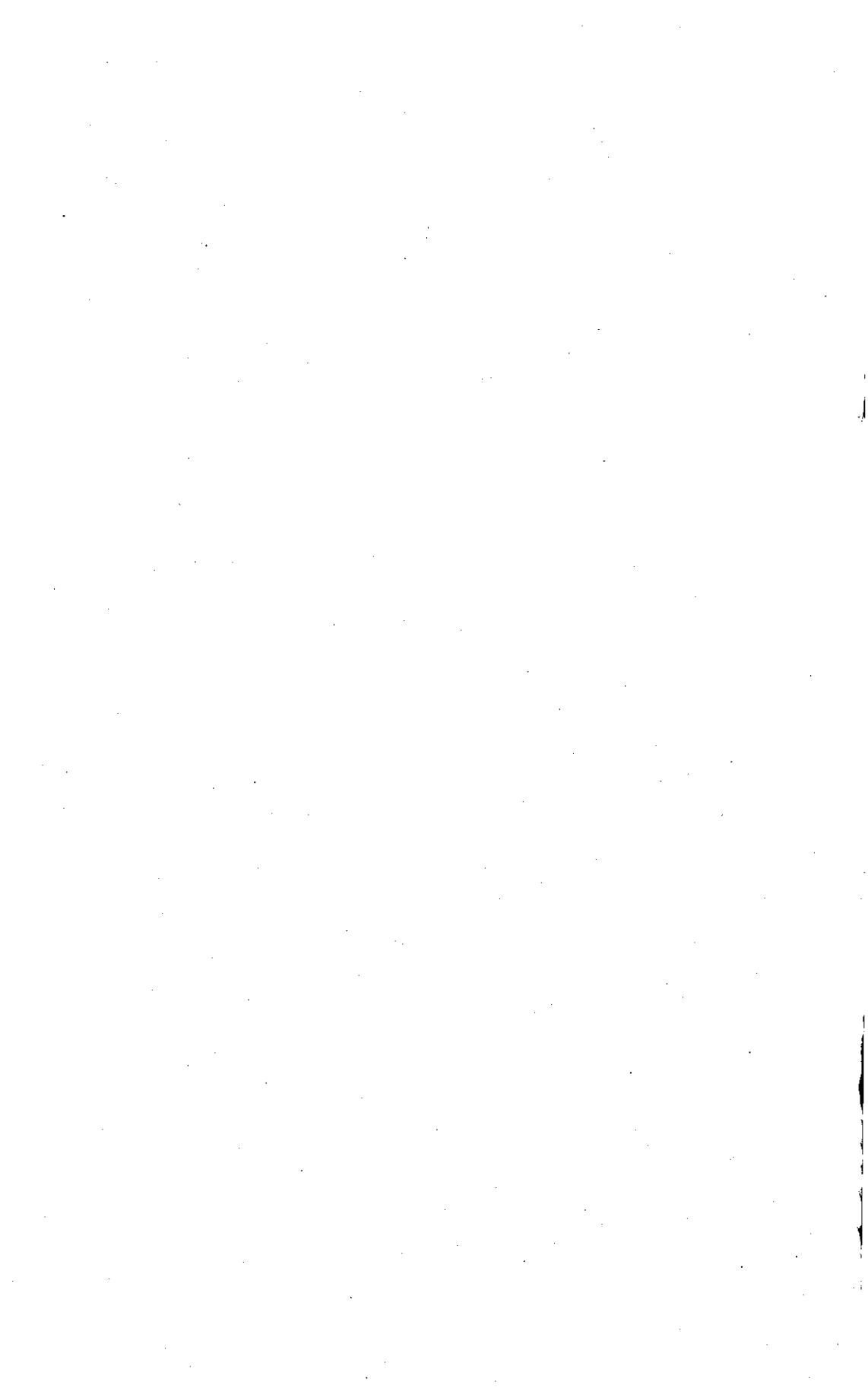
Format of Postal Ballot Paper

20. Prior to 1985 general elections, the printing and distribution of postal ballot papers, as then prescribed under the rules, within a short span of time posed a serious problem. The format of postal ballot paper was, therefore, simplified for 1985 general elections to make it applicable universally to all constituencies. That format, now part of law, was successfully used in 1985 and 1988 elections and there was no delay or complaint from any quarter.

Number of Postal Ballot Papers Printed

21. In all 8,13,000 postal ballot papers for the Muslim and non-Muslim voters were printed and supplied to the Returning Officers during the general elections. Province-wise detail appears in the table below:—

Province	For Muslim voters	For non-Muslim voters	Total
Federal Capital } Punjab	3,00,000	20,000	3,20,000
Sind	—	—	—
N-W.F.P.	4,00,000	11,000	4,11,000
FATA	2,000	—	2,000
Baluchistan	75,000	5,000	80,000
Total:—	7,77,000	36,000	8,13,000



CHAPTER-XIX

THE POLL

Dates of Poll

As scheduled, the poll for election of the Muslim members and the non-muslim members of the National Assembly was held on Wednesday, the 16th November, 1988, and the poll for election of the Muslim members and the non-Muslim members of the Provincial Assemblies of the Punjab, Sind, NWFP and Baluchistan was held on Saturday, the 19th November, 1988.

Polling Hours

2. Section 26 of the Representation of the People Act, 1976, empowers the Commission to fix the polling hours which shall not be less than eight hours. Accordingly, the Commission decided that there shall be nine hours poll to be taken between 8.00 A.M. and 5.00 p.m. (without break) on both the polling days.

Weather

3. Situation in the flood affected areas of the Punjab returned to normal sooner than expected. Due to this fact and the persistent fair weather in November, the Commission experienced no difficulty in organizing and holding election on the polling days in a smooth and orderly manner.

Polling Stations and Booths

4. For a total voting strength of 4,80,61,670, in all 33,329 polling stations, with 1,13,718 booths, were set up throughout the country for election to the National Assembly.

5. For election to the Provincial Assemblies, a total number of 33,151 polling stations, with 1,13,141 booths were set up for 4,78,36,492 voters, as per

detail given below:—

Provincial Assembly	Number of voters	Polling Stations	Polling Booths
Punjab	2,88,80,563	21,165	72,849
Sind	1,06,06,017	6,210	21,936
NWFP	59,53,937	4,122	13,597
Baluchistan	23,95,975	1,654	4,759
Total:—	4,78,36,492	33,151	1,13,141

6. As required by law, the lists of polling stations of all constituencies were notified in the official Gazette at least 15 days before the polling days. The voters were generally aware of the location of their polling stations and the political parties and the candidates also assisted them in locating their polling stations.

Polling Staff

7. The polling stations for National Assembly elections were manned by 33,329 Presiding Officers, 1,13,718 Assistant Presiding Officers and 2,27,436 Polling Officers.

8. The number of Presiding Officers, Assistant Presiding Officers and Polling Officers engaged for the conduct of election to the four Provincial Assemblies was 35,151; 1,13,141 and 2,26,282 respectively, as detailed in the following table:—

Provincial Assembly	Presiding Officers	Assistant Presiding Officers	Polling Officers
Punjab	21,165	72,849	1,45,698
Sind	6,210	21,936	43,872
NWFP	4,122	13,597	27,194
Baluchistan	1,654	4,759	9,518
Total:—	33,151	1,13,141	2,26,282

9. Each polling station had one Presiding Officer, as an over-all incharge, assisted by one Assistant Presiding Officer and two Polling Officers at each booth. The absentees, if any, were replaced out of ten percent polling staff kept in reserve to meet any emergency.

10. Primarily, it is the duty of a Presiding Officer to conduct the poll at a polling station honestly, justly and fairly and in accordance with law. He is authorised to delegate any of his functions to an Assistant Presiding Officer who works under his supervision. He is required to report to the Returning Officer any fact which affects fairness of the poll. He enjoys the powers of a Magistrate First Class on the polling day. He can also call the police and any other official to help him in maintaining order and discipline at the polling station. He is empowered to order removal of any person from the polling station, who misconducts himself or fails to obey any lawful order. Such a person is liable to be arrested, without warrant, by a police officer, if he attempts to re-enter the polling station without permission of the Presiding Officer. However, a voter can not be prevented by the Presiding Officer from casting his vote.

Appointment of Election Agent

11. Section 22 of the Act provides that a candidate may appoint a person qualified to be elected as a member to be his election agent. The appointment of an election agent may be revoked any time and another person appointed by the candidate to be his election agent. Particulars of the election agent of a candidate are required to be communicated by the candidate to the Returning Officer, immediately after such appointment. Where no person has been appointed as election agent, the candidate himself will act as his own agent.

Appointment of Polling Agents

12. A candidate or his election agent is authorised by law to appoint such number of Polling Agents at a polling station as is the number of booths set up at that polling station. A maximum number of four booths could be established at a polling station under the law. Thus, the number of polling agents of a candidate should not exceed the number of booths set up at a polling station. The presence of polling agents of the candidates at the polling booths is considered to be helpful for proper identification of voters and for observance of the poll.

13. The condition that a Polling Agent at a polling station had to be a voter in the area assigned to that polling station was withdrawn, in view of the fact that identification of voters through identity cards was made compulsory under the law.

Admission to Polling Station

14. Entry to the polling stations was regulated in accordance with the provisions of law. A candidate, his election agent, or such number of duly authorised polling agents of a candidate as was equal to the number of booths at a polling station, and persons on official duty in connection with the polls were allowed entry to a polling station. The Election Commission issued special passes to its own officers to visit the polling stations and also to the representative of the local and foreign Press to observe the poll. The foreign delegates, who were in Pakistan to observe the polls, were also permitted to visit polling stations of their choice.

15. The Returning Officers also issued entry passes to the representatives of information media within their constituencies. Admission to polling station was allowed by the Presiding Officers only on production of the prescribed passes, the specimen of which was already circulated to them.

Incapacitated or Blind Voter

15. If an elector was blind or otherwise so incapacitated as to require the help of a companion, the Presiding Officer allowed him to be accompanied by a companion of not less than 21 years of age. Such a companion was not to be a candidate or an agent of the candidate. In case the disabled voter could not mark his ballot paper himself, the person accompanying him was allowed to mark ballot paper according to the choice of the voter. A companion could only act for one voter.

Complaint Centre

16. All complaints of voters relating to conduct of poll at a polling station were referred to the Presiding Officer, who heard the complaints and disposed them of. A placard captioned "Please Register Complaints Here" was displayed at or near the table of Presiding Officer.

Termination of Proceedings due to Death

17. Under the law, all proceedings relating to an election had to be terminated and fresh proceedings drawn up and notified by the Election Commission in case of death of a validly nominated candidate who had not withdrawn his candidature before the polls. The election proceedings were terminated in two constituencies of the National Assembly (NA-1 Swat-I, NA-62 Faisalabad-IV) and one constituency of the Provincial Assembly, NWFP (PF-6 Peshawar-VI) due to the death of one of the contesting candidates. Fresh proceedings in these constituencies were taken up for holding elections after the general elections.

Stopping the Poll

18. The Presiding Officer of a polling station could stop the poll if the poll at the polling station had, at any time, been so interrupted or obstructed by reasons beyond his control that it could not be resumed during the polling hours fixed by the Commission or any ballot box was unlawfully taken out of the custody of Presiding Officer or accidentally or intentionally destroyed, or lost or damaged or tampered with to such an extent that the result of election could not be ascertained. Where the polling was stopped, the Returning Officer was required to report to the Commission immediately and the Commission had to fix a fresh date for taking the poll at that polling station.

Polling Procedure

19. The poll at each polling station was taken by the polling staff in accordance with the procedure prescribed by law. Before commencement of the actual poll, the empty ballot boxes were opened and shown to the candidates or their election or polling agents and sealed in the balloting position in their presence. Statements of the candidates or their agents were recorded in this behalf and their signatures were obtained on the statement. The sealed box was then placed on the table of the Assistant Presiding Officer so as to be conveniently accessible to the voters and, at the same time, within the sight of Presiding/Assistant Presiding Officer and such of the candidates, or their agents as were present in a booth.

20. When a ballot box was filled to capacity with ballot papers, its slot was closed and sealed and the second ballot box was brought into use in the same manner. A ballot box was enough to contain 1,000 to 1,200 ballot papers.

No ballot box was, under any circumstances, to be removed from the table of the Presiding/Assistant Presiding Officer.

21. One Assistant Presiding Officer and two Polling Officers were responsible for taking the poll at a booth. Seating arrangements for the candidates or their election or polling agents were made either opposite to or by the side of Assistant Presiding Officer, depending upon the availability of space in a booth. On entering a booth, the voter gave to the first Polling Officer his name and number on the electoral roll which was generally written on an identification slip issued from the camp of one of the contesting candidates set up outside the polling station. The first Polling Officer marked off the number and name of voter in the electoral roll, after satisfying himself about the identity of that voter. Mark against the name of voter on the electoral roll was indicative of the fact that ballot paper was issued to him.

22. The second Polling Officer was required to put a mark with indelible ink on the specified part of the voter's hand. Since the voters had to cast votes on two occasions within a short span of three days, it was decided that for election to the National Assembly the mark with indelible ink should be put on the thumb or on any finger of the right hand, if the thumb was missing. For the Provincial Assembly polls, the mark with indelible ink should be put on the thumb or, in case the thumb is missing, on any of the fingers of the left hand.

23. Before doing so, the voter was required to prove his identity by producing the national identity card which was punched in the right top corner for National Assembly election and in the left top corner for Provincial Assembly polls by the Assistant Presiding Officer before issuing a ballot paper to him.

24. The Assistant Presiding Officer recorded on the counterfoil of ballot paper the following particulars of the voter:—

- (i) Serial number as appearing on the electoral roll;
- (ii) name of the electoral area; and
- (iii) part of the electoral roll.

The Assistant Presiding Officer then stamped the counterfoil with official mark and put his signature on it. He then obtained thumb impression of the voter, in indelible ink, on the counterfoil of the ballot paper. Thereafter, the Assistant Presiding Officer stamped the ballot paper on its back with official mark and signed it before handing over the ballot paper to the voter.

25. The Assistant Presiding Officer also gave the voter a rubber stamp (marking aid) for marking the ballot paper. The polling staff had to see that the rubber stamp was not over-inked. The ballot paper could not be marked with pen or pencil. After having obtained the ballot paper and marking aid, the voter then entered the screened-off compartment provided at each booth. Inside the compartment, he put the mark with the rubber stamp supplied to him, on the ballot paper within the space containing the name and symbol of the candidate for whom he wished to vote. He folded the ballot paper first vertically and then horizontally before coming out of the screened-off compartment and put it into the ballot box within the sight of Assistant Presiding officer and the Polling Agents of the candidates. The voter had to fold the ballot paper in such a way that the official mark was visible. This was necessary to ensure that the ballot paper being inserted into the ballot box was the same which was issued to the voter.

Spoilt Ballot Paper

26. If a ballot paper was spoiled by a voter in marking, the Assistant Presiding Officer could, after satisfying himself, cancel the spoilt ballot paper and issue a fresh ballot paper to him.

Secrecy of Ballot

27. The law requires that the election shall be decided by secret ballot. In order to afford an opportunity to every voter to mark his ballot paper in complete secrecy and without being observed by any one, a screened-off compartment was provided at each polling station. The voter was also instructed not to show his marked ballot paper to any one as he would thus be violating the secrecy of ballot as envisaged by law. Only one voter was allowed to enter the screened-off compartment at a time and no one could accompany him except in case of a blind or infirm voter. The polling staff was also not allowed to help a voter. No police constable was posted inside or near the booth. All possible arrangements were thus made to ensure that the voters exercised their right of franchise in privacy, without any official or outside pressure or influence.

Safeguards against Impersonation

28. The law and the rules contemplated the usual safeguards against impersonation. Identification of a voter through his national identity card and punching the identity card in token of having voted proved to be the most effective check against impersonation. The impersonation itself was made a cognizable offence punishable with imprisonment for three years or with fine upto Rs. 5,000/- or with both. Every voter, who wanted to vote, had to receive a mark with indelible ink before a ballot paper was issued to him. Anyone, who refused to receive this mark, or if he was found to have such a mark already, could be refused a ballot paper. The marking of a voter's thumb with ink acted as an effective deterrent against repeat voting by the same voter. The Polling Agents of each candidate were also present during this process to check bogus or fictitious voters. All these measures provided effective safeguards against impersonation or repeat or bogus voting.

Identity Card

29. As an added precaution, the provisions of section 33 of the Representation of the People Act, 1976, were amended by the Representation of the People (Amendment) Ordinance, 1988 (Ordinance No. XIV of 1988) dated 4-10-1988, the Representation of the People (Second Amendment) Ordinance, 1988 (Ordinance No. XXVI of 1988) dated 7-11-1988, the Representation of the People (Third Amendment) Ordinance, 1988 (Ordinance No. XXVII of 1988) dated 7-11-1988. The amended provision made it mandatory requirement of law for every voter to establish his identity at the polling station by producing the identity card provided for under the National Registration Act, 1973 (LVI of 1973). In case a person failed or refused to produce his national identity card, or refused to get his identity card punched, he was not entitled to receive a ballot paper from the polling staff. Production of the national identity card for the purpose of identification of voters not only reduced chances of bogus voting but also helped in maintaining peace and order at the polling stations.

