

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

BILL

*to amend the Election Act, 2017*

**WHEREAS** it is expedient to amend the Election Act, 2017 (XXXIII of 2017) for purposes hereinafter appearing;

It is hereby enacted as follows:—

**1. Short title and commencement.**— (1) This Act may be called the Elections (Amendment) Act, 2017.

(2) It shall come into force at once.

**2. Amendment of section 241 in Act XXXIII of 2017.**— In the Elections Act, 2017 (XXXIII of 2017), hereinafter referred to as the ‘said Act’, in section 241, in clause (f), before the semicolon, the expression “except Articles 1, 7B and 7C” shall be inserted.

**3. Amendment in Form A of Act XXXIII of 2017.**— In the said Act, in Form A, in the Declaration by the Candidate:

(1) for the heading “DECLARATIONS BY THE CANDIDATE”, the expression “DECLARATION AND OATH BY THE PERSON NOMINATED” shall be substituted;

(2) under the heading substituted above, for subparagraphs (i), (ii), (iii), (iv) and (v) of paragraph I, the following shall be substituted:

“1. I, the above mentioned candidate, hereby declare on oath that,—

(i) I have consented to the above nomination and that I fulfill the qualifications specified in Article 62 of the Constitution and I am not subject to any of the disqualifications specified in Article 63 of the Constitution or any other law for the time being in force for being elected as a member of the Senate/National Assembly/ Provincial Assembly. \*

- \* (ii) I belong to ..... and  
 (Name of political party)  
 a certificate from that political party showing that I  
 am a party candidate from the above said constituency  
 is attached.

OR

I do not belong to any political party.

2. I, the above mentioned candidate, solemnly swear  
 that,—

\*\*(:) I believe in the absolute and unqualified finality  
 of the Prophethood of Muhammad (peace be  
 upon him), the last of the prophets and that I  
 am not the follower of any one who claims to be  
 a Prophet in any sense of the word or of any  
 description whatsoever after Prophet  
 Muhammad (peace be upon him), and that I do  
 not recognize such a claimant to be Prophet or a  
 religious reformer, nor do I belong to the Qadiani  
 group or the Lahori group or call myself an  
 Ahmadi.

(ii) I will be faithful to the declaration made by the  
 Founder of Pakistan Quaid-e-Azam Muhammad  
 Ali Jinnah, that Pakistan would be a democratic  
 state based on Islamic principles of social  
 justice. I will bear true faith and allegiance to  
 Pakistan and uphold the sovereignty and  
 integrity of Pakistan and that I will strive to  
 preserve the Islamic Ideology which is the basis  
 for the creation of Pakistan.

3. I, the above mentioned candidate, declare that I have  
 opened an exclusive Account No. \_\_\_\_\_ with  
 \_\_\_\_\_ (Name and Branch of Scheduled  
 Bank) for the purpose of election expenses.”

(3) the remaining paragraphs 2, 3, 4 and 5 shall be renumbered  
 as 4, 5, 6 and 7; and

- (4) at the bottom of the page, the following expression shall be inserted:

\*\* Strike off the words not applicable

\*\* For Muslim candidates only”.

### **STATEMENT OF OBJECTS AND REASONS**

Subsequent to the enactment of the Election Act, 2017 (XXXIII of 2017), misgivings have been expressed in the National Assembly and also reported in the media regarding the wording of the “DECLARATIONS BY THE CANDIDATE” in the nomination form (FORM A) attached with the Act.

2. In order to avoid further controversy, there is consensus amongst the political parties in the National Assembly that the original text of “DECLARATION AND OATH BY THE PERSON NOMINATED”, included in original Form-IA, should be restored in toto.

3. Misgivings have also been expressed regarding the omission of Articles 7B and 7C consequent upon the repeal of the Conduct of General Elections Order, 2002 (Chief Executive’s Order No.7 of 2002). Again to avoid further controversy, there is consensus amongst the political parties that the provisions of Article 7B and 7C *ibid* be retained through amendment in section 241 of the Election Act, 2017. Hence this Bill.

MR. ZAHID HAMID,  
Minister for Law and Justice  
Minister-in-Charge