Tendered Ballot Paper

30. If a voter at the polling station finds that another person has already voted under his name, he is given a tendered ballot paper and is allowed to vote like any other elector. The tendered ballot paper is, however, not put into the ballot box. The Presiding Officer endorses on it the name and number on the electoral roll of the person applying for it and keeps it in a separate

packet. The tendered ballot papers are not counted with the other ballot papers after the polls. They are sent to the Returning Officers in sealed packets and are to be opened only by the Tribunals, in case the election is challenged. This system, of course, provides no remedy to the real voter whose vote is, for all practical purposes, lost while that of the impersonator is counted.

Challenged Votes

31. If a person applying for a ballot paper is suspected of not being the voter in whose name he is attempting to vote, an election agent could challenge him provided he undertakes to prove the charge in a court of law and deposits with the Presiding Officer in cash a sum of Rs. 2 for every challenge. The Presiding Officer could give him a ballot paper after warning him of the consequences and obtaining his thumb impression or signature on the counterfoil. He could also refuse the ballot paper, if he is not so satisfied and **ask for his prosecution under section 80 of the Representation of the People Act, 1976 read with section 86 thereof. The law, however, did not authorize the** Presiding Officer to over-rule a challenge if it is pressed, even if he is satisfied that the voter is a genuine one. The names of the persons to whom such ballot papers are issued are entered by the Presiding Officer in a "challenged votes list". The challenged ballot paper, after it is marked by the voter, is not put into the ballot box but is kept in a separate packet. It is opened after the poll and accounted for in the statement of the count.

32. The challenged votes fee has to be deposited by the Returning Officer with the Government Treasury or Sub-Treasury and is not refundable.

Polling after Closing Hour

33. The polling staff was instructed that if any voters were present within the compound or enclosure of a polling station and had not voted upto the closing hour, they should be allowed to cast their votes even after 5.00 p.m. The compound or enclosure of a polling station was demarcated before-hand by the Presiding officer. All voters who reached the polling station during the polling hours fixed for the polls were thus able to cast their votes.

End of the Election Campaign

34. The law prohibits to convene, hold or attend any public meeting and to promote or to join in any procession within the area of the constituency during a period of forty-eight hours ending at midnight following the conclusion of the poll for any election in that constituency.

35. The law further prohibits personation for bogus voting, tempering with ballot papers, canvassing within a radius of four hundred yards of the polling stations and disorderly conduct in and around the polling stations on the polling day. The offenders are liable to be tried summarily by the mobile magistrates and the Presiding Officers and awarded punishment of imprisonment or fine or both.

36. The election campaign for general elections accordingly ended, with effect from the midnight falling between the 14th and 15th November, 1988. The Commission invited attention of all concerned to these provisions of law through a press note issued on November 11, 1988, and appealed to the political parties and the candidates to exercise self-restraint during this period so that the poll could be held in an orderly and peaceful manner. This appeal had salutary effect and the political parties extended full co-operation. As a result, no serious violation of the legal provisions was reported from any quarter.

Announcement of Preliminary Result

37. Preliminary result of election was announced over the radio and television and through the press immediately after the close of the poll on the polling day as per arrangements discussed in detail in the communication plan under chapter-XI.

Complaints of Rigging/Malpractices

38. General Elections, 1988 were held, by and large, in calm, fair and neutral atmosphere. The complaints regarding rigging, malpractices etc. were significantly fewer in number. Some dissatisfied candidates presented petitions for action under section 103AA of the Representation of the People Act, 1976.

39. The Election Commission took cognizance of the petitions and after holding necessary enquiries and due deliberation, disposed them of according to law and facts of each case. The allegations and findings of the Commission thereon are summarised in the succeeding paragraphs against each item.

Case of Constituency No. NA-16 Mansehra-III

40. Although seven candidates arrayed against each other in this constituency, Haji Muhammad Ayub Khan and Alamzeb Khan emerged as main candidates, securing 8,447 and 8,382 votes respectively. Alamzeb Khan

submitted an application to the Commission levelling serious allegations of rigging and malpractices at one of the polling stations. A report was called from the District Returning Officer who confirmed the said accusations, in his report. The Election Commission took cognizance of the matter and after hearing both the parties and on the basis of the report of District Returning Officer, declared the entire election in the constituency to be void and ordered re-poll therein. This order was challenged by Muhammad Ayub Khan and Alamzeb Khan before the Peshawar High Court by two separate writ petitions No. 61/88 and 60/88 respectively. Muhammad Ayub Khan prayed that he may be ordered to be declared as returned candidate, whereas Alamzeb's prayer was to the effect that fresh poll be ordered to be held only at the one polling station about which he had complained. The High Court allowed Alamzeb's petition whereas the one filed by Muhammad Ayub Khan was dismissed. Both the parties assailed High Court's judgment before the Supreme Court. Muhammad Ayub's appeal was dismissed while on the appeal of Alamzeb, the Supreme Court set aside the High Court's judgment and restored the Commission's order.

Fresh polls were held in May, 1989 and Muhammad Ayub Khan was declared elected.

Case of Constituency No. NA-34 Tribal Area-VIII

41. The two main contesting candidates were Malik Noor Sher Khan and Malik Momin Khan. According to un-official result of the count, the former obtained 501 votes as against 494 polled by the latter. The latter made a complaint to the Election Commission, alleging that names of twenty Maliks were illegally enrolled in the electoral rolls relating to one polling station. The allegation was proved to be correct as a result of an enquiry held in the matter. Acting upon the result of the enquiry and after hearing the parties at length, the Commission ordered re-poll at the said polling station on December 11, 1988. As a result of re-polling, Malik Momin Khan was declared elected on receipt of 521 votes as against 471 votes polled in favour of his rival.

Case of Constituency No. NA-53 Mianwali-I

42. Maulana Abdus Sattar Khan Niazi and Nawabzada Malik Muzaffar Khan were the two main candidates, polling 44,847 and 25,043 votes respectively. Malik Muzaffar Khan the defeated candidate, filed a petition, alleging grave and serious violations of law, committed by the returned

candidate by stopping his (petitioner's) voters to cast their votes, detaining his polling agents in custody, creating tense law and order situation etc. The Election Commission suspended the publication of the name of the returned candidate in the official Gazette and sent for a report from the District Returning Officer concerned. The District Returning Officer denied the allegations in toto in his report. The Election Commission dismissed the petition filed by Malik Muzaffar Khan and the name of Maulana Abdus Sattar Khan Niazi was notified in the official Gazette.

Case of Constituency No. PB-9 Pishin-IV

43. Abdul Hamid Khan and twenty four other candidates contested election, out of which Abdul Hamid Khan and Haji Behram Khan polled 5,122 and 2,625 votes, while Maulvi Abdul Hakim and Nasir Ahmad Bacha obtained 2,469 and 3,410 votes respectively. On account of disturbance and acts of violence at two polling stations the counting of votes could not be concluded. The Chief Election Commissioner ordered a probe in the matter and in the meantime the notification of the result was withheld. The Returning Officer reported that five ballot boxes were removed by some miscreants at two polling stations out of which only two were recovered. He recommended that re-poll at these polling stations may be held. The recommendation did not find favour with the Commission which held that removal of ballot boxes constituted serious malpractice. Consequently, the result of the entire constituency was declared void and fresh polls were ordered to be held. Abdul Hamid Khan assailed this order before the Baluchistan High Court through a Constitution Petition which was allowed with the direction that the name of the petitioner be published in the official Gazette as returned candidate. The order was complied with. Haji Behram Khan, one of the contesting candidates, went in appeal before the Supreme Court against the said judgment which was dismissed and the High Court's judgment was upheld. Abdul Hamid Khan, his name having already been notified in the official Gazette, continues to be a member of the Provincial Assembly of Baluchistan:

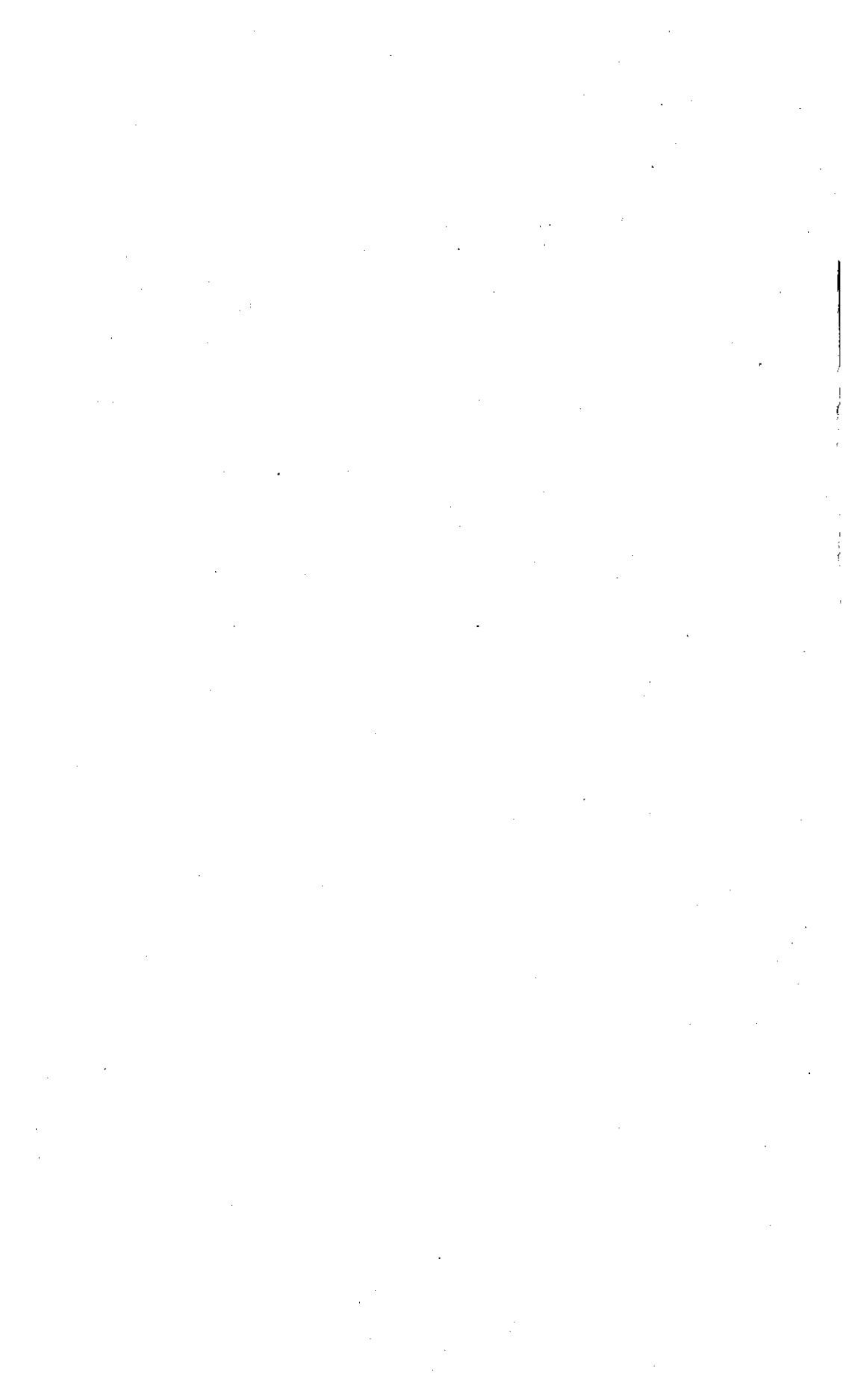
Case of Constituency No. PB-10 Loralai-I

44. Sardar Muhammad Tahir Khan Loni and Maulvi Muhammad Din were the two main candidates in this constituency. The former was declared elected by securing 8,289 as against 7,051 votes polled by the latter. The defeated candidate made a complaint to the Election Commission, alleging that large-scale malpractices and acts of hooliganism were committed

at five polling stations. He stated that his polling agents were not allowed to enter the polling stations and the elected candidate polled bogus votes. Consequently, the result was withheld and the District Returning Officer was directed to send a report on the alleged incidents. The District Returning Officer reported that the complaint was substantially correct in respect of three polling stations and recommended re-poll thereat. The matter was thoroughly examined by the Commission which, however, failed to find any substance in the complaint or the District Returning Officer's report. As a result, the complaint was filed by the Commission and Sardar Muhammad Tahir Khan Loni's name was notified in the Gazette as the returned candidate.

Case of Constituency No. PF-51 Kohistan-II

45. Maulana Abdul Baqi was declared elected, having polled 2,350 votes; his nearest rival Muhammad Asmatullah obtained 1,727 votes. However, the result was withheld on the report of the Returning Officer who stated that gross illegalities were committed at one of the polling stations. Some defeated candidates also submitted application before the Election Commission on similar grounds. The Election Commission, after hearing the parties, held that the case did not merit interference by it. Consequently, Maulana Abdul Baqi's name was published in the Gazette as returned candidate.



CHAPTER — XX

CONSOLIDATION AND ANALYSIS OF
ELECTION RESULT

(A) CONSOLIDATION OF ELECTION RESULT

The procedure for counting of votes at a polling station by the Presiding Officers and consolidation of the result of election of all polling stations of a constituency by the Returning Officers has been laid down respectively under section 38 and section 39 of Representation of the People Act, 1976.

Procedure of count by Presiding Officer

2. According to the procedure prescribed 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 such information with respect thereto as is consistent with the orderly conduct of the poll.

3. Section 38(4) of the Representation of the People Act, 1976, provides that the Presiding Officer shall 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 voter had voted, or
- (d) any mark from which it is not clear for whom the voter had voted,

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 appeared only 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 to be invalid.

4. In this count, the challenged ballot papers are required to be duly accounted for and the tendered ballot papers are to be excluded from the count.

5. The Presiding Officer is thereafter required to prepare a statement of the count in the prescribed form showing therein the number of valid votes polled by each contesting candidate and the ballot papers excluded from the count. He is also required to prepare another statement in the prescribed form showing the account of ballot papers received by him for use at the polling station assigned to him. These statements, along with other polling record, are then forwarded to the Returning Officer for safe custody and for consolidation of the result of the constituency.

6. 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

7. The law provides that a Presiding Officer may recount the votes—

- (i) of his own motion, if he considers it necessary, or
- (ii) upon the request of a contesting candidate or election agent present if, in his opinion, the request is not unreasonable.

Consolidation of result by the Returning Officer

8. Section 39 of the Representation of the People Act, 1976, requires the Returning Officers to consolidate the result of election 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, 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 proceedings. The Returning Officers were asked to complete 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 paper cast in favour of the contesting candidate for whom it had been cast.

Postal ballot paper

10. Before final consolidation of results, a Returning Officer has to count the ballot papers received by him by post and to include the votes cast in favour of each contesting candidate in the consolidated statement. Only such postal ballot papers are to be taken into account as were received by the Returning Officer before the consolidation of result. Procedure for the counting of postal ballot papers has been laid down under rule 26 (10) of the Representation of the People (Conduct of Election) Rules, 1977.

Equality of votes

11. There was no case of equality of votes in any constituency of the National Assembly or any of the Provincial Assemblies during the 1988 general election.

Recount by Returning Officer

12. The law provides that the Returning Officer may recount the ballot papers—

- (a) upon the request of, or challenge in writing made by, a contesting candidate or his election agent, if the Returning Officer is satisfied that the request or challenge is reasonable; or
- (b) if so directed by the Commission.

13. Petitions for recounting of ballot papers were filed before the Election Commission in respect of two constituencies of the National Assembly and one constituency of the Provincial Assembly, NWFP. Disposal of each petition is briefly discussed as under:—

- (a) The neck to neck contest in constituency No. NA-27 Tribal Area-I took place between Qadar Gul and Malik Baroz Khan. The former defeated the latter by a margin of only three votes, securing 3,197 votes as against 3,194 polled by his rival. The

defeated candidate moved an application for re-count of votes before the Election Commission upon which the Provincial Election Commissioner, NWFP was directed to re-count the votes. According to his report, Qadar Gul secured, 3,198 votes as against 3,192, polled by his opponent. Qadar Gul was accordingly declared elected.

- (b) Sardar Sher Baz Khan Mazari, Sardar Ashiq Muhammad Khan Mazari and Sardar Nasrullah Khan Dreshak contested election from constituency No. NA-134 Rajanpur and polled 10,565; 52,936 and 52,542 votes respectively. Sardar Nasrullah Khan Dreshak submitted a petition under section 103AA of the Act to the Election Commission for re-count of the votes by a responsible officer. A report was called from the Returning Officer and the publication of the name of returned candidate in official Gazette was held in abeyance in the meantime. The report received from the District Returning Officer revealed that the allegations were baseless. In fact, re-counting was carried out on the application submitted by the petitioner himself. His agents, however, left when the re-counting was still in progress. The Commission consequently dismissed the petition, recalled the order suspending the publication of the result which was thereafter notified in the official Gazette.
- (c) Out of three candidates for election from constituency No. PF-15 Charsadda-III, real contest was between Amir Khisro Khan and Khan Abdul Wali Khan who polled 9,209 and 8,966 votes respectively. The defeated candidate moved an application before the Returning Officer, requesting for a re-count of the votes. The said application was placed before the Election Commission for appropriate orders. On account of a tense law and order situation, the Commission deferred the re-counting and issued notices to the parties to appear before it. On the date of hearing, the applicant failed to appear and as a result thereof, his application was dismissed for want of prosecution, Amir Khisro Khan was declared elected and his name as such was notified in the official Gazette.

Statement of consolidated result

14. Immediately after the count, the Returning Officers are required to submit to the Election Commission a copy of the consolidated statement of the count in the prescribed form. 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

15. 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 consolidated statements by the Returning Officers enabled the Election Commission to notify in the official Gazette the names of candidates returned to the National Assembly and the Provincial Assemblies on November 24, 1988. 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 November 30, 1988.

Close contests

16. The numbers and names of the constituencies in which there was a very close contest, along with the necessary details, are given below:—

No. & Name of Constituency	Highest votes	Votes next to highest	Difference
NA-4 Peshawar-IV	27,902	27,817	85
NA-27 Tribal Area-I	3,198	3,192	6
NA-28 Tribal Area-II	630	550	80
NA-30 Tribal Area-IV	485	313	172
NA-33 Tribal Area-VII	1,035	877	158
NA-34 Tribal Area-VIII	521	471	50
NA-89 Sialkot-V	32,201	32,027	174
PP-13 Attock-II	17,680	17,619	61
PP-29 Sargodha-VII	21,590	21,450	140
PP-64 Jhang-IV	11,979	11,780	199
PP-92 Gujrat-II	29,684	29,669	15
PF-31 Kohat-IV	6,047	6,042	5
PF-32 Karak-I	7,791	7,738	53
PF-67 Swat-V	8,260	8,187	73
PB-14 Zhob-II	2,994	2,876	118

(B) ANALYSIS OF ELECTION RESULT

Statistics relating to National Assembly elections

17. As against 207 Muslim constituencies of the National Assembly, election was held in 204 constituencies as proceedings were terminated in case of two constituencies and election was declared to be void in one constituency. The total voting strength for the Muslim constituencies was 4,66,95,459. After deducting the voting strength of three constituencies, the total number of registered voters in respect of 204 constituencies was 4,62,06,055. The total number of votes cast there-against was 1,99,03,172, of which 3,11,907 votes were declared to be invalid. The percentage of total votes cast to registered votes was 43.07% and the percentage of valid votes to registered votes was 42.40%. The percentage of invalid votes to total votes polled was 1.57%.

18. The pattern of voting for National Assembly election has been summarized in the table below:—

Name of Province/ Area	Registered Muslim voters (for 204 consti- tuencies)	Total No. of votes polled	No. of valid votes polled	No. of rejected votes	Percent- age of valid votes polled to registered votes	Percent- age of total votes polled to registered votes	Percent- age of rejected votes to total votes polled
N-W.F.P.	5649344	1916297	1873405	42892	33.16%	33.92%	2.23%
F.A.T.A.	34403	26750	25904	846	75.30%	77.75%	3.16%
Federal Capital	186306	107893	106163	1730	56.98%	57.91%	1.60%
Punjab	28080896	13055024	12859606	195418	45.79%	46.49%	1.49%
Sind	9878825	4186716	4133655	53061	41.84%	42.38%	1.26%
Baluchistan	2376281	610492	592532	17960	24.94%	25.69%	2.94%
Total:—	46206055	19903172	19591265	311907	42.40%	43.07%	1.57%

Statistics relating to Provincial Assembly, Punjab

19. The total number of Muslim votes for 240 Muslim seats of the Provincial Assembly of the Punjab was 2,82,80,465, against which 1,29,58,408 votes were cast. Percentage of total votes cast to registered votes was 45.82% and the percentage of valid votes in relation to registered votes was 45.33%. The percentage of rejected votes to total votes polled was 1.07%.

Statistics relating to Provincial Assembly, Sind

20. For election to 100 Muslim seats in the Provincial Assembly, Sind, the total number of Muslim votes was 98,78,825, of which 41,79,507 voters

participated in the election. The percentage of votes cast to registered votes was 42.31% and the percentage of valid votes polled to registered votes was 41.90%. The percentage of rejected votes to the total votes polled was 0.97%.

Statistics relating to Provincial Assembly, NWFP

21. As against 80 Muslim seats in the Provincial Assembly, NWFP, the total Muslim electorate was 59,39,179. Election proceedings were terminated in one constituency. The voting strength for 79 seats was 58,62,193. The number of votes cast at this election was 21,87,961 which was 37.32% of the registered votes. The percentage of valid votes polled to registered votes was 36.70%. Percentage of rejected votes to total votes polled was 1.67%.

Statistics relating to Provincial Assembly, Baluchistan

22. For a total number of 40 Muslim seats, the voting strength of Muslims for Provincial Assembly of Baluchistan was 23,76,281. Election in one constituency was declared to be void. Voting strength of the remaining 39 constituencies was 22,80,697 of which 6,75,047 votes were cast at this election. The percentage of total votes cast in relation to registered votes was 29.60% and the percentage of valid votes polled to registered votes was 28.78%. Percentage of rejected votes to total votes polled was 2.76%.

Summary of statistics for election to the Provincial Assemblies

23. Summary of statistics relating to the polls for Provincial Assemblies appears in the following table:—

Provincial Assembly	Registered Muslim voters of contested constituencies	Total No. of votes polled	No. of valid votes polled	No. of rejected 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
Punjab	28280465	12958408	12820152	138256	45.33%	45.82%	1.07%
Sind	9878825	4179507	4138996	40511	41.90%	42.31%	0.97%
NWFP	5862193	2187961	2151336	36595	36.70%	37.32%	1.67%
Baluchistan	2280697	675047	656423	18624	28.78%	29.60%	2.76%
Total :—	46302180	20000923	19766907	233986	42.69%	43.20%	1.17%

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 valid votes to registered votes		Percentage of total votes polled to registered votes	
	National Assembly	Provincial Assemblies	National Assembly	Provincial Assemblies
1970	57.96%	52.77%	59.87%	53.54%
1977	Not available			
1985	51.90%	56.12%	53.69%	57.37%
1988	42.40%	42.69%	43.07%	43.20%

Party position in the National Assembly

25. As against the total number of 4,62,06,055 registered voters for 204 (out of 207) Muslim constituencies of the National Assembly, in all 1,95,91,265 valid votes were cast. Number and percentage of valid 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) Pakistan Peoples Party	179	75,46,561	38.52%	93
(2) Islami Jamhoori Ittehad	165	59,08,742	30.16%	54
(3) Independent candidates	590	38,19,761	19.50%	40
(4) Jamiat-e-Ulema-e-Islam (Fazal-ur-Rehman Group)	38	3,60,526	1.84%	7
(5) Pakistan Awami Ittehad	83	8,59,713	4.39%	3
(6) Awami National Party	25	4,09,555	2.09%	2
(7) Baluchistan National Alliance	6	71,058	0.36%	2
(8) National Peoples Party (Khar Group)	10	97,990	0.50%	1

1	2	3	4	5	6	7	8
(9) Pakistan Democratic Party			5	80,473	0.41%		1
(10) Jamiat-e-Ulema-e-Pakistan (Darkhawsti Group)			8	44,964	0.23%		1
(11) Punjabi Pushtoon Ittehad, Sind.			6	1,02,013	0.52%		—
(12) Pakistan Milli Awami Ittehad (Pushtoon Khaw)			7	46,562	0.24%		—
(13) Tehreek-e-Nafaz-e-Fiqah-e-Jafria			12	42,216	0.22%		—
(14) Wattan Party			1	184	—		—
(15) Other smaller parties			28	1,98,751	1.01%		—
(16) Pakistan Muslim League (Qaiyum Group)			4	2,196	0.01%		—
Total:—			1,167	1,95,91,265	100.00%		204

Party position in Provincial Assembly, Punjab

26. For 240 Muslim constituencies of the Provincial Assembly, Punjab, the number of registered Muslim voters was 2,82,80,465 against which 1,28,20,152 valid votes were polled. The party position emerging as a result of this election was as under:—

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) Islami Jamhoori Ittehad	228	44,84,803	34.98%	108
(2) Pakistan Peoples Party	238	43,80,427	34.17%	93
(3) Independent candidates	844	29,29,733	22.85%	33
(4) Pakistan Awami Ittehad	142	6,22,983	4.86%	2
(5) Pakistan Democratic Party	17	73,726	0.57%	2
(6) National Peoples Party (Khar Group)	42	1,46,662	1.14%	1
(7) Jamiat-e-Ulema-e-Islam (Fazlur Rehman Group)	25	67,534	0.53%	1
(8) Jamiat-e-Ulema-e-Islam (Darkhawsti Group)	10	8,300	0.06%	—
(9) Awami National Party	6	13,605	0.11%	—

(10) Pakistan Muslim League (Qaiyum Group)	4	2,108	0.02%	—
(11) Wattan Party	1	1,069	0.01%	—
(12) Tehreek-e-Nifaz-e-Fiqah-e-Jafria	19	17,601	0.14%	—
(13) Other smaller parties	35	71,601	0.56%	—
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Total:—	1,611	1,28,20,152	100.00%	240

Party position in Provincial Assembly, Sind

27. For election to 100 Muslim seats in the Provincial Assembly of Sind, the number of registered Muslim voters was 98,78,825. The total number of valid votes polled at that election was 41,38,996. The number and percentage of votes polled by the political parties is tabulated below:—

Name of the Political Party	No. of contesting candidates	Number of valid votes polled	Percentage of valid votes polled by the parties to total valid votes	Number of seats won
1	2	3	4	5
(1) Pakistan Peoples Party	96	18,72,208	45.23%	67
(2) Independents	605	17,48,975	42.26%	31
(3) Islami Jamhoori Ittehad	54	2,94,672	7.12%	1
(4) Punjabi Pukhtoon Ittehad, Sind	14	75,145	1.82%	1
(5) Awami National Party	16	47,322	1.14%	—
(6) Other smaller parties	26	43,280	1.05%	—
(7) Jamiat-e-Ulema-e-Islam (Fezal-ur-Rehman Group)	25	31,588	0.76%	—
(8) Pakistan Awami Ittehad	35	17,386	0.42%	—
(9) Jamiat-e-Ulema-e-Islam (Darkhawsti Group)	2	6,775	0.17%	—
(10) Pakistan Muslim League (Qayyum Group)	2	787	0.02%	—
(11) Pakistan Democratic Party	5	534	0.01%	—
(12) Pakistan Milli Awami Ittehad (Pushtoon Khaw)	5	220	—	—
(13) Tehreek-i-Nafaz-e-Fiqah-e-Jaffria	5	104	—	—
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Total:—	890	41,38,996	100.00%	100

Party position in Provincial Assembly, NWFP

28. Election was held for 79 (out of 80) Muslim constituencies of the Provincial Assembly, NWFP. The number of registered Muslim voters was 58,62,193 against which the total number of valid votes cast at that election was 21,51,336. The number and percentage of valid votes polled by the contesting political parties is tabulated in the following statement:—

Name of Political Party	No. 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) Islami Jamhoori Ittehad	74	5,54,550	25.78%	28
(2) Pakistan Peoples Party	56	4,27,426	19.87%	20
(3) Independents	277	6,30,903	29.33%	16
(4) Awami National Party	65	3,31,608	15.41%	13
(5) Jamiat-ul-Ulema-e-Islam (Fazal-ur-Rehman Group)	51	1,68,657	7.84%	2
(6) Pakistan Awami Ittehad	24	24,185	1.12%	—
(7) Other smaller parties	8	4,994	0.23%	—
(8) Pakistan Milli Awami Ittehad (Pushtoon Khaw)	5	4,276	0.20%	—
(9) Jamiat-ul-Ulema-e-Islam (Darkhawsti Group)	3	3,556	0.16%	—
(10) Pakistan Democratic Party	1	1,182	0.06%	—
(11) Tehreek-e-Nafaz-e-Fiqah-e-Jafria	1	89	—	—
Total:—	565	21,51,336	100.00%	79

Party position in Provincial Assembly, Baluchistan

29. Out of 40 Muslim seats in the Provincial Assembly, Baluchistan, election was held in 39 constituencies. As against 22,80,697 registered Muslim voters, the total number of valid votes polled was 6,56,423. The number of

votes secured by each contesting political party, percentage and seats won by them are tabulated below:—

Name of Political Party	No. 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) Independents	158	1,65,074	25.14%	7
(2) Islami Jamhoori Ittehad	29	1,52,199	23.19%	9
(3) Jamiat-ul-Ulema-e-Islam (Fazal-ur-Rehman Group)	29	86,832	13.23%	10
(4) Baluchistan National Alliance	15	71,595	10.91%	6
(5) Pakistan Peoples Party	35	66,911	10.19%	3
(6) Pakistan National Party	19	43,913	6.69%	2
(7) Pakistan Milli Awami Ittehad (Pushtoon Khaw)	14	24,534	3.74%	1
(8) Awami National Party	15	21,652	3.30%	—
(9) Other smaller parties	9	8,983	1.37%	—
(10) Wattan Party	1	5,519	0.84%	1
(11) Pakistan Awami Ittehad	11	4,916	0.75%	—
(12) Jamiat-ul-Ulema-e-Islam (Darkhawsti Group)	5	4,234	0.65%	—
(13) Pakistan Democratic Party	1	37	—	—
(14) Tehreek-e-Nafaz-e-Fiqah-e-Jafria	1	24	—	—
Total :—	342	6,56,423	100.00%	39

30. Detailed statistical data in respect of the constituencies of the National Assembly and the Provincial Assemblies has been compiled in volume-II of this report.

CHAPTER — XXI

ELECTION TO THE SEATS RESERVED FOR THE MINORITY COMMUNITIES

The principle of separate electorates for the Muslims and the non-Muslims was first introduced in the electoral system of Pakistan on September 24, 1978, by amending the relevant law. After revival of the Constitution in 1985, this system of election was embodied under clause (4A) of Article 51 and clause (5) of Article 106 of the Constitution.

2. Under the Constitution, the minority communities have been grouped into the following four categories for the purposes of giving them due representation 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).

Population

3. As per 1981 Census, the population of the non-Muslims is 28,03,587 which comes to 3.33% of the total population. Religion-wise population of different administrative units is given below :—

Community	Federal Capital	F.A.T.A.	Punjab	Sind	NWFP	Baluchistan	Total
(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
(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

Voting Strength

4. The total number of votes belonging to the minority communities, as it stood on October 1, 1988, was 13,67,798 as per detail given in the following table:—

Province/ Area	Number of voters as on 1-10-1988				Total
	Christians	Hindus & Scheduled Castes	Sikhs, Budhists, Parsis & others	Persons be- longing to the Quadiani group or the Lahori group (who call themselves Ahmadis)	
Islamabad	4,345	4	11	109	4,469
Punjab	5,60,774	38,523	417	2,047	6,01,761
Sind	78,065	6,45,155	3,364	372	7,26,956
NWFP	11,131	1,922	1,823	50	14,926
FATA	—	—	—	—	—
Baluchistan	6,436	13,089	141	20	19,686
Total:—	6,60,751	6,98,693	5,756	2,598	13,67,798

Allocation of seats

5. Ten seats were exclusively allocated to the minority communities in the National Assembly as under:—

- | | |
|---|-----------|
| (1) Christians | = 4 seats |
| (2) Hindus and Scheduled Castes | = 4 seats |
| (3) Sikh, Buddhist 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 |

6. Twenty-three seats were allocated to the non-Muslims in the Provincial Assemblies, as under:—

Provincial Assembly	Christians	Hindus and Scheduled Castes	Sikh, Budhist, Parsi & other non-Muslims	Persons belonging to the Qadiani group or Lahori group (who call themselves Ahmadis)	Total
Baluchistan	1	1	1	—	3
NWFP	1	—	1	1	3
Punjab	5	1	1	1	8
Sind	2	5	1	1	9
Total:—	9	7	4	3	23

Electorate

7. 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

8. 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

9. 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 sizable number at a polling station.

Qualifications and disqualifications

10. 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 Constituion. Similarly, bar against the double membership 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

11. The Joint Secretary (Admn.), Election Commission Secretariat, Islamabad, was appointed as Returning Officer for election to the Non-Muslim seats in the National Assembly. The Provincial Election Commissioners were appointed to act as Additional Returning Officers for their respective Provinces. The Returning Officers for election to the Muslim constituencies in the National Assembly were appointed as Assistant Returning Officers for this election. The Election Commission authorised the Additional Returning Officers (Provincial Election Commissioners) to exercise and perform the following powers and functions of the Returning Officer for their respective Provinces:—

- (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) any other allied function.

Returning Officer for Provincial Assemblies election

12. Each Provincial Election Commissioner was appointed as Returning Officer for election to the non-Muslim seats in the Provincial Assembly. The Returning Officers for Muslim constituencies in the Provincial Assemblies were appointed as Assistant Returning Officers for this election.

Schedule of election

13. As required by the Constitution, elections to the non-Muslim seats in the National Assembly and the Provincial Assemblies were held simultaneously with the election of Muslim members. The same schedule of election as was notified by the Election Commission on October 8, 1988 for election to the Muslim constituencies was followed for election to non-Muslim constituencies.

Nominations

14. 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 and XVI. No person had filed nomination papers for election to the seats reserved in the national Assembly, the Provincial Assembly, Sind and the Provincial Assembly, NWFP for persons belonging to the Qadiani group or the Lahori group (who call themselves Ahmadis) and these seats remained un-filled. The seat reserved for this community in the Punjab Provincial Assembly was filled without contest as there was only one candidate.

Ballot Paper

15. Separate ballot papers were printed for Christian seats, for the seats allocated to Hindus and Scheduled Castes and for the seats reserved for Sikh, Buddhist and Parsi communities, etc. The ballot papers for each community were printed on paper of different colour to distinguish them from the ballot papers for the Muslim seats at the time of counting of votes.

Voting procedure

16. 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 the Muslim and non-Muslim voters.

Preliminary consolidation of result

17. The poll for election of non-Muslim members of the National Assembly was held on November 16, 1988 and the poll for non-Muslim seats in the Provincial Assemblies was held on November 19, 1988, 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

18. 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 for the Muslim and non-Muslim voters. These statements were sent to the Assistant Returning Officer for consolidation.

19. The Assistant Returning Officer consolidated the results furnished by the Presiding Officers. The consolidated statement of the result of count for election to the National Assembly constituency was forwarded to the Additional Returning Officer (Provincial Election Commissioner), who further consolidated the result of his Province including in the statement the postal ballot papers received by him before the commencement of consolidation. Thereafter, each Additional Returning Officer (Provincial Election Commissioner) furnished the consolidated statements of their respective Provinces to the Returning Officer at Islamabad.

Final consolidation

20. On receipt of the result from Additional 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.

21. 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 (Provincial Election Commissioners) 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

22. The Election Commission published in the official Gazette the names of returned candidates to non-Muslim seats on November 26, 1988 and

the detailed result of the count on November 30, 1988, along with the result of Muslim seats.

Statistics relating to non-Muslim seats in the National Assembly

23. For election of ten members, the voting strength of the non-Muslims was 13,67,798. 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
(1) Christians	6,60,751	2,35,401	2,629	2,32,772	4	35.63%
(2) Hindus and Scheduled Castes	6,98,693	2,12,052	1,983	2,10,069	4	30.35%
(3) Sikh, Budhist, Parsi and other non-Muslims	5,756	3,239	17	3,222	1	56.27%
(4) Persons belonging to the Qadiani group or Lahori group (who call themselves Ahmadis)	2,598	---	No nomination filed		1	
Total:—	13,67,798	4,50,692	4,629	4,46,063	10	32.95%

Statistics relating to non-Muslim seats in the Provincial Assembly, Punjab

24. Total number of non-Muslim voters in the Punjab was 6,01,761 for election of eight members. Detail of the votes cast by them is as under:—

Community	Registered votes	Total votes cast	No. of rejected votes	Total valid votes	No. of seats to be filled	Percentage of votes cast to registered votes
(1) Christians	5,60,774	2,25,218	2,202	2,23,016	5	40.16%
(2) Hindus and Scheduled Castes	38,523	13,977	164	13,813	1	36.28%
(3) Sikh, Budhist, Parsi and other non-Muslims	417	169	—	169	1	40.53%
(4) Persons belonging to the Qadiani group or Lahori group (who call themselves Ahmadis)	2,047	—	Elected uncontested	—	1	—
Total:—	6,01,761	2,39,364	2,366	2,36,998	8	39.78%

Statistics relating to non-Muslim seats in Provincial Assembly, Sind

25. For election of nine members of the Provincial Assembly of Sind, the total number of non-Muslim voters was 7,26,956. Detail of the votes cast by the non-Muslim voters is as under :—

Community	Registered votes	Total votes cast	No. of rejected votes	Total valid votes	No. of seats to be filled	Percentage of votes cast to registered votes
(1) Christians	78,065	36,818	411	36,407	2	47.16%
(2) Hindus and Scheduled Castes	6,45,155	2,02,760	5,788	1,96,972	5	31.43%
(3) Sikh, Budhist, Parsi and other non-Muslims	3,364	1,948	2	1,946	1	57.91%
(4) Persons belonging to Quadiani group or the Lahori group (who call themselves Ahmadis)	372	—	No nomination filed		1	—
Total:—	7,26,956	2,41,526	6,201	2,35,325	9	33.22%

Statistics relating to non-Muslim seats in the Provincial Assembly, NWFP

26. Three seats were allocated to the non-Muslims in the Provincial Assembly of NWFP. Their total voting strength was 14,926. Detail of the votes cast by them is tabulated below :—

Community	Registered votes	Total votes polled	No. of rejected votes	Total valid votes	Seats to be filled	Percentage of votes cast to registered votes
(1) Christians	11,131	6,022	39	5,983	1	54.10%
(2) Sikh, Budhist, Parsi and other non-Muslims (including Hindus and Scheduled Castes)	3,745	2,241	38	2,203	1	59.84%
(3) Persons belonging to the Quadiani group or Lahori group (who call themselves Ahmadis)	50	—	No nomination filed		1	—
Total:—	14, 926	8,263	77	8,186	3	55.36%

Assembly of NWFP. Their total voting strength was 14,926. Detail of the votes cast by them is tabulated below :—

Community	Registered votes	Total votes polled	No. of rejected votes	Total valid votes	Seats to be filled	Percentage of votes cast to registered votes
(1) Christians	11,131	6,022	39	5,983	1	54.10%
(2) Sikh, Budhist, Parsi and other non-Muslims (including Hindus and Scheduled Castes)	3,745	2,241	38	2,203	1	59.84%
(3) Persons belonging to the Quad-iani group or Lahori group (who call themselves Ahmadis)	50	—	No nomination filed		1	—
Total:—	14, 926	8,263	77	8,186	3	55.36%

Statistics relating to non-Muslim seats in the Provincial Assembly, Baluchistan

27. Three seats were reserved for the non-Muslims in the Provincial Assembly of Baluchistan. The total number of registered voters in the Province was 19,686. Detail of their voting pattern is as under :—

Community	Registered votes	Total votes polled	No. of rejected votes	Total valid votes	No. of seats to be filled	Percentage of votes cast to registered votes
(1) Christians	6,436	4,120	30	4,090	1	64.01%
(2) Hindus and Scheduled Castes	13,089	6,757	100	6,657	1	51.62%
(3) Sikh, Budhist, Parsi and others (including Quad-ianis)	161	111	—	111	1	68.94%
Total:—	19,686	10,988	130	10,858	3	55.82%

Question to hold election to the un-filled seats reserved for persons belonging to the Quadiani group or the Lahori group (who call themselves Ahmadis)

28. During the general elections, no person filed nomination papers for election to the seats reserved in the National Assembly, the Provincial Assembly of Sind and the Provincial Assembly of NWFP for persons belonging to the Quadiani group or the Lahori group (who call themselves Ahmadis). Consequently one constituency allocated to this community in each of the afore-mentioned Assemblies remained un-represented.

29. The question of holding election to fill these seats remained under active consideration of the Election Commission. The Commission decided to refer the matter to the Ministry of Law, Justice & Parliamentary Affairs, for opinion. Views expressed by the Ministry were briefly to the effect that :—

- (a) the Constitution does not provide for the transfer of the seats reserved for Quadianis to Muslim or any other group of minority communities;
- (b) there is no illegality in the constitution of the Assembly if a seat reserved for Quadianis remains vacant. A vacancy under the circumstances does not affect the constitution of the Assembly; and
- (c) the Commission may or may not proceed to fill the vacancy through the process of bye-election. Either course is valid. Since the seats had not fallen vacant under the circumstances envisaged for holding bye-election, the seats may remain vacant till next general elections. But, at the same time, if the Commission proceeds to fill such vacancy through bye-election there will be no inherent illegality in the process.

Schedule for election

30. After taking into consideration the legal and other aspects of the matter, the Commission decided to proceed with the holding of election to the

unfitted seats and notified the following schedule for election on August 16, 1989:—

(a) Last date for the filing of nomination papers	...	22.8.1989
(b) Scrutiny of nomination papers	...	23.8.1989 and 24.8.1989
(c) Last date for withdrawal of candidature	...	26.8.1989
(d) Last date for filing of appeals against rejection/acceptance of nomination papers	...	26.8.1989
(e) Last date for deciding appeals	...	28.8.1989
(f) Publication of revised list of candidates	...	30.8.1989
(g) Polling day	...	23.9.1989

Appointment of Returning Officers, Additional/ Assistant Returning Officers

31. For election to the seats in the National Assembly and the Provincial Assemblies of Sind and NWFP the same set of officers were appointed to act as Returning Officers and Additional/Assistant Returning Officers as were appointed during the general elections. These appointments were notified on August 16, 1989, simultaneously with the schedule of election.

Representations from Anjuman-e-Ahmadiyya

32. In the meantime, the Commission received representations from Anjuman-e-Ahmadiyya, Rabwah and Ahmadiyya Anjuman, Lahore, requesting that the seats reserved for them may be declared un-filled as any person elected against these seats will not represent their community. There being no such provision in the law to declare a seat un-filled, the Commission expressed its inability to accede to the requests.

Proceedings of election to the National Assembly

33. In all, ten persons filed nomination papers for one seat reserved in the National Assembly for that community. No nomination paper was

rejected. Three validly nominated candidates withdrew their candidature and two more candidates retired from the contest within the stipulated time, leaving five contestants in the field.

34. For a total number of 2,797 voters belonging to this community, 48 polling stations were established at the district headquarters, wherever required.

35. The poll was held on the due date. According to the consolidated statement of the count, Malik Bashiruddin Khalid received the highest number of votes and he was declared elected to the National Assembly from the seat in question on October 1, 1989.

Election to seat in the Provincial Assembly, Sind

36. For one vacant seat reserved in the Provincial Assembly, Sind for the persons belonging to the Quadiani group or the Lahori group (who call themselves Ahmadis), only one person, Mr. Idrees Yahiya, filed nomination papers. On scrutiny, his nomination papers were accepted as valid. Being the only validly nominated candidate, he was declared to have been returned unopposed to the Provincial Assembly of Sind and his name was notified in the official Gazette on September 4, 1989.

Election to unfilled seat in the Provincial Assembly, NWFP

37. No person filed nomination papers for one unfilled seat reserved in the Provincial Assembly of NWFP for persons belonging to the Quadiani group or the Lahori group (who call themselves Ahmadis). Consequently, this seat continued to remain un-filled.

CHAPTER — XXII

ELECTION TO THE SEATS
RESERVED FOR WOMEN

Number of seats in the National Assembly

Article 51 (4) of the Constitution and section 7 of the Delimitation of the Constituencies Act, 1974 ordain that twenty seats shall be reserved for women in the National Assembly and allocated to the Provinces in the following manner:—

Punjab	=	12 seats
Sind	=	4 seats
N-W.F.P.	=	2 seats
Baluchistan	=	2 seats

2. The Federal Capital and the Federally Administered Tribal Areas have not been allocated any seat.

Number of seats in the Provincial Assemblies

3. Article 106(4) of the Constitution envisages that the number of seats for women in a Provincial Assembly shall be equivalent to five per centum of the Muslim seats allocated to that Assembly. Thus, the number of such seats in the Provincial Assemblies was worked out as under:—

Punjab Provincial Assembly	=	12 seats
Sind Provincial Assembly	=	5 seats
N-W.F. Provincial Assembly	=	4 seats
Baluchistan Provincial Assembly	=	2 seats

Total:—	=	<u>23 seats</u>
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Mode of election and electorate

4. Under Article 51 (5) of the Constitution and section 47(2) of the Representation of the People Act, 1976, the members for seats reserved in the

National Assembly were elected on the basis of the systems of proportional representation by means of a single transferable vote by the electoral college consisting of persons elected to the National Assembly from that Province. Similar provisions with regard to election to the seats allocated to women in the Provincial Assemblies are contained in Article 106 (6) of the Constitution and section 47 (3) of the Act. In this case, the electorates were the members-elect of the respective Assemblies. The mode of election was the same as in the case of National Assembly.

5. In case of election to the National Assembly, each Province formed one constituency, with as many seats as were allocated to that Province and in case of election to the Provincial Assemblies, each Province formed one constituency with as many seats as were allocated to that Province.

Qualifications and disqualifications of candidates

6. Qualifications and disqualifications of candidates to the Muslim seats are laid down in Articles 62 and 63 of the Constitution and section 99 of the Act. Bar against double membership has been placed under Article 223 of the Constitution. All these provisions are equally applicable to election to the seats reserved for women.

Schedule of election

7. The election to the seats reserved for women in the National Assembly and Provincial Assemblies were held in accordance with the following schedule, notified by the Election Commission on November 26, 1988:—

	<u>National Assembly</u>	<u>Provincial Assemblies</u>
(a) Nomination of candidates	28.11.1988	28.11.1988
(b) Scrutiny of nomination papers	29.11.1988	29.11.1988
(c) Filing & disposal of appeals against rejection/acceptance of nomination papers	29.11.1988	29.11.1988
(d) Withdrawal of candidature	29.11.1988	29.11.1988
(e) Polling day	30.11.1988	30.11.1988
(f) Place of poll	National Assembly Hall, Islamabad.	Respective Provincial Assembly Halls.

Returning Officers

8. In order to ensure fair, free and just elections, members from the Judiciary were appointed as Returning Officers for election to the women seats, as was done in the case of the Muslim seats. The District and Sessions Judge, Islamabad, was appointed as Returning Officer and the Provincial Election Commissioner, Punjab and Deputy Election Commissioner, Rawalpindi Division, performed the functions of Polling Officers for National Assembly elections. Like-wise, the District and Sessions Judges of Lahore, Karachi (West), Peshawar and Quetta were designated as Returning Officers for their respective Provinces, assisted by the Deputy Election Commissioners who acted as Polling Officers. The notification of appointment of the Returning Officers and polling officers was issued by the Commission on November 26, 1988.

Identity Cards

9. With a view to assuring proper identification of the voters, the Secretaries of the National and the Provincial Assemblies, at the request of the Election Commission, issued identity cards to the members of the respective Assemblies as required under rule 58 of the Representation of the People (Conduct of Election) Rules, 1977, who produced the same before the Returning Officers at the time of polls.

List of voters

10. Pursuant to the provisions of rules 37 and 38 of the Rules, lists of members of the National and Provincial Assemblies were drawn and furnished by the Commission to all the Returning Officers. These members polled votes to elect women members of the said Assemblies.

Brochure

11. In order to acquaint the Members-elect of the Assemblies, (who were voters at this election) with the system of proportional representation by means of single transferable vote, a comprehensive brochure in English and Urdu languages, embodying detailed instructions about marking the ballot papers was published by the Commission and distributed to all concerned.

Nomination and contest for National Assembly

12. Twenty-nine nomination papers were filed by twenty-eight candidates for election of 12 members of the National Assembly from the Punjab. As a result of the scrutiny, all of them were accepted.

13. For 4 seats reserved for Sind, 5 candidates filed 6 nomination papers which were found to be in order. As a result of withdrawal of one of the candidates, the remaining four validly nominated candidates were elected unopposed.

14. Four candidates filed five nomination papers for election to two seats allocated to the NWFP. All the nomination papers were accepted. As one of the candidates withdrew from the contest, the other three were left in the field.

15. Two seats were allocated for Baluchistan Province. Four nomination papers were filed by four candidates. The Returning Officer rejected one nomination paper, which was accepted by the Chief Election Commissioner on appeal preferred by the candidate. Thus, all the four candidates contested the election.

Summary of nominations for National Assembly

16. The nominations and contest for the National Assembly seats reserved for women are summarised in the following table:—

Province	Nominated	Whose Nomination papers were rejected	Who withdrew their candidature	Contesting the election
Punjab	28	—	6	22
Sind	5	—	1	4
NWFP	4	—	1	3
Baluchistan	4	—	—	4
Total:—	41	—	8	33

Ballot paper

17. Instead of a single-sheet, ballot paper for election to the women seats was printed in the form of a booklet. The name and particulars of election, brief instructions regarding manner of marking the ballot paper by the electorates and names of the contesting candidates were inserted in the booklet at appropriate places. This form of ballot paper facilitated the conduct of election.

The poll

18. The poll for the National Assembly was held between 1000 hours and 1500 hours on November 30, 1988 at National Assembly Hall, Islamabad. Immediately after the close of poll at the stipulated hour, the result was compiled on the basis of proportional representation and the names of the returned candidates were notified in the official Gazette the same evening.

Election to Provincial Assembly, Punjab

19. Sixty-three candidates filed nomination papers to contest election for 12 seats allocated to the Punjab Province. As a result of scrutiny, nine nomination papers were rejected while fifty-four candidates were declared as validly nominated candidates. Upon the withdrawal of eighteen candidates, thirty-six candidates contested the elections.

20. The poll was held at the Assembly building, Lahore on November 30, 1988. The votes were counted immediately there-after and the names of the returned candidates were published in the official Gazette in the evening.

Election to Provincial Assembly, Sind

21. In all, ten candidates filed twelve nomination papers for election to five seats reserved for women in the Provincial Assembly of Sind. Nomination papers of all the candidates were accepted. Three candidates withdrew their candidature in time. The election to five seats was consequently contested by seven candidates.

22. The poll was held on November 30, 1988 at the Provincial Assembly Building, Karachi. The counting proceedings commenced immediately after the closing hour and the names of returned candidates were notified by the Election Commission in the official Gazette the same day.

Election to Provincial Assembly, NWFP

23. Ten candidates had filed nomination papers for election to four seats reserved for women in the Provincial Assembly of NWFP. On Scrutiny, their nomination papers were found to be in order by the Returning Officer. All the ten candidates contested the election. The names of elected candidates were notified by the Election Commission in the official Gazette on November, 30, 1988.

Election to Provincial Assembly, Baluchistan

24. Ten candidates had filed nomination papers for election to two seats reserved for women in the Provincial Assembly of Baluchistan. Their nomination papers were found to be valid on scrutiny. Three of the validly nominated candidates withdrew their candidature. As a result, seven, candidates contested election on the due date. The count was completed immediately after the close of the poll and the result of election was declared thereafter. The names of two returned candidates were published in the official Gazette on November 30, 1988.

Summary of Nomination for Provincial Assemblies

25. Summary of the nominations and contest for the seats reserved for women in the Provincial Assemblies appears in the following table:—

Province	Number of Candidates			
	Nominated	Whose Nomination papers were rejected	Who withdrew their candidature	Who contested the election
Punjab	63	9	18	36
Sind	10	—	3	7
NWFP	10	—	—	10
Baluchistan	10	—	3	7
Total:—	93	9	24	60

Detailed result of election

26. Detailed result of the election appears in volume-III of this report.

Future status of seats reserved for women

27. In case of election to the seats reserved for women in the National Assembly, clause (4) of Article 51 of the Constitution states that "until the expiration of a period of ten years from the commencing day or the holding of the third general election to the National Assembly, whichever occurs later, twenty seats in addition to the number of seats referred to in clause (1) shall be reserved for women and allocated to the Provinces in accordance with the Constitution and law."

28. The corresponding provision for election to the seats reserved for women in the Provincial Assemblies is embodied in clause (4) of Article 106 of the Constitution which reads as under:—

"Until the expiration of a period of ten years from the commencing day or the holding of the third general election to the Assembly of a Province, whichever occurs later, there shall be in the Assembly a number of additional seats reserved for women equal to five per centum of the number of members of that Assembly specified in clause (1)."

29. Three general elections to the National Assembly and Provincial Assemblies having already been held under the Constitution in 1977, 1985 and 1988, the question of continued operation of the aforesaid provisions had arisen as a sequel to the dissolution of the Provincial Assembly of Baluchistan in December, 1988. As three general elections had already been held under the Constitution, there would be no additional seats reserved for women in the National Assembly under Article 51 (4) and in the Provincial Assemblies under Article 106 (4) of the Constitution.

CHAPTER XXIII

ELECTION DISPUTES

Election petitions

Election disputes are challenged before the Election Tribunals by means of election petitions.

2. During the 1985 General Elections, it was not obligatory on the part of an elector to produce the national identity card at the time of poll. He could establish his identity by producing documents like ration card, driving license etc. and other material or evidence to this effect. This concession gave rise in some cases to irregularities/malpractices which became the subject matter of 229 election petitions. However, on account of amendment in the relevant provision of law, production of national identity card was made mandatory at the time of 1988 general elections which reduced the complaints about personation. The number of election petitions fell to 103 .

Statutory provisions

3. Sections 52 to 77 of the Representation of the People Act, 1976 and sections 31 to 57 of the Senate (Election) Act, 1975, read with Article 225 of the Constitution deal with the subject of disposal of election petitions by the Election Tribunals which is the only mode to challenge election results. Some of the important provisions are discussed in the succeeding paragraphs.

Time-limit

4. The statutory time-limit for filing election petitions is fixed as 45 days from the date of publication in the official Gazette of the name of the returned candidate. The provisions of Limitation Act have not been made applicable in this case.

Security

5. Election petitions under the Representation of the People Act, 1976 and the Senate (Election) Act, 1975 are required to be accompanied by

receipts of Rs. 1000 and Rs. 2000 respectively as security for the costs of petition, deposited in the National Bank of Pakistan or any Government Treasury.

Mode of presentation of election petition

6. Election petition is to be presented to the Secretary to the Election Commission by the petitioner or a person authorised in writing by him or through registered mail.

Parties to petition

7. The petitioner is required to join as respondents all contesting candidates and any other candidate who is alleged to have indulged in corrupt or illegal practice and to serve personally or by registered mail a copy of the election petition on each of the respondents.

Contents of petition

8. The petitioner is required under the law to embody a precise statement of all the relevant and material facts in his petition together with complete particulars of any corrupt or illegal practice, the names of the delinquents and the dates on which such misdeeds were committed. The petitioner is entitled to claim 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.

The petitioner is obliged to sign and verify the election petition and documents appended thereto in the manner provided in Code of Civil Procedure for verification of pleadings.

Grounds for declaring election void

9. The election of a returned candidate shall be declared to be void if the Tribunal is satisfied that—

- (a) the nomination of the returned candidate was invalid; or

- (b) the returned candidate was not, on the day of nomination, qualified for, or was disqualified from, being elected as member; or
- (c) the election of the returned candidate was procured or influenced by resorting to any corrupt or illegal practice; or
- (d) a corrupt or illegal practice was committed by the returned candidate or his election agent or by any other person in league with them.

10. The election of a returned candidate is liable to be declared as void and set aside by the Tribunal if it is satisfied that the petitioner or any other contesting candidate is entitled to be elected and an order shall be made accordingly.

11. The Tribunal shall hold the election as a whole to be void and a nullity if it is proved to his satisfaction that the result was materially affected on the following grounds:—

- (a) Any person failed to comply with the provisions of the Act or the rules made thereunder.
- (b) A large number of corrupt or illegal practices were committed during the course of the election.

12. The underlying idea to enact these provisions is to guard against the misuse of official powers and resorting to illegal and corrupt practices on the part of Returning Officers and other polling personnel.

Dismissal of petition by the Chief Election Commissioner

13. The Chief Election Commissioner shall dismiss the election petition on the following grounds that—

- (a) it was filed after the expiration of statutory period of 45 days.
- (b) security for the costs of petition was not deposited.
- (c) it was presented to an unauthorized officer.
- (d) names of all the concerned respondents were not entered therein.
- (e) copies thereof were not served on the respondents.

Four election petitions were dismissed by the Chief Election Commissioner on the aforementioned grounds.

Procedure before Election Tribunal

14. Section 62 of the Representation of the People Act, 1976 and section 43 of the Senate (Election) Act, 1975 lay down the procedure for trial of election petitions by the Election Tribunal. The following procedure for trial of election petitions was laid down by Election Commission of Pakistan *vide* its Notification dated 16th March, 1985. The text thereof is as under:—

- (i) 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.
- (ii) 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.
- (iii) 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.
- (iv) 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.
- (v) 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.

- (vi) No witness whose name is not mentioned in the petition shall be summoned or examined unless required by the Tribunal.
- (vii) 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 preliminary issue.
- (viii) 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.
- (ix) 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.
- (x) The Tribunal may, pending the final disposal of the petition, grant such interim relief as it may deem fit.

Appointment of Election Tribunal

15. The election petitions relating to 1988 General Elections were fewer in number as compared to the ones received after the general election held in 1985. Thirty-eight Election Tribunals were appointed to hear the petitions relating to National Assembly and the Provincial Assemblies. Province-wise break-up is as follows:—

<u>Province</u>	<u>Number of Election Tribunals</u>
Punjab	21
Sind	10
NWFP	05
Baluchistan	02
Total:-	<hr style="width: 100px; margin: 0 auto;"/> 38

Appeal against the decision of the Tribunal

16. An appeal to the Supreme Court against a decision of the Tribunal is provided under the law which is required to be filed within thirty

days of the announcement thereof. This provision applies both in cases of election to the Assemblies and the Senate.

Grounds mentioned in election petitions

17. The results of election have been assailed on various grounds, some of which are briefly described as under:—

- (a) Corrupt or illegal practices committed by candidates/their agents—
 - (i) Bogus identity cards were used.
 - (ii) Official capacity as care-taker Chief Minister was misused.
 - (iii) Stolen postal ballot papers were used.
 - (iv) Bogus votes were polled.
 - (v) Voters were influenced/coerced/intimidated.
 - (vi) Votes were cast in the name of fictitious/dead/absentee voters.
 - (vii) Voters were bribed.
 - (viii) Sectarian feelings were projected.
 - (ix) Voters were transported to the polling stations.
 - (x) Election campaign was carried on during the prohibited period.
 - (xi) Government transport was used.
 - (xii) Friendly polling staff was got appointed.
 - (xiii) False allegation of being 'Quadiani' was levelled.
 - (xiv) False propaganda was made to the effect that a candidate had won.
 - (xv) Forged ballot papers were used.
 - (xvi) Polling personnel were got transferred to achieve desired results.
 - (xvii) Grants/donations etc. given/promised in official capacity to gain support.
 - (xviii) Voters were threatened to become 'Kafirs' if they voted for a particular candidate.
 - (xix) Voters were lured by false promises to construct roads, drains etc. and improve their standard of living.
 - (xx) Votes were solicited on 'bradari' basis.
 - (xxi) False accusations of being non-believer in God were levelled.

- (xxii) Registration authorities were persuaded not to issue identity cards to supporters of a particular candidate.
- (b) Illegalities/irregularities committed by polling staff and other Government officers—
- (i) Validly cast ballot papers were excluded from count.
 - (ii) Female voters could not cast votes as no separate arrangements were made for them.
 - (iii) Foils/counter foils of ballot papers were not signed or stamped.
 - (iv) Incorrect counting/recounting of votes was done.
 - (v) The number of ballot papers counted exceeded the number of ballot papers issued.
 - (vi) Production of national identity cards was dispensed with.
 - (vii) Votes were stolen/removed.
 - (viii) Candidates and their polling agents were intimidated.
 - (ix) Government functionaries affixed stamps on ballot papers.
 - (x) Secrecy of the poll was flouted.
 - (xi) Polling agents were not allowed to participate in the election proceedings.
 - (xii) Statements of count were not provided.
 - (xiii) Ballot paper bags were removed to another place and tampered with.
 - (xiv) Ballot papers were stamped before the poll.
 - (xv) Polling stations were set up at places suitable to a particular candidate.
 - (xvi) Invalidly cast votes were counted in favour of a particular candidate.
 - (xvii) Ballot papers at one polling station were found missing and fictitious statement of count was prepared.
 - (xviii) Ballot papers where the stamp covered more than 50% area were declared invalid.
 - (xix) Electors present within the enclosure after the close of poll were not allowed to vote.
 - (xx) Statement of count was altered by the Returning Officer.
- (c) The following disqualifications of the returned candidate were highlighted in the election petitions:—
- (i) He was a Government contractor.

- (ii) He was neither honest nor 'ameen'.
 - (iii) He exceeded the statutory limit of election expenses.
 - (iv) He was of bad character and violated Islamic Injunctions.
 - (v) He was in Government service shortly before the election.
 - (vi) He was under-age.
- (d) The following miscellaneous grounds formed subject matter of the election petitions:—
- (i) location of polling stations was changed overnight without justification or approval.
 - (ii) Symbol was not legibly printed on ballot papers.
 - (iii) The voters were misled in identifying illegibly printed symbol in the dimly lit polling room.
 - (iv) Similarity in appearance of two symbols caused confusion in the minds of electors.

Number of Election Petitions

18. In all 103 election petitions were filed before the Election Tribunals. The number of petitions relating to the National Assembly was 42 and the number of petitions relating to the Provincial Assemblies was 61.

19. The detail of election petitions in respect of the National Assembly and the Provincial Assemblies is as under:—

Province/area	Number of election petitions filed from the constituencies of						Total
	Muslims	Christians	Hindus and Scheduled Castes	Sikhs, Budhists, Parsis and other non-Muslims	Quadianis	Women seats	
1	2	3	4	5	6	7	8
	NATIONAL ASSEMBLY						
NWFP	2	—	—	—	—	—	2
FATA	3	—	—	—	—	—	3
Federal Capital, Islamabad	—	—	—	—	—	—	—
Punjab	29	2	—	1	—	—	32
Sind	2	—	3	—	—	—	5
Baluchistan	—	—	—	—	—	—	—
Total:—	36	2	3	1	—	—	42

1	2	3	4	5	6	7	8
PROVINCIAL ASSEMBLIES							
Provincial Assembly, Punjab	36	1	1	—	—	—	38
Provincial Assembly, Sind	5	—	1	—	—	—	6
Provincial Assembly, NWFP	14	—	—	—	—	1	15
Provincial Assembly, Baluchistan	1	—	—	1	—	—	2
Total:—	56	1	2	1	—	1	61

20. Constituency-wise detail of the election petitions appears in volume-II of this Report.

Number of Election Petitions disposed of

21. In all 12 election petitions have been disposed of by various Election tribunals by the end of March, 1990. Of these, one petition relates to the National Assembly, nine to the Provincial Assembly, Punjab and one each to the Provincial Assembly, NWFP and Provincial Assembly, Baluchistan.

(Note:—The law discussed in the preceding chapters of this Report is up to December, 1988.)

CHAPTER — XXIV

ELECTION EXPENSES OF CANDIDATES**Definition of election expenses**

The term "election expenses", as defined under the law, means any expenditure incurred before, during and after an election or payment made, whether by way of gift, loan, advance, deposit or otherwise, for the arrangement, conduct or benefit of, or in connection with, or incidental to, the election of a candidate, including the expenditure on account of issuing circulars or publications otherwise presenting to the electors the candidate or his views, aims or objects, but does not include the deposit made as security for nomination of the candidate.

Ceiling of expenses

2. Since the enactment of the Representation of the People Act in 1976, the statutory limit on expenses of a candidate remained fixed at rupees forty thousand for election to a seat in the National Assembly and rupees twenty-five thousand for election to a seat in a Provincial Assembly or a sum calculated at the rate of fifty paise for each entry in the electoral roll of the constituency concerned, whichever was greater. In view of the rising cost of living, it was felt that the ceiling of election expenses prescribed under the law was unrealistic. The limit of election expenses was, therefore, enhanced to five hundred thousand rupees in the case of election to a seat in the National Assembly and to rupees three hundred thousand for election to a seat in a Provincial Assembly. Accordingly, sub-section (3) of section 49 of the Act was amended through the Representation of the People (Amendment) Ordinance, 1988 (Ordinance No. XIV of 1988) promulgated on October 4, 1988.

Return of election expenses

3. The law requires every contesting candidate to submit to the Returning Officer a return of election expenses in the prescribed form containing:—

- (a) a statement of all payments made by the contesting candidate 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.

4. The return has to be accompanied by an affidavit in the prescribed form, duly sworn by the candidate.

Inspection of returns

5. The returns and the statements showing detail of accounts in respect of every candidate are to be kept by the Returning Officer in his office and are open to inspection for a period of one year on payment of the prescribed fee. Copies of the return or any of the accompanying documents can also be supplied on payment of the prescribed fee.

Period for filing the returns

6. The return of election expenses was required to be filed within thirty days after publication of the result of election. In order to give sufficient time to the candidates to file their returns, the period of thirty days was enhanced to four months by amending sub-section (1) of section 50 through the Representation of the People (Fourth Amendment) Ordinance, 1988 (Ordinance No. XXXIII of 1988) promulgated on December 24, 1988.

7. The names of returned candidates to the National Assembly and the Provincial Assemblies having been notified on November 26, 1988, the period of four months prescribed for filing the returns of election expenses expired on March 26, 1989.

Corrupt/Illegal practice

8. The contesting candidates who exceed the prescribed monetary limit of election expenses in contravention of section 49 are guilty of corrupt practice as laid down under section 78 and the candidates who fail to submit the returns in question within the time limit prescribed under section 50 are guilty of illegal practice in terms of section 83.

Legal proceedings

9. Persons found guilty of contravening these provisions are liable to be proceeded against in accordance with the provisions of section 96. Under that provision, the Election Commission is required to direct the Returning Officers to launch proceedings in the appropriate courts against persons who contravene the provisions of section 49 or fail to comply with the provisions of section 50. Conviction of a person on that account may lead to his disqualification by the Chief Election Commissioner from being, or being elected as, a member of an Assembly for a period not exceeding five years as contemplated by section 100. The Chief Election Commissioner is 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.

Defaulting candidates for National Assembly elections

10. Immediately after conclusion of the process of election, the Commission issued a Press Note on December 7, 1988, explaining legal provisions relating to the filing of returns of election expenses for facility of the candidates. The Returning Officers were instructed to inform all contestants from their respective constituencies of their legal obligation to file the returns in accordance with the procedure laid down by law. After expiry of the due date, the Returning Officers furnished to the Commission the details and other necessary information pertaining to the election expenses returns in respect of each contesting candidate.

11. The following table would show the total number of candidates, the number of defaulting candidates and the nature of default in respect of

election to the National Assembly:—

Provincial Assembly	Total No. of contesting candidates	Nature of default			Total No. of defaulting candidates
		Excess expenditure	Non-Submission of return	Delayed Submission of return	
(1) Federal Capital	12	—	4	—	4
(2) Punjab	532	—	127	14	141
(3) Sind	326	—	101	4	105
(4) NWFP	130	—	19	1	20
(5) FATA	81	—	18	—	18
(6) Baluchistan	86	—	27	—	27
Total:—	1,167	—	296	19	315

12. Out of 33 contesting candidates for election to the seats reserved for women, 15 candidates failed to file the returns and one candidate filed her return after the due date. Similarly, out of 70 candidates for election to the non-Muslim seats, the number of defaulting candidates was 42.

13. Thus the total number of defaulting candidates for election to the Muslim seats and the seats reserved for non-Muslims and the women in the National Assembly was 373 as against the total number of 1,270 candidates.

Defaulting candidates for Provincial Assemblies elections

14. Position with regard to the returns of election expenses relating to the four Provincial Assemblies is given in the following table:—

Provincial Assembly	Total No. of contesting candidates	Nature of default			Total No. of defaulting candidates
		Excess expenditure	Non-Submission of return	Delayed Submission of return	
Provincial Assembly, Punjab	1,611	1	619	27	647
Provincial Assembly, Sind	890	—	466	3	469
Provincial Assembly, NWFP	565	—	115	10	125
Provincial Assembly, Baluchistan	342	—	147	9	156
Total:—	3,408	1	1,347	49	1,397

15. Out of 60 candidates for election to the seats reserved for women in the Provincial Assemblies, 41 did not submit their returns while two candidates filed their returns after the due date. The number of defaulting candidates for election to the non-Muslim seats was 142 as against the total number of 252 candidates.

16. Thus, as against the total number of 3,720 candidates, the number of defaulting candidates for the Muslim seats and the seats reserved for non-Muslims and the women in all the four Provincial Assemblies was 1,582.

Directions of the Commission

17. After taking into consideration all the relevant facts and having regard to the provisions of law, the Election Commission, in its meeting held on October 3, 1989, decided to issue directions to the Returning Officers in accordance with the provisions of section 96 of the Representation of the People Act, 1976, enabling them to launch proceedings in the appropriate courts against the contesting candidates who contravened the provisions of section 49 (excess expenditure) or failed to comply with the provisions of section 50 (non-submission/delayed submission of returns), as reported by each Returning Officer. Necessary directions were accordingly issued to all Returning Officers for the Muslim constituencies and for election to the seats reserved for the non-Muslims and women in the National Assembly and the Provincial Assemblies.

Extension of period for filing returns of election expenses

18. After the Commission had issued necessary directions to the Returning Officers, as stated above, sub-section (1) of section 50 of the Representation of the People Act, 1976, was amended by the Representation of the People (Second Amendment) Ordinance, 1989 (Ordinance No. XIV of 1989) promulgated by the Government on December 2, 1989. The following proviso was added to that provision by the amending Ordinance:—

“Provided that, in respect of an election held in the year 1988 or 1989, such return may be submitted within such further time as the Federal Government may, by notification in the official Gazette, specify.”

19. Pursuant to the provisions of this Ordinance, the following Notification was issued by the Ministry of Law, Justice & Parliamentary Affairs (PA Division), Government of Pakistan, on December 14, 1989:—

“In exercise of the powers conferred by the proviso to sub-section (1) of section 50 of the Representation of the People Act, 1976 (LXXXV of 1976), the Federal Government is pleased to specify one hundred and twenty days from the publication of this notification in the official Gazette to be the time within which a return of election expenses in respect of an election held in the year 1988 or 1989 may be submitted.”

20. Consequently, the date for filing the returns of election expenses stood extended to April 12, 1990. The provisions of Ordinance No. XIV of 1989 and the Notification issued thereunder were brought to the notice of all Returning Officers for further action accordingly.

CHAPTER — XXV

DEPOSITS AND FORFEITURE**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 has been deposited by the candidate or by any person on his behalf at the time of filing the nomination paper. Previously, the amount of security deposit was rupees one thousand for election to a National Assembly seat and rupees five hundred for election to a Provincial Assembly seat. This enhancement in the amount was made by amending section 13 through the Representation of the People (Amendment) Ordinance, 1988 (No. XIV of 1988), promulgated on October 4, 1988.

2. The security could be deposited in cash with the Returning Officer or 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 had to be enclosed with the nomination form. Only one deposit was required to be made in the case of a candidate filing more than one nomination paper for election to the same seat.

3. 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. 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.

Deposits for National Assembly

4. The number of candidates nominated for election to the Muslim seats in the National Assembly was 1,859 and number of candidates nominated for the seats reserved for women and the non-Muslims was 41 and 78

respectively. In all, 1,978 candidates were nominated for National Assembly elections and the total amount of security deposited by them was Rs. 79,12,000.

Deposits for Provincial Assemblies

5. A total number of 5,960 candidates were nominated for election to the four Provincial Assemblies and they deposited a sum of Rs. 1,19,20,000 as security for election as detailed below:—

Provincial Assembly	Number of candidates nominated for			Total No. of candidates	Total Deposit
	Muslim Seats	Non-Muslim Seats	Women Seats		
Punjab	2,781	104	63	2,948	Rs. 58,96,000
Sind	1,379	143	10	1,532	Rs. 30,64,000
NWFP	845	14	10	869	Rs. 17,38,000
Baluchistan	582	19	10	611	Rs. 12,22,000
Total:—	5,587	280	93	5,960	Rs. 1,19,20,000

Legal Basis for Refund

6. Security deposit was refundable to a candidate or his legal representative, in the following cases :—

- (a) A candidate whose nomination paper had been rejected or who had withdrawn his candidature or who had retired from the contest within the specified period.
- (b) All candidates at an election the proceedings of which were terminated due to the death of a validly nominated candidate.
- (c) The candidates securing more than one-eighth of the total number of votes cast at an election.

Amount refundable for National Assembly election

7. As against 1978 persons nominated for election to the National Assembly, the deposits amounting to Rs. 49,92,000 made by 1,248 candidates were refundable to them. Of these, 1,184 candidates were for the Muslim Constituencies, 27 candidates belonged to the minority communities and 37 were candidates against the seats reserved for women.

Amount refundable for Provincial Assembly election

8. A total sum of Rs. 69,72,000 was refundable to 3,486 candidates for election to the Provincial Assemblies as under:—

Provincial Assembly	No. of candidates	Refundable amount
—————Punjab	1,867	Rs. 37,34,000
Sind	730	Rs. 14,60,000
NWFP	535	Rs. 10,70,000
Baluchistan	354	Rs. 7,08,000
Total:—	3,486	Rs. 69,72,000

Legal Basis for Forfeiture

9. Under section 43 of the Representation of the People Act, 1976, and rule 94 of the Rules, 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 number of votes cast at the election. The law further provides that a deposit shall not be required to be returned unless an application for its return is made to the Commission within six months of the termination of the proceedings or, as the case may be, the declaration of the result of election, and the deposit not so returned shall stand forfeited to the Federal Government.

Forfeiture of Security for National Assembly Election

10. In case of election to the National Assembly, the deposits in respect of 730 candidates amounting to Rs. 29,20,000 were forfeited to the Federal Government for having received less than the requisite number of votes. Of these, 675 were candidates for the Muslim seats, 51 were candidates for the non-Muslim seats and four were candidates for the women seats.

11. In addition, a sum of Rs. 4,76,000 was forfeited to the Federal Government as the candidates for National Assembly elections failed to apply for refund of their deposits within six months of the declaration of result of elections.

Forfeiture of Security for Provincial Assemblies Elections

12. The deposits in respect of 2,474 candidates amounting to Rs. 49,48,000 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	Women		
Punjab	983	81	17	1,081	Rs. 21,62,000
Sind	689	112	1	802	Rs. 16,04,000
NWFP	330	3	1	334	Rs. 6,68,000
Baluchistan	247	7	3	257	Rs. 5,14,000
Total:—	2,249	203	22	2,474	Rs. 49,48,000

13. An additional sum of Rs. 9,18,000 was forfeited to Government as the candidates for Provincial Assemblies elections did not apply for refund of their deposits within the specified period.

Total amount forfeited

14. The total amount forfeited to the Government for general elections to the National Assembly and the Provincial Assemblies, including the unclaimed amount, was Rs. 92,62,000.

CHAPTER — XXVI

CONDUCT OF BYE-ELECTIONS**Time for bye-election**

Clause (4) of Article 224 of the Constitution provides 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

2. As stated in a previous chapter, election proceedings were terminated under section 18 of the Representation of the People Act, 1976, in case of the National Assembly constituencies No. NA-21 Swat-I and NA-62 Faisalabad-VI and in constituency No. PF-6 Peshawar-VI of the Provincial Assembly, NWFP, due to the death of one of the contesting candidates. Fresh proceedings were, therefore, required to be drawn for holding election in these constituencies.

Election declared void

3. In addition, the Election Commission had declared election from two constituencies, *viz.*, NA-16 Mansehra-III and PB-9 Pishin-IV, to be void and had ordered fresh election under section 103AA of the Representation of the People Act, 1976. Arrangements were also due to be made for holding fresh election in these constituencies.

Seats vacated on account of double membership

4. Double membership of the Assemblies stands barred under Article 223 of the Constitution. During the general elections, sixteen persons were elected to more than one seat in the National Assembly and a Provincial Assembly. Pursuant to the provisions of that Article, such persons retained one seat of their choice and vacated the remaining seats. In consequence, 13 seats were rendered vacant in the National Assembly, five seats in the Provincial

Assembly of Punjab, one seat each in the Provincial Assembly, Sind and Provincial Assembly, NWFP. These vacancies occurred with effect from November 30, 1988, the date on which the Members-elect made oath of their offices under Article 65 of the Constitution.

5. Position with regard to the seats rendered vacant immediately after the general elections is consolidated in the following statement:—

Names of returned candidates	Number and name of National Assembly/Provincial Assembly constituencies	
	Where-from the candidate had been elected	Vacated by the returned candidate
SEATS RENDERED VACANT ON ACCOUNT OF DOUBLE MEMBERSHIP		
(1) Mr. Aftab Ahmad Khan Sherpao	(1) NA-1 Peshawar-I	NA-1 Peshawar-I
	(2) PF-16 Charsadda-IV	
(2) Begum Nusrat Bhutto	(1) NA-24 Chitral	NA-24 Chitral
	(2) NA-164 Larkana-I	
(3) Ch. Nisar Ali Khan	(1) NA-40 Rawalpindi-V	PP-6 Rawalpindi-VI
	(2) PP-6 Rawalpindi-VI	
(4) Mr. Khuda Bux Tiwana	(1) NA-52 Khushab	PP-34 Khushab-II
	(2) PP-34 Khushab-II	
(5) Ch. Muhammad Nazir Ahmad	(1) NA-57 Faisalabad-I	NA-57 Faisalabad-I
	(2) NA-61 Faisalabad-V	
(6) Syeda Abida Hussain	(1) NA-67 Jhang-II	NA-67 Jhang-II
	(2) NA-68 Jhang-III	
(7) Mian Nawaz Sharif	(1) NA-88 Sialkot-IV	NA-88 Sialkot-IV
	(2) NA-95 Lahore-IV	NA-95 Lahore-IV
	(3) PP-109 Sialkot-VIII	PP-109 Sialkot-VIII
	(4) PP-123 Lahore-VIII	
(8) Mrs. Benazir Bhutto	(1) NA-94 Lahore-III	NA-94 Lahore-III
	(2) NA-166 Larkana-III	NA-189 Karachi(S)-I
	(3) NA-189 Karachi(S)-I	
(9) Mr. Ghulam Mustafa Khar	(1) NA-137 Muzaffargarh-III	NA-138 Muzaffargarh-IV
	(2) NA-138 Muzaffargarh-IV	PP-214 Muzaffargarh-VIII
	(3) PP-214 Muzaffargarh-VIII	
(10) Mr. Jehangir Badar	(1) NA-96 Lahore-V	PP-124 Lahore-IX
	(2) PP-124 Lahore-IX	
(11) Mian Manzoor Ahmad Khan Wattoo	(1) NA-113 Okara-IV	NA-113 Okara-IV
	(2) PP-159 Okara-VII	

- (b) He may appoint Presiding Officers for the purpose of—
- receiving nomination papers for the Province concerned,
 - forwarding the nomination papers to the Returning Officer at Islamabad for scrutiny, and
 - presiding over the session of Majlis-e-Shoora (Parliament) and the Provincial Assembly for taking the poll for election.
- (c) Scrutiny of nomination papers shall be held at Islamabad by the Returning Officer.
- (d) The poll shall be taken at the meetings of the Parliament and each Provincial Assembly and the respective Presiding Officer shall conduct the poll with the help of such polling officers as may be appointed by the Chief Election Commissioner.
- (e) The poll shall be held by secret ballot by means of a ballot paper containing the names of all candidates in alphabetical order in Urdu language. The voter shall vote by placing a mark by copying pencil against the name of the person for whom he wishes to vote.
- (f) After close of the poll each Presiding Officer shall, in the presence of such of the candidates or their authorized representatives as may wish to be present, start counting of the votes recorded for each candidate. The number of votes polled by each candidate shall thereafter be communicated by the Presiding Officer to the Returning Officer.
- (g) The Chief Election Commissioner shall determine the result of election in the following manner:—
- The number of votes cast in the Majlis-e-Shoora (Parliament) in favour of each candidate shall be counted;
 - the number of votes cast in a Provincial Assembly in favour of each candidate shall be multiplied by the total number of seats in the Provincial Assembly for the time being having the smallest number of seats and divided by the total number of seats in the Provincial Assembly in which the votes have been cast; and
 - the number of votes calculated in the manner referred to in clause (ii) shall be added to the number of votes counted under clause (i).

CHAPTER — XX

THE PRESIDENTIAL ELECTIONS

Acting President

Due to the tragic death of General Mufti Mohammad Rafiq, the office of President fell vacant in Pakistan. Ghulam Ishaq Khan, Chairman of the Senate, acted as President of Pakistan in accordance with clause (1) of Article 41.

2. Clause (1) of Article 49 of the Constitution of Pakistan provides that if the office of President becomes vacant by reason of the death of the President, the Chairman (Senate) or, if the office of the President, the Speaker shall act as President until a President is elected in accordance with Article 41.

Electoral College

3. Clause (3) of Article 41 envisages that after the expiration of the term specified in accordance with the provisions of the Second Schedule, the Electoral College consisting of—

- the Members of the National Assembly,
- the Members of the Senate, and
- the Members of the Provincial Assemblies.

Period for holding election

4. If the election cannot be held within the period specified in clause (4) of that Article because the National Assembly is not held within 30 days of the general elections, the election shall be held as soon as the National Assembly is held.

5. Election to the office of President shall be held on the day as the National Assembly then stood dissolved.

(12) Sardar Farooq Ahmed Khan	(1) NA-133 D.G. Khan-cum-Rajanpur	NA-133 D.G. Khan-cum-Rajanpur
	(2) PP-203 D.G. Khan-V	
(13) Makhdoom Muhammad Amin Faheem	(1) NA-167 Hyderabad-I	PS-35 Hyderabad-I
	(2) PS-35 Hyderabad-I	
(14) Mr. Muhammad Farooque Sattar	(1) NA-190 Karachi(S)-II	NA-192 Karachi(E)-I
	(2) NA-192 Karachi(E)-I	
(15) Raja Sikandar Zaman	(1) NA-13 Abbottabad-III	PF-39 Abbottabad-VI
	(2) PF-39 Abbottabad-VI	
(16) Mir Zafarullah Khan	(1) NA-203 Jaffarabad-cum-Tamboo	NA-203 Jaffarabad-cum-Tamboo
	(2) PB-21 Jaffarabad-II	

PROCEEDINGS TERMINATED

- NA-21 Swat-I
- NA-62 Faisalabad-VI
- PF-6 Peshawar-VI

RE-ELECTION ORDERED BY THE ELECTION COMMISSION

- NA-16 Mansehra-III
- PB-9 Pishin-IV

Total number of vacant seats

6. An all, 25 seats were rendered vacant in the National Assembly and the Provincial Assemblies as per detail given below:—

NATIONAL ASSEMBLY

- NA-1 Peshewar-I.
- NA-16 Mansehra-III.
- NA-21 Swat-I.
- NA-24 Chitral.
- NA-57 Faisalabad-I.
- NA-62 Faisalabad-VI.
- NA-67 Jhang-II.
- NA-88 Sialkot-IV.
- NA-94 Lahore-III.
- NA-95 Lahore-IV.
- NA-113 Okara-IV.
- NA-133 D.G. Khan-cum-Rajanpur.

the National Assembly having been held on November 16, 1988, election to office of President had to be held within thirty days which period was due to expire on December 15, 1988.

Presidential Election Rules, 1988

6. Second Schedule to the Constitution lays down procedure for election of the President which is to be held and conducted by the Chief Election Commissioner. Paragraph 22 of the Second Schedule contemplates that the Chief Election Commissioner may, by public notification, with approval of the President, make rules for carrying out the purposes of the Second Schedule. The Presidential Election Rules, 1988, were accordingly notified in the official Gazette on December 3, 1988.

Qualifications

7. Clause (2) of Article 41 of the Constitution provides that a person shall not be qualified for election as President unless he is a Muslim of not less than forty-five years of age and is qualified to be elected as member of the National Assembly.

Procedure for Nomination of candidates

8. Any member of the Majlis-e-Shoora (Parliament) or of Provincial Assembly may nominate for election as President a person qualified for election by delivering to the Presiding Officer a nomination paper, signed by himself as proposer and by another member of the Majlis-e-Shoora (Parliament) or, as the case may be, Provincial Assembly as seconder together with a statement signed by the person nominated that he consents to the nomination. No person shall subscribe, whether as proposer or a seconder more than one nomination paper at any one election.

Procedure for election

9. The procedure for election of President is briefly explained below:—

(a) The Chief Election Commissioner shall be the Returning Officer

(h) The candidate obtaining the highest number of votes shall be declared by the Chief Election Commissioner to be elected.

Schedule for election

10. In pursuance of the provisions of paragraph 3 of the Second Schedule to the Constitution, the following programme was notified by the Chief Election Commissioner on December 4, 1988 for election to the office of the President:—

- | | |
|---|---|
| (a) Filing of nomination papers with the Returning Officer and Presiding Officers at Islamabad, Lahore, Karachi, Peshawar and Quetta. | 6-12-1988
upto
12.00 noon |
| (b) Scrutiny of nomination papers by the Returning Officer at Islamabad. | 8-12-1988
at
10.00 a.m. |
| (c) Withdrawal of candidature. | 10-12-1988
by
12.00 noon |
| (d) Publication of the list of validly nominated candidates. | 10-12-1988
at
01-00 p.m. |
| (e) Polling day. | 12-12-1988
from
10.00 a.m.
to
3.00 p.m. |
| (f) Place of the poll. | (1) The Parliament House, Islamabad.

(2) The Provincial Assembly Building, Lahore.

(3) The Provincial Assembly Building, Karachi. |

(4) The Provincial Assembly Building, Peshawar.

(5) The Provincial Assembly Building, Quetta.

Appointment of Presiding Officer

11. As required by paragraph 2 of the Second Schedule, the Chief Election Commissioner appointed the following as Presiding Officers for the Assemblies noted against each through a Notification issued on December 4, 1988:—

Name of the Presiding Officer.	Name of the Assembly
(1) Chief Election Commissioner	The Parliament (Majlis-e-Shoora)
(2) Mr. Justice A.S. Salam, Chief Justice, Lahore High Court, Lahore.	The Provincial Assembly of the Punjab, Lahore.
(3) Mr. Justice Ajmal Mian, Chief Justice, Sind High Court, Karachi.	The Provincial Assembly of Sind, Karachi.
(4) Mr. Justice Sardar Fakhr-e-Alam, Chief Justice, Peshawar High Court, Peshawar.	The Provincial Assembly of NWFP, Peshawar.
(5) Mr. Justice Abdul Qadeer Chaudhry, Chief Justice, Baluchistan High Court, Quetta.	The Provincial Assembly of Baluchistan, Quetta.

Polling Officer

12. Adequate number of polling officers was also appointed to assist the Presiding Officers in the conduct of election.

Nomination of candidates

13. Eight persons filed 23 nomination papers on December 6, 1988 as per detail given below:—

(1) Nawabzada Nasrullah Khan	1 nomination paper
(2) Mr. Mohammad Rafique Mohammad	1 nomination paper
(3) Mr. Ahmed Ebrahim Haroon Jaffer	1 nomination paper
(4) Mr. Ghulam Ishaq Khan	15 nomination papers
(5) General (Retd.) Tikka Khan	1 nomination paper
(6) Sh. Mohammad Salim Sethi	2 nomination papers
(7) Mr. Mohammad Nauroz Khan Malik	1 nomination paper
(8) Mr. Lal Khan Bhatti	1 nomination paper

14. No nomination paper was filed at Lahore, Peshawar and Quetta. Only one nomination paper was filed with the Presiding Officer at Karachi. The remaining nomination papers were filed with the Returning Officer at Islamabad.

Scrutiny

15. The scrutiny of nomination papers was held by the Returning Officer at Islamabad on December 8, 1988 in the presence of some of the candidates, their proposers and seconders. The nomination papers of the following three candidates were rejected as their nomination was neither proposed nor seconded by a member of the Parliament or a Provincial Assembly:—

- (1) Mr. Mohammad Rafique Mohammad.
- (2) Sh. Mohammad Salim Sethi.
- (3) Mr. Lal Khan Bhatti.

Validly nominated candidates

16. After scrutiny, the nomination papers of the following five candidates were found to be in order and they were accordingly declared as validly nominated candidates for election to the office of President:—

- (1) Nawabzada Nasrullah Khan.
- (2) Mr. Ahmed Ebrahim Haroon Jaffer.
- (3) Mr. Ghulam Ishaq Khan.
- (4) General (Retd.) Tikka Khan.
- (5) Mr. Mohammad Nauroz Khan Malik.

Withdrawal of candidature

17. General (Retd.) Tikka Khan a validly nominated candidate, withdrew his candidature within the specified time.

Contesting candidates

18. The election was consequently contested by the following four candidates:—

- (1) Nawabzada Nasrullah Khan.
- (2) Mr. Ahmed Ebrahim Haroon Jaffer.
- (3) Mr. Ghulam Ishaq Khan.
- (4) Mr. Muhammad Nauroz Khan Malik.

The poll

19. The poll was held on December 12, 1988, between 10.00 a. m. and 3.00 p. m. at the places of the poll notified by the Chief Election Commissioner.

Return of election

20. The result of election was compiled immediately after close of the poll in the presence of candidates, their proposers, seconders and members of the respective Assemblies. The result was compiled in the following return of

election which was submitted by the Chief Election Commissioner to the Federal Government the same day:—

**“RETURN OF ELECTION TO THE OFFICE OF PRESIDENT OF
THE ISLAMIC REPUBLIC OF PAKISTAN**

Name of the House/ Provincial Assembly	Total votes polled	Invalid votes	Total valid votes polled	Number of votes cast in favour of								Total votes calculated in accordance with paragraph 18 of the Second Schedule
				Mr. Ahmed E.H. Jaffer		Mr. Ghulam Ishaq Khan		Mr. Muhammad Nauroz Khan Malik		Nawabzada Nasrullah Khan		
				Valid	Calcu- lated	Valid	Calcu- lated	Valid	Calcu- lated	Valid	Calcu- lated	
1	2	3	4	5	6	7	8	9	10	11	12	13
The National Assembly The Senate	299	20	279	6	6	233	233	1	1	39	39	279
The Provincial Assembly, Punjab	254	9	245	—	—	204	35	2	0	39	7	42
The Provincial Assembly, Sind	106	1	105	—	—	104	41	—	—	1	0	41
The Provincial Assembly, NWFP	83	3	80	—	—	47	24	—	—	33	17	41
The Provincial Assembly, Baluchistan	44	1	43	—	—	15	15	—	—	28	28	43
Total:-	786	34	752	6	6	603	348	3	1	140	91	446

I declare that Mr. Ghulam Ishaq Khan S/o Late Mr. Ghulam Muhammad Khan of Aiwan-e-Sadr, Islamabad, has been duly elected.

PLACE: *Islamabad.*

DATE: *12th December, 1988.*

(S. A. Nusrat)

Chief Election Commissioner”

Oath by the President-elect

21. Mr. Ghulam Ishaq Khan secured the highest number of votes and he was consequently declared elected as President of Pakistan by the Chief Election Commissioner in his address to the nation the same evening. Mr. Ghulam Ishaq Khan made oath as elected President of Pakistan on December 13, 1988, for a term of five years.

CHAPTER — XXVIII

CONCLUSION

As a result of the general election held in November, 1988, the process of installation of a democratic Government in the country reached its logical conclusion in the first fortnight of December, 1988. The Pakistan Peoples Party emerged as the single largest party in the National Assembly. The President nominated Mohtarama Benazir Bhutto, Co-chairperson of the Pakistan Peoples Party, as the Prime Minister of Pakistan and invited her to form Government at the federal level. The Prime Minister designate made oath of her office on December 2, 1988, and, as ordained by the Constitution, she earned a vote of confidence from the National Assembly on December 12, 1988.

2. At the Provincial level, the Chief Ministers-designate took oath of their respective offices on December 2, 1988, and secured vote of confidence from the Provincial Assemblies.

3. As such, the democratic institutions emerged at the Centre and the Provinces simultaneously signalling the dawn of a new democratic era in the country.

4. In consequence of his election in accordance with the Constitution, Mr. Ghulam Ishaq Khan made oath as elected President of the Islamic Republic of Pakistan on December 13, 1988, for a term of five years. The Constitutional process of transfer of power was completed peacefully and smoothly on that date.

5. Under the democratically elected President, a Prime Minister, the Parliament, the Chief Ministers and the Provincial Assemblies, the nation looked forward to future with hope, faith and confidence.

CHAPTER — XXIX

**COMMENTS OF THE NATIONAL AND
INTERNATIONAL MEDIA**

The electorate of Pakistan exercised their right of franchise in such a smooth, discipline and orderly manner that it earned appreciation from people all over the world. The decision to hold elections on the basis of political parties was acclaimed nationally and internationally.

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.

NDI's first pre-election survey team

3. The National Democratic Institute for International Affairs, Washington D.C., sent its delegation to Pakistan on two occasions. The first technical team of six experts visited Pakistan from October 10 to 18, 1988, for a pre-election survey. They returned to Washington "with strong impression of earnest Government officials taking pride in setting up a good electoral system and being committed to playing by rules". They concluded that—

"The process established by laws and regulations for the conduct of the November elections in Pakistan is highly impressive and compares favourably with those of democratic countries around the world. Irregularities—such as intimidation of voters, multiple vote casting, last-minute movement of polling places, ballot-stuffing, and fraud during the counting phase—can be detected by Pakistanis monitoring the process. The safeguards in place, the confidence of the contesting parties in the system and the new spirit of liberation greatly impressed the NDI team. The real message of this report is that those who would seek to manipulate the election will be swimming against the current in Pakistan. If political leaders try to cheat, or cry foul when there is no foul, the system will expose them to their fellow citizens."

NDI's second election observers team

4. The second international delegation of the NDI paid a visit to Pakistan on the eve of the polls. The 22 — member delegation consisted of members of Parliament, political scholars, prominent lawyers, election experts from different countries and representatives of the US Republican and Democrat Parties. The delegation met the President, the Chief Election Commissioner, prominent political leaders of Pakistan and observed the polls at different places in all the four Provinces. In its 100-page report on elections in Pakistan, the international delegation observed as under :—

- “(1) The actions of Acting President Ghulam Ishaq Khan, Army Chief of Staff General Mirza Aslam Baig, Chief Election Commissioner Mr. Justice S.A. Nusrat, and the justices of the Supreme Court and their respective colleagues in the government and military, and the Election Commission and throughout the judicial system contributed to and ensured the integrity of the constitutional and electoral processes.
- (2) The electoral laws and regulations used in these elections compared favourably with those of democratic countries around the world, and they provided the necessary confidence to ensure the participation of all prospective candidates, and to secure broad respect for the results, among both the contestants and the Pakistan people.
- (3) The election campaign was conducted in a peaceful manner, with no significant restrictions on the ability of parties and candidates to communicate their respective messages to prospective voters. Although none of the contesting parties were afforded access to the government-controlled television and radio media, the parties used a variety of other means to disseminate their messages. Some candidates, however, were able to obtain access to television and radio by virtue of their positions as government officials.
- (4) On election day, local election officials generally conducted themselves in accordance with the prescribed laws and regulations, and the few irregularities observed did not appear to be intended to affect the outcome in a partisan manner.
- (5) Each voter generally was provided an opportunity to cast a secret

Federal Capital and the Provincial cities on several constitutional and legal issues relating to the fairness of electoral process. The group in Islamabad met the Chief Election Commissioner who appraised them of the arrangements made for the conduct of elections in accordance with the electoral laws. The delegation made a comprehensive report on the general elections and the process of constitutional transition in Pakistan. The group felt it was privileged to witness a process of significance in the political history in Pakistan. It was over whelmed by the enthusiasm with which its visit was received by all sections of Pakistan society and co-operation that was extended towards it. It was impressed by the resolve and determination of election officials, voters and all concerned persons to ensure a credible and peaceful electoral process. The group formed a positive impression of the quality of the electoral officials who administered the poll. The election campaign witnessed by the delegation during the brief visit was intense, but relatively free of violence.”

British MPs praise poll

7. According to a news item published in the daily “Nation”, dated 18-11-1988, three British parliamentarians: one labour party member and two conservatives, have termed the Pakistani elections as most fairly conducted and said that despite the issue of identity cards they did not find any instance of rigging.

Comments of Voice of America

8. Report of the Voice of America as published in the daily Nawa-i-Waqat, Lahore dated 17-11-1988, is as under:—

وائس آف امریکہ نے آج اپنی رپورٹوں میں بتایا کہ پاکستان میں آج قومی اسمبلی کے انتخابات میں چالیس سے ساٹھ فیصد تک ووٹ ڈالے گئے۔ ووٹران کی کل تعداد تقریباً چار کروڑ ساٹھ لاکھ ہے۔ پولنگ کے دوران آج کسی مقام سے تشدد کے بارے میں کوئی اطلاع نہیں ملی۔

Comments of Voice of Germany

9. Comments of Voice of Germany, as published in the daily Pakistan

ballot and did not appear to be subject to direct intimidation in casting his or her ballot.

- (6) The political parties and independent candidates helped ensure the integrity of the elections by monitoring all phases of the balloting and counting processes.
- (7) Based on a statistical comparison of the 1985 and 1988 elections results, there is no evidence that the identification (ID) card requirement or the low, even by Pakistan standards, 42 percent turnout, affected any one party disproportionately. Pakistan political leaders and election officials, however, should consider developing appropriate programs to improve the quality of the voter rolls, to ensure the distribution of ID cards to all eligible voters, and to encourage voter participation in future election.
- (8) The importance of respecting the constitution and the rule of law are values that must be further inculcated amongst the elite as well as the general population if democracy is to thrive in Pakistan.”

Resolution by American Senate

5. The US Senate passed the following Resolutiuon unanimously in its session held at Washington DC in March, 1989:—

“WHEREAS on November 16, 1988, the most free and fair elections in the history of Paskistan were held, whereas the elections were held in an orderly fashion and without any election-related fatalities.

WHEREAS the support of President Ghulam Ishaq Khan, of the judiciary and the military was essential to the restoration of democracy in Pakistan.

WHEREAS the election produced an electoral victory of Benazir Bhutto and the Pakistan People’s Party.

WHEREAS Benazir Bhutto has shown extraordinary political and personal courage in the face of prolonged imprisonment and family tragedy.

WHEREAS Prime Minister Benazir Bhutto has moved swiftly to restore full human rights to the people of Pakistan by ordering the

release of all political prisoners and end of restrictions on written and electronic media.

WHEREAS Prime Minister Benazir Bhutto has pledged to continue Pakistan's steadfast support of freedom to the Afghan people, has promised that Pakistan will not develop nuclear weapons, and has undertaken to improve relations with India.

NOW, THEREFORE, be it resolved, that the Senate of the United States :

Commends the Government and peoples of Pakistan on the holding of free and fair elections and for the return of democracy.

Congratulates Benazir Bhutto on her election as Prime Minister of Pakistan and wishes her a successful administration.

Expresses its deep appreciations to President Ghulam Ishaq Khan, Justice S.A. Nusrat, and Chief of Army Staff General Mirza Aslam Baig, for their critical role in ensuring the successful transition to democracy in Pakistan.

Commends Prime Minister Bhutto for her prompt actions to free political prisoners and restore full human rights and expresses its support for her foreign policy statements on Afghanistan, nuclear weapons, and relations with India.

Expresses its strong support for Pakistan's new democracy reiterate its commitment to the security and independence of Pakistan, and affirms its willingness to assist the new Government's efforts to address Pakistan's many Economic and social problems."

Observations of SAARC Delegation

6. A ten-member non-governmental SAARC Delegation also observed the process of elections in Pakistan. The delegation was divided into groups for the purpose of observing the polling and counting process in Karachi, Islamabad, Lahore, Peshawar and Multan. As reported by the daily "Pakistan Times" Lahore, dated 18th November, 1988—

"The delegation received the co-operation and support of the Election Commission and appropriate officials of the Federal and Provincial governments. The group was exposed to a wide spectrum of opinion in

Times, Lahore dated the 19-11-1988, are reproduced below :—

"Commenting on the peaceful situation during the general elections to the National Assembly of Pakistan, Voice of Germany said the people of Pakistan had shown unprecedented tolerance. During the campaign political rivals mostly used civilised language and avoided to tear posters, banners and attack on each other's election office.

Voice of Germany said the maturity of Pakistani people show that they are fully capable of dealing with any type of untoward incidents in the interests of the country.

The agencies responsible for holding elections did not give any concession to any one while discharging their duties and proved their impartiality.

Representatives of country's Judiciary and foreign observers were also present during the process."

World media lauds polls atmosphere

10. Under the caption "World Media Laud Polls Atmosphere" the daily Pakistan Times, Lahore dated 18-11-1988 reported as under :—

The international press corps has highly commended the manner in which general elections were conducted in Pakistan. In the despatches to their respective media, they described the elections as absolutely free, fair and impartial. Over (300) three hundred media men from numerous countries including the United States, Britain, France, Italy, Japan, Sweden, West Germany, India, Bangladesh, Sri-Lanka and Australia reported that the arrangements made by the government for 205 National Assembly Seats were contested hotly by Political Parties, alliances and independent candidates.

They acknowledged that reporters as well as the camera teams of movie networks were allowed free access to all places and given necessary facilities by the government and the Election Commission of Pakistan.

The government agencies also arranged visit for foreign media teams to different places including remotest constituencies to witness the free and peaceful conduct of polling where they met the candidates, their agents, voters and election staff.

The foreign media men interviewed leaders of various political parties on the election process. No complaint of any malpractice in the polling was made to them anywhere.

Foreign diplomats based at Islamabad also visited many of these centres and admired the election arrangements.

The United States Ambassador Mr. Robert Oakley visited the Election Commission at the Pakistan Secretariat and met the Chief Election Commissioner Mr. Justice S.A. Nusrat. Accompanied by the Chief Election Commissioner he visited various sections of the centre. He also saw the operation room set up by the Associated Press of Pakistan at the Election Commission from where the election results were transmitted to the people within the country and abroad.

11. The daily "Nawa-i-Waqt", Lahore published the following report on November 18, 1988:—

پاکستان میں قومی اسمبلی کے انتخابات کی کوریج کیلئے صوبائی دارالحکومت میں آئے ہوئے غیر ملکی صحافیوں نے رات یہاں ڈسٹرکٹ سیشن جج سے ان کے دفتر میں ملاقات کی اور لاہور میں عام انتخابات کو اعلیٰ معیار اور بہترین انتظامات کے حامل پرائمن اور منصفانہ قرار دیا۔

امریکہ، فلپائن اور دیگر ممالک سے آنے والے صحافیوں نے انتخابات کے مختلف پہلوؤں کے بارے میں اپنے تاثرات کا اظہار کیا۔ اس موقع پر امریکی تفصیل جنرل بھی موجود تھے۔ غیر ملکی صحافیوں نے اس موقع پر مقامی صحافیوں سے بھی بات چیت کی اور انتخابات کو پرائمن منصفانہ اور غیر جانبدارانہ قرار دیا۔

12. Views expressed by the international press were summed up by the daily "Imroz", Lahore, dated 30-11-1988 as under:—

امریکہ کے ممتاز روزنامہ واشنگٹن پوسٹ نے اس موضوع پر اپنی بہت سی رپورٹوں کے علاوہ ایک ادارہ "مختلف پاکستان ہے" کے عنوان سے شائع کیا ہے۔ جس میں امریکیوں کو اس بات پر خوشی ہوئی ہے کہ پاکستان رسمی طور پر جمہوریت کی راہ پر گامزن ہو گیا ہے۔ پاکستان میں انتخابات سے نہ صرف سیاسی اقتدار کو قانونی جواز حاصل ہوتا ہے اور متعلقہ ملک کا بین الاقوامی وقار بھی قائم ہوتا ہے۔

(1) امریکہ کے ایک اور ممتاز اخبار "نیویارک ٹائمز" نے اپنے ادارے میں پاکستان کے حالیہ انتخابات کو ایک عشرے کے پہلے آزادانہ انتخابات قرار دیتے ہوئے لکھا ہے کہ ان پر اہل پاکستان کی مسرت کا جواز موجود ہے۔

(2) بین الاقوامی روزنامہ "وال سٹریٹ جرنل" کے ادارے میں کہا گیا ہے کہ پاکستان میں انتخابات معقول حد تک آزادی اور غیر جانبداری کی فضا میں ہوئے ہیں۔

- (۳) دعویٰ کے روزنامہ ظلیح نامگز نے دوسرے ملکوں کے اخبارات کے مقابلے میں پاکستانی انتخابات سے متعلق زیادہ تعداد میں تجزیے اور مضامین شائع کئے ہیں ” پاکستان میں عوام کا فیصلہ “ کے عنوان کے موضوع پر ادارے میں اس نے لکھا ہے کہ حالیہ انتخابات گزشتہ گیارہ برس میں پہلے جماعتی انتخابات تھے۔ جو پرامن طریقے سے مکمل ہو گئے۔ نہ تو کوئی ناخوشگوار واقعہ پیش آیا اور نہ ہی دھاندلی کی کوئی شکایت پیدا ہوئی۔
- (۴) سعودی عرب کے دار الحکومت ریاض سے شائع ہونے والے ممتاز انگریزی اخبار سعودی گزٹ نے پاکستان کے حالیہ انتخابی نتائج کو موضوع بحث بناتے ہوئے ایک دلچسپ پہلو کی طرف توجہ دلائی ہے کہ پاکستانی عوام نے بزرگ قیادت کو شدت سے مسترد کر دیا ہے۔
- (۵) جرمن روزنامہ فرامکونٹ سٹارس نے پاکستانی انتخابات پر تبصرہ کرتے ہوئے انہیں پاکستان کی سیاسی تاریخ کا اہم موڑ قرار دیا ہے۔
- (۶) بنگلہ دیش کے اخبارات میں پاکستانی انتخابات سے متعلق بہت سی رپورٹیں، تجزیے اور مضامین شائع ہوئے جن میں حکومت کو مصفاہ اور آزادانہ انتخابات کروانے پر مبارکباد دی اور انتخابی عمل کو جمہوریت کے فروغ کا وسیلہ قرار دیا گیا۔
- ڈھاکہ کے روزنامہ انقلاب نے اپنے ادارے میں لکھا ہے کہ نومبر کے انتخابات پرامن منعقد کروا کر حکومت نے اپنے وعدے کی تکمیل کر دی۔ عوام نے جمہوریت کے فروغ کیلئے اپنی رائے دے کر یہ واضح کر دیا کہ پاکستانی عوام جمہوریت کا احترام کرتے ہیں۔
- ایک اور بنگلہ دیش اخبار دھنک دیش نے اپنے ادارے میں لکھا ہے کہ جمہوریت کی طرف پیش رفت کے نقطہ نظر سے موجودہ انتخابات بڑی اہمیت کے حامل ہیں۔ پاکستان اس خطے کے اہم ترین ملکوں میں سے ہے اس لئے بنگلہ دیشی عوام یہ سمجھتے ہیں کہ وہاں جمہوریت کا فروغ دور رس نتائج کا حامل ہو گا۔

Editorial Notes

13. The daily Jang, Lahore, published the following editorial on November 21, 1988:—

قومی اسمبلی کے انتخابات کی طرح چاروں صوبائی اسمبلیوں کے انتخابات کا مرحلہ بھی احسن طریقے سے انجام پذیر ہو گیا۔ کہیں سے کوئی سنگین شکایت سننے میں نہیں آئی۔ انتخابات جس طرح آزادانہ اور پرامن ماحول میں ہوئے ہیں اس کا اعتراف دنیا کے سب بڑے بڑے جمہوری ملکوں نے کیا ہے۔ انتخابات کے بارے میں رپورٹنگ کیلئے پاکستان آئے ہوئے غیر ملکی ذرائع ابلاغ کے نمائندوں کی جانب سے بھی ہمارے انتخابات میں حوصلہ افزا تاثرات کا اظہار کیا گیا ہے۔ ملک کے اندر بھی انتخابات کے بارے میں وسیع پیمانہ پر مسرت و اطمینان ظاہر کیا جا رہا ہے۔ یہ واقعی بحیثیت قوم ایک بہت بڑی کامیابی ہے جس میں جناب صدر غلام اسحاق خان کی مخلصانہ کوششوں اور پختہ عزم کو بنیادی حیثیت حاصل ہے۔ اس طرح الیکشن کمیشن کا عملہ بھی مبارکباد کا مستحق ہے۔ جس نے شانہ روز محنت، تندہی اور جاں فشانی سے کام لے کر انتخابی عمل کے

پہچیدہ تھا دینے والے اور حساس معاملہ کو انتہائی خوش اسلوبی نظم و ضبط اور باقاعدگی کے ساتھ مکمل کر کے ہماری سیاسی تاریخ میں ایک یادگار مثال قائم کر دی ہے۔ انتخابات میں امن و امان قائم رکھنے میں پاک فوج کے افسروں اور جوانوں نے جو بے مثال کردار ادا کیا ہے اس کی جتنی بھی تعریف کی جائے کم ہے۔ غرض یہ کہ قومی اور صوبائی سطح کے دونوں ہی انتخابی مراحل بڑے اچھے طریقہ سے طے کئے جاسکے ہیں۔

14. The daily "Nation", Lahore dated 18-11-1988 observed as under:—

The most outstanding feature of the November 16, 1988 polls for the National Assembly is of course the peaceful manner in which they have been held.....

Both President Ghulam Ishaq Khan and Chief of Army Staff General Mirza Aslam Baig had assured the people of their complete impartiality and had made a commitment to hold free and fair elections, it is gratifying to note that they have fully delivered on their promises.

Due credit must also be given to the Chief Election Commissioner for making excellent arrangement to hold the polls.

15. The daily Nawa-i-Waqt, Lahore dated 18-11-1988 offered the following comments on elections:—

قومی اسمبلی کے انتخابات کا مرحلہ مکمل امن و امان کی فضا میں مکمل ہو گیا ہے حکومت نے اس ضمن میں اپنا وعدہ نبھایا ہے اور آزادانہ، منصفانہ، غیر جانبدارانہ انتخابات کے انعقاد میں اپنی طرف سے کوئی کسر نہیں رہنے دی۔ اس لئے جناب صدر غلام اسحاق خان، چیف الیکشن کمشنر، جسٹس ایس اے نصرت اور بری فوج کے سربراہ جنرل اسلم بیگ قوم کے شکر یے کے مستحق ہیں۔

تادم تحریر حالیہ انتخابات میں شریک کسی سیاسی جماعت یا آزاد امیدوار کی طرف سے کوئی احتجاج سامنے نہیں آیا بلکہ پوری قوم اطمینان کا سانس لے رہی ہے۔ شناختی کارڈ کی پابندی نے بھی دنگ فساد روکنے میں اہم کردار ادا کیا۔

President's remarks

16. During the course of his visit to the Central Control Room of the Election Commission at Islamabad on November 16, 1988, President Ghulam Ishaq Khan appreciated the role of the political parties and contribution of Election Commission of Pakistan in ensuring peaceful elections in the country.

17. Talking to newsmen in the control room of Election Commission he said that he had come to the Election Commission Secretariat to personally thank the officials of the Commission on this vital event in the nation's history.

18. He said the government had made its contribution to this effect. But, he added, it was because of the initiative of the Election Commission and other concerned departments that had paved the way for free, fair and impartial elections, in accordance with the law without any element of corruption.

19. He also lauded the role of the Judiciary, which he said, played a remarkable part in ensuring free and fair elections.

ELECTION COMMISSION OF PAKISTAN

1. Mr. Justice S.A. Nusrat,
Chief Election Commissioner.
2. Mr. Justice Muhammad Rafiq Tarar,
Member.
3. Mr. Justice Abdul Razzak A. Thahim,
Member.

ELECTION COMMISSION SECRETARIAT, ISLAMABAD

Mr. M.M. Kazim,
Secretary.

ELECTION WING	ADMINISTRATION WING	BUDGET WING
1. Mr. M. Humayun Khan, Joint Secretary (Elections).	1. Mr. Hasan Muhammad, Joint Secretary (Admn.).	1. Mr. M. Sarwar Khan Durrani, Joint Secretary (Budget).
2. Mr. M. Farhatullah, Deputy Secretary (Elec-II) (on leave 21-2-1988 to 26-12-1988).	2. Ch. Bashir Ahmed, Deputy Secretary (Admn.).	2. Mr. Muhammad Akram, Deputy Secretary (Budget).
3. Mr. Muhammad Hamid, Deputy Secretary (Elec-I).	3. Mr. Irfan Hussain, Section Officer (Record).	3. Mr. S.M. Arshad, Officer on Special Duty (G&S).
4. Mr. K.M. Dilshad, Director, (Public Relations).	4. Mr. Ayaz Muhammad Baig, Section Officer (Admn.).	4. Mr. M.A. Siddiqui, Section Officer (Budget).
5. Kh. Altaf Hussain, Section Officer (Cord).	5. Mr. R.B. Jan Wahidi, Section Officer (Estt-I).	5. Mr. Niaz Muhammad, Accounts Officer.
6. Miss Farhat Razzak Khan, Deputy Director (Public Relations).	6. Mr. M. Asmat Malik, Section Officer (Estt-II).	
7. Mr. Shamim Wahid, Section Officer (Law).		
8. Mr. Abdul Hameed, Section Officer (Elec-II).		
9. Mr. Ijaz Hussain Raja, Section Officer (Elec-I).		
10. Mr. Iftikhar Hussain Shah, Research Officer.		

**OFFICE OF THE PROVINCIAL ELECTION COMMISSIONER,
PUNJAB, LAHORE**

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| 1. Mr. Abdul Aziz,
Provincial Election Commissioner. | 7. Mr. Anwar Saeed,
Deputy Election Commissioner,
Faisalabad Division. |
| 2. Mr. Rahim Nawaz Khan Durrani,
Deputy Election Commissioner
(Hqrs.). | 8. Syed Abid Hussain Bukhari,
Deputy Election Commissioner,
Gujranwala Division. |
| 3. Mr. Iftikhar Ahmed Qureshi,
Deputy Election Commissioner
(Estt.). | 9. Mr. Abrar Ahmad Mann,
Deputy Election Commissioner,
Multan Division. |
| 4. Ch. Iftikhar Ahmad,
Deputy Election Commissioner,
Lahore Division. | 10. Mr. Masoud Mehdi Janjua,
Deputy Election Commissioner,
D.G. Khan Division. |
| 5. Mr. Muhammad Saleem Akhtar,
Deputy Election Commissioner,
Rawalpindi Division. | 11. Mr. Khizar Hayat,
Deputy Election Commissioner,
Bahawalpur Division. |
| 6. Sh. Ghulam Farid-ud-Din,
Deputy Election Commissioner,
Sargodha Division. | |

**OFFICE OF THE PROVINCIAL ELECTION COMMISSIONER,
SIND, KARACHI.**

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| 1. Mr. M.H. Zaidi,
Provincial Election Commissioner. | 5. Mr. Ahmed Ali Halipota,
Deputy Election Commissioner,
Hyderabad Division. |
| 2. Mr. Abdul Qudoos,
Deputy Election Commissioner,
(Hqrs.). | 6. Hafiz Ilyas Ahmed Siddiqui,
Deputy Election Commissioner,
Sukkur Division. |
| 3. Mr. M. Qamaruddin,
Deputy Election Commissioner. | 7. Mr. Safi-ur-Rehman Iqbal,
Deputy Election Commissioner,
Larkana Division. |
| 4. Ch. Qamar-uz-Zaman,
Deputy Election Commissioner,
Karachi Division. | |

**OFFICE OF THE PROVINCIAL ELECTION COMMISSIONER
N-W.F.P., PESHAWAR**

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| 1. Mr. Abdur Rahim Khan,
Provincial Election Commissioner. | 5. Mr. Muhammad Tufail,
Deputy Election Commissioner,
Kohat Division. |
| 2. Mr. Mushtaq Ahmed Khan,
Deputy Election Commissioner,
(Hqrs.). | 6. Mr. Abdullah Khan,
Deputy Election Commissioner,
Hazara Division. |
| 3. Mr. M.R. Awaisy,
Deputy Election Commissioner,
Peshawar Division. | 7. Mr. Ikram Ullah Khan Durrani,
Deputy Election Commissioner,
Malakand Division. |
| 4. Mr. Muhammad Bashir Zafar,
Deputy Election Commissioner,
Mardan Division. | 8. Mr. Muhammad Altaf Khan,
Deputy Election Commissioner,
D.I. Khan Division. |

**OFFICE OF THE PROVINCIAL ELECTION COMMISSIONER,
BALUCHISTAN, QUETTA.**

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| 1. Mr. Rehmat Ali Mujahid,
Provincial Election Commissioner. | 5. Mr. A.S. Mubashir,
Deputy Election Commissioner,
Kalat Division at Khuzdar. |
| 2. Mr. Tariq Latif,
Deputy Election Commissioner,
(Hqrs.). | 6. Mr. Shabbir Ahmed Chaudhry,
Deputy Election Commissioner,
Sibi Division. |
| 3. Mr. Muhammad Ziaullah Zia,
Deputy Election Commissioner,
Quetta Division. | 7. Mr. Masood Ahmed Mir,
Deputy Election Commissioner,
Nasirabad Division at Dera Murad
Jamali. |
| 4. Mr. Inayat-ur-Rehman,
Deputy Election Commissioner,
Zhob Division at Loralai. | 8. Mr. Mohib-e-Ahmed,
Deputy Election Commissioner,
Mekran Division at Turbat. |